

GRO

Location 1A Pattison Road London NW2 2HL

Reference: 17/0884/FUL Received: 14th February 2017
Accepted: 27th February 2017

Ward: Childs Hill Expiry 24th April 2017

Applicant: Mr McDonagh, Newman

Proposal: Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement. Associated parking and refuse

Recommendation: Approve subject to conditions and for the Committee to grant delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

2014-304-02.001 Rev D; 2014-304-02.002 Rev D; 2014-304-02.003 Rev D; 2014-304-02-004 Rev D; 2014-304-02.101 Rev D; 2014-304-02.102 Rev D; 2014-304-02.103 Rev D; 2014-304-02.104 Rev D; 2014-304.02-105 Rev D; 2014-304-02.106 Rev D; 2014-304-02.201 Rev D; 2014-304-02.202 Rev D; 2014-304-02.203 Rev D; 2014-304-02.301 Rev D; 2014-304-02.302 REv D; 2014-304-02.303 Rev D; 2014-304-02.403 Rev D; 2014-304-02.501 Rev D; 2014-304-02.502 Rev D; 2014-304-02.503 Rev D; 2014-304-02.504 Rev D; 2014-304-02.601 Rev D; Marketing Report; Daylight / Sunlight Assessment; Planning Statement; Design and Access Statement; WORL - Parklift 405- Car lift information

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

7 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 11 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 15 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 16 Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the submitted plans. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts and turntable must be submitted to and approval by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 The entrance gate shall be set back 6.0m from the public highway to allow vehicles entering the site to wait off the public highway and doors should open inwards so as not to cause possible harm to pedestrians using the public highway.

Reason : To allow sufficient space for a vehicle standing area in front of the garage to ensure safety in accordance with London Borough of Barnet's Local Plan Policy

CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated mixed use has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, of Part 1 of Schedule 2 of that Order shall be carried out within the area of 1A Pattison Road hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

23 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

24 Before the building hereby permitted is first occupied the proposed window(s) at first and second floor in the front and rear elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

3 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

5 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The application relates to a back land site located between Pattison Road, Finchley Road and Devonshire Place, in the Childs Hill ward. The surrounding buildings accommodate a mixture of different uses and architectural styles.

The front of the site faces the rear elevations of properties fronting Finchley Road which benefit from retail space on the ground floor and residential accommodation located above. To the rear of the site are a number of buildings including purpose built apartments as well as a small row of three terraced houses fronting Devonshire Place. To the east are the terraced properties fronting Pattison Road, including a mixture of flats and single family dwelling houses.

The application site itself is a warehouse building most recently used as a car repair garage (vacant and marketed for the past two years). The site is accessed via an unadopted road part of which is in the applicant's ownership

2. Site History

Reference: F/01482/12

Address: 1A Pattison Road, London, NW2 2HL

Decision: Approved subject to conditions

Decision Date: 26 July 2012

Description: Provision of MOT testing bay within existing garage.

Reference: C15640B/06

Address: 1A Pattison Road, London, NW2 2HL

Decision: Split Decision

Decision Date: 12 February 2007

Description: Various signs including non-illuminated projector pole sign and 3 nonilluminated wall mounted customer parking signs.

Reference: C11471C/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Refused

Decision Date: 10 January 2005

Description: Demolition of existing garage and erection of two no. 3-bedroom mews houses and one no. 2-bedroom mews house with associated parking.

Reference: C11471B/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 1 October 2004

Description: Demolition of existing garages and erection of 2no, three bedroom mews house and 1no, two-bedroom mews house.

Reference: C11471A/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 30 June 2004

Description: Demolition of existing garages and erection of two, 3-bedroom mews house and one, 2-bedroom mews house.

3. Proposal

This application seeks consent for the Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement, with associated parking and refuse provision.

The proposed new dwelling houses measure approximately 8.5m in width, from ground level the height would be 5.7m to the top of the two-storey element which matches the existing eaves line and 8.4m to the top of the three-storey element, which matches the existing ridge line, with a 2.7m high basement beneath ground. The dwellings would measure between 8.4m and 5.4m in depth.

4. Public Consultation

Site Notice: 9th March 2017

Press Notice: 9th March 2017

207 consultation letters were sent to neighbouring properties.
6 objections have been received

The views of objectors can be summarised as follows;

- Proposed application includes a piece of land that does not belong to the site address
- Loss of light
- Loss of privacy
- Damage to existing buildings from construction work
- Noise disturbance from construction works
- Traffic disruption from construction works
- Cannot locate daylight / sunlight report
- Should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened

The submitted daylight / sunlight report was not originally made available to the public. However, this was remedied early on and neighbours have been given sufficient time to review the document.

Internal / other consultations:

Environmental Health- No objection subject to suggested conditions and informative

Highways: No objection subject to suggested condition and informative

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan July 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM14 and DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The item was deferred to the July 19th Area Planning Committee in order for officers to visit the neighbouring property at 'The Lightworks' 404-406 Finchley Road.

Land use

The proposals would seek to redevelop the site for residential purposes.

Policy DM14 of Barnet's Development Management Policies DPD (2012) states that 'loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

The preamble to the policy states that effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Furthermore officers consider that the site has limited potential for further employment use given it's awkward shape and relationship to neighbouring buildings.

In response to this, the applicant has submitted a comprehensive marketing report from a commercial and residential chartered surveyor with extensive experience advising on property transactions in the Childs Hill area. The property has been marketed for a period of 2 years in both local and national publications. The property was also well advertised on the agents website used extensively by both applicants and agents.

In terms of interest the agent received numerous enquiries but the majority were from developers requiring plots for residential development and the site failed to meet the specific requirements of other interested parties.

Having taken all the above points into account the loss of the existing warehouse would comply with Policy DM14 and considered acceptable.

Impact on the character of the area

Design

In respect of design and appearance, planners acknowledge that the proposed design is more modern when compared to surrounding buildings, in that the proposals show angular, flat-roofed dwelling houses in comparison to the traditional pitched roofed, gable fronted, terraced properties along the road. However, as this area is not a conservation area and there is a range of architectural styles to be found in the area, there is no in principle objection to this approach as some evolution of the areas character is to be expected.

The proposed materials, in particular the brick, take inspiration from the surrounding area and are considered to provide an interesting development. Formal details of the materials

are required through the imposition of a condition to ensure they will appear appropriate in their setting.

Siting

The proposed mews houses would occupy a smaller footprint than the existing warehouse and therefore no concerns are raised over the proposed siting.

Height, scale, bulk and massing

Given the proximity of neighbouring residential properties to the application site, great care was taken to respect the proportions of the existing warehouse.

This has been achieved in the following ways:

- The existing building includes a part pitch roof and part flat roof design. The flat roof element measures 8.7m high which adds considerable bulk. This element has been removed from the proposed scheme.
- The proposed eaves height matches existing.
- The proposed third storey additions have been carefully designed to mimic the pitch of the existing roof.
- The proposed roof design would remove elements of the existing pitched roof adding a certain degree of transparency through the site
- Section A-A shows that a large proportion of the bulk and massing viewed from the Pattison Road has been removed

The existing warehouse is of no architectural merit and in some areas rather bulky. The proposed modern design is considered to improve the character of the area while also reducing the overall bulk and massing. This would accord with policy DM01 of Barnet's Development Management policies DPD (2012).

Quality of accommodation for future occupants

Units sizes (GIA):

| | |
|----------|-------------------|
| House 1: | 174m ² |
| House 2: | 157m ² |
| House 3: | 164m ² |

All three houses would exceed the minimum unit sizes as set out in the London Plan (2016).

Outlook:

All habitable rooms would benefit from sufficient outlook to meet the requirements of Policy DM01. Attention has been paid to the proposed rooms within the basements, served by lightwells. While these rooms may not be provided with the same level of outlook as the floors above, these rooms are ancillary and therefore not required to provide the same level of amenity.

It is recognised that the first and second floor front windows and rear skylights are proposed to be obscure glazed to ensure no overlooking into neighbouring properties, with the return windows provided with clear glazing; the provided daylight and sunlight report demonstrates that these rooms have acceptable levels of light provided to them.

On balance the proposed dwellings would provide an adequate level of outlook for future residents.

Garden:

Barbet's Sustainable Design and Construction SPD (2012) makes reference to private outdoor amenity space. Specifically that houses with 5 habitable rooms should provide 55m² of enmity space in total.

The submitted plans show the following proposed outdoor amenity space:

| | |
|----------|--------------------|
| House 1: | 48.6m ² |
| House 2: | 32.1m ² |
| House 3: | 50.9m ² |

Although the proposed units fall short of this requirement to varying degrees there are material considerations which render this acceptable. Principally, all three houses exceed the minimum unit sizes as set out in the London Plan (2016) which compensates for the limited outdoor space on this back land site and would therefore provide future occupiers with a good standard of living.

It is considered that given the constrained nature of the application site the shortfall in amenity space provision balanced against the over provision of internal space makes the proposed development acceptable. The adopted SPD on Sustainable Design and Construction (2016) suggests that amenity provision should not constrain an otherwise acceptable development, such as this, and therefore on balance the proposed development which provides private amenity space to each unit is considered to be acceptable. Furthermore the application site is situated relatively close to Hampstead Heath and Golders Hill Park providing additional external amenity for future occupiers.

Light:

Since the pre-application scheme fenestration detailing has been improved to maximise light to each unit. The basements include modest lightwells giving some direct sunlight to the non-habitable rooms within. All the units are south facing to maximise light potential; the ground first and second floor units include a high proportion of glazing and roof lights have also been included to the rear to further light into the development.

A daylight/sunlight report has been submitted with the application which demonstrates that sufficient light levels are provided to each of the habitable rooms has been achieved.

It was also requested that daylighting studies were carried out on the houses to the North of the Site, namely those on Devonshire Place, to ensure that the proposal is not detrimental, when compared to the existing, to the levels of light reaching those properties. The study showed that these neighbouring properties would not experience unacceptable loss of light as a result of the proposed development.

Impact on neighbouring occupiers

Care has been taken to maximise both light and outlook to neighbouring occupiers in the following ways:

- The large flat roof element has been removed.
- The proposed eaves height would match existing.
- The overall height would be no higher than existing.
- Due to the crown roof the pitched third floor additions bring the roof form slightly closer towards neighbouring gardens. This is however compensated for by the removal of areas of roof in between.

The item has been deferred from the previous committee meeting for officers to visit 404-406 Finchhley Road

In regard to the impact of the proposed development on neighbouring sites it should be noted that the proposed flattened development shows eaves and ridge levels of the same height as the existing warehouse building on site.

In regards to the impact on 402 Finchley Road specifically the proposals show the removal a significant amount of the wall separating the sites at high level and as such greatly improves the outlook of 402 without creating any overlooking issues

In regard to the impact of the proposed development on The Lighworks at 404-406 Finchley Road Section A-A shows that the building sits within the same footprint of the existing warehouse structure and follows a very similar massing and pitch, thereby resulting in no additional loss of amenity to these occupiers. It also shows the same section of wall removed when compared with the existing, which again improves the outlook for these existing neighbouring occupiers and increases the amount of natural light reaching the property.

Officers have visited the property and are of the view that the impact of the proposals would be comparable to what exists. Whilst the top of the roof would be wider in profile, the side elements of the pitch would be removed, which would result in a comparable impact.

These issues are dealt with in more detail below.

Overlooking Loss of privacy:

Barnet's Sustainable Design and Construction SPD (2013) include reference to overlooking and a loss of privacy. Specifically:

'In new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.'

The submitted plans demonstrate that in the main compliance with these requirements has been met. There are however instances where the habitable room window to habitable room window distances fall slightly short of the 21m for example between the application site and the neighbour at 1 Pattison Road which only achieves a distance of 18m. On balance the benefits of providing three new houses would outweigh the harm caused from minimal overlooking of neighbouring residents, taking into account that the view is oblique and that this view is across the end of the neighbours garden.

Having visited the block of flats at the Lightworks, it is considered that there would not be harmful overlooking. Windows of the development would not face towards this property, rather would face within the development.

Noise and disturbance:

The previous use as a car repair garage is likely to have caused certain levels of noise and disturbance from the comings and goings of cars, metal work as well as the operation of machinery. The proposed use of three houses is likely to be a more agreeable neighbour in terms of noise and disturbance and therefore considered acceptable.

Highways and parking

Any proposal for this site will need to demonstrate that it has complied with the relevant development plan policies in respect of parking and highway related matters (for example policy DM17 of the Barnet Local Plan).

The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In this instance the parking requirement for the proposed units would be between 4.5 and 6 spaces.

The Highways department have reviewed the submitted information and raise no objection to the proposals subject to the suggested conditions and informatives. It is considered that there is sufficient visibility for vehicles to have safe access and egress of the application site.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. In regard to the concerns that the proposed application includes a piece of land that does not belong to the site address the agent has confirmed that this incorrect and a correct site location plan and certificate A has been signed.

The concerns raised that the proposed development will result in a loss of light to neighbouring occupiers is disputed as a daylight and sunlight report has been submitted with the application which demonstrates this not to be the case.

The concerns raised that the proposed development will result in a loss of privacy are noted, however, it is considered that the proposals will not give rise to any loss of amenity to neighbouring occupiers; a condition is suggested requiring windows facing neighbours to be obscure glazed to prevent any potential loss of privacy.

Damage to existing buildings from construction work is not a material planning matter.

Noise and traffic disturbance from construction works are not strictly material planning considerations, however, a condition has been suggested restricting the hours of construction, as well as the request for a demolition and construction method statement to be submitted prior to construction to ensure that neighbours experience a minimum of disruption from the proposed construction works.

The submitted daylight / sunlight report has not originally made available to public, however, this was remedied early on and neighbours have been given sufficient time to review the document.

The request that there should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened is a civil matter and cannot be dealt with by planning. It should be noted that a condition is suggested requiring windows facing neighbours to be obscure glazed with only a fan light opening.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

