

**Location**                      **Bute Mews London NW11 6EQ**

**Reference:**                    **16/8188/FUL**                      Received: 23rd December 2016  
Accepted: 5th January 2017

Ward:                              Garden Suburb                      Expiry 2nd March 2017

Applicant:                      Tenorpace Properties Limited

Proposal:                      Demolition of the existing detached garages and erection of 6no two-storey terrace houses with rooms in roofspace. Associated landscaping, access, refuse and parking

**Recommendation:** Approve subject to s106, 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 her absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### **RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Obligation to maintain and renew the hardsurfaced area within the site.
4. Contribution towards Play space improvements in the locality - £2,430
5. Monitoring of the Agreement - £121.50

#### **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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

11163/ 01

11163/ 02

11163/ 03 J

11163/ 04 J

11163/ 05 J

11163/ 06 K

1163/ 07 D

Bat Survey of Garages at Bute Mews, London dated 09 June 2017 by Crossman Associates

Outline Construction Management Plan and Method Statement by Richard Maltese Architects

Design and Access Statement by Richard Maltese Architects

Preliminary Ecological Appraisal dated January 2017 by Greengage

Outline Site Waste and Servicing Plan by wyg associates by January 2017

Transport Statement dated December 2016 by Parsons Brinckerhoff

Landscape Strategy by colvin&moggridge dated December 2016

Arboricultural Assessment and Method Statement by barrel tree consultancy dated December 2016

Flood risk assessment by rma environmental dated December 2016

Heritage Statement dated December 2016

Tree Protection Plan

Daylight and Sunlight reports dated December 2016 by Point 2 Surveyors

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 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. These shall include:

details of dormer windows

details of brickwork and pointing

details of windows and surrounds

details of brick retaining walls

details of chimney stacks

details of eaves

details of doors including garage doors

details of rooflights

details of rainwater goods

details of roof ventilation

details of gates and boundary treatment  
details of signage and lighting  
details of hard surfaces

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.

4 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.

5 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).

6 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.

7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under Condition 1 and the associated arboricultural method statement has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 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.

10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. 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 measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy 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 2015.

11 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).

12 The level of noise emitted from the 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.

13 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

14 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise 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 the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise 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 2015.

15 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.

16 Before the development hereby permitted commences a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian 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.

17 The garages provided in connection with the residential development shall only be used for the parking of private motor vehicles and shall not be used in connection with any use, trade or business.

Reason: To ensure the permanent retention of the parking provision 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 Notwithstanding the details submitted, No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

19 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest 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.

20 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% passive for future use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

21 No development, including demolition, shall take place until a method statement detailing the treatment and control of Japanese Knotweed on site has been submitted to and approved in writing by the Local Planning Authority.

The submitted arboricultural method statement and impact assessment must be reviewed in the light of the required treatment of Japanese knotweed identified on the site.

The development shall be implemented in accordance with the method statement as approved under this condition.

Reason: To accord with the Environmental Protection Act 1990 and to safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.



22 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the buildings hereby permitted shall not be extended or altered in any way with the prior grant of planning permission.

Reason: To safeguard the appearance of the area

23 Before the development hereby permitted is occupied, details of how the proposed scheme would meet Secure by Design Accreditation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the proposals do not compromise local security in accordance with policy CS12 of the Barnet Core Strategy.

24 Before the development hereby permitted commences (other than for the purposes of demolition), an Ecological Management Plan shall be submitted and approved in writing by the local planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development provides biodiversity improvements in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

25 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.

26 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.

27 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local

planning authority. The development shall be implemented in accordance with these details.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 19th October 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to mitigate the lack of playspace provision on site and towards the maintenance of the hardsurfaced areas within the conservation area. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations 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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 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](http://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 £24,136 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 £93,096 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](mailto: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](http://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](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](http://legislation.gov.uk)

Please visit

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

- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 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. This should be included in the applicants refuse and recycling strategy.
- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section

59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 8 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 9 Barnet Council provides a refuse collection service and recycling facilities. The manner in which this service is provided will depend upon the area of the district in which the development is proposed.

Refuse points should be easy to reach for collectors, and adequate access and egress must be provided. If the design principles of this guide are followed the refuse collection vehicle should not have problems nor cause too much inconvenience to residents and other road users. Refuse collection will generally be made within 25m of an adopted road network, however in other cases stored bin collection points, which are suitably screened, should be provided within 25m of the highway. Many areas are now provided with 'wheelie' bins which are more convenient and have greater capacity.

Every dwelling on a new development must be capable of being serviced by refuse vehicles, furniture and other domestic delivery vehicles. Vehicles should be capable of being parked either adjacent to each dwelling or within 25 metres walking distance from an identifiable refuse collection point provided for a dwelling or group of dwellings. Access and other arrangements for the servicing of, and the loading and unloading of goods for industrial, retail and other commercial developments will depend on individual operational needs and should be agreed by both the Local Planning Authority and Highway Authority.

- 10 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.

- 11 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.

- 12 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that

this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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 red line site for the proposed development is situated directly to the rear of The Market Place (the frontage building to Falloden Way) and is known as Bute Mews.

The site and surrounding area is located within the designated Hampstead Garden Suburb Conservation Area.

The block is situated between Northway to the West and Kingsley Way to the east. The land is accessed through an entrance at each end of the land in Northway and Kingsley Way.

The Market Place constitutes a retail parade with residential flats above.

No. 14 - 56 (even) The Market Place is locally listed terrace, listed on 12/10/10 by the Local Authority for their Local Architectural or Historic Interest.

The land to the rear contains a number of garage blocks but is principally used for parking. The area has also been known to accumulate waste and fly tipping. The garage blocks are not statutory or locally listed buildings.

Immediately behind these garages is a strip of overgrown land within which are a number of small to medium sized trees.

Beyond this is Northway Gardens, a public park. Mutton Brook flows through it and this land is both designated Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC).

According to the Government's flood map for planning, due to the presence of Mutton Brook the park falls inside Flood Zone 2 and Flood Zone 3. Bute Mews however does not, and falls inside Flood Zone 1.

There is a bus stop outside the front of The Market Place as well as short term car parking. General needs car parking is accommodated within Northway and Kingsley Way, as well as in Bute Mews.

There are a number of trees both within and outside of the site. There are no Tree Preservation Orders on site. As the site falls within a conservation area any trees on the site and neighbouring sites are subject to planning control.

To the west end of the site adjacent to Northway there is a mature tree which constitutes a constraint on development that has amenity pressures for the occupiers of the flats in Bute Mews. This tree has permission for its removal (application reference TCF/00425/15, dated 19th August 2015).

### **2. Site History**

Tree works application.

### **3. Proposal**



The application seeks consent for the demolition of two existing garage blocks and the erection of a terrace of six dwellings with excavation to form basements.

The proposed development would be designed to respond to the architectural detailing, form and character of the Hampstead Garden Suburb conservation area with hipped clay tile roofs, red blend stock brick, lead dormers, chimneys, and timber fenestration including casement windows.

The proposed development would appear as single storey with roof level accommodation when viewed from the internal road in Bute Mews. Dormers would be installed on the south facing elevation facing towards the Northway Gardens.

Each dwelling would comprise 3 bedrooms to accommodate 5 persons. The 4 no. mid-terrace dwellings would be 111 sqm in internal space and the 2 no. end terrace 122.8 sqm, including the attached garages. The external garden spaces would vary from 29 sqm to 165 sqm in size.

Garage parking would be provided at either end of the terrace. In addition, surface parking would be laid out along the front elevation of the terrace in Bute Mews. The scheme benefits include the removal of the derelict garages, the clearance of dense undergrowth and an improvement in the transition between the site and Northway Gardens as well as the resurfacing of Bute Mews.

#### **4. Public Consultation**

112 consultation letters were sent to neighbouring properties.

A site notice was erected on 12 January 2017.

A press notice was published on 12 January 2017.

25 responses have been received, comprising 21 letters of objection and 4 letters of support.

The objections received can be summarised as follows:

- Overdevelopment of the area
- Not suitable for residential use
- Impact on traffic and parking including deliveries to the rear of the parade
- Inadequate provision and access of refuse
- The garages are in use, contrary to documents submitted with the application
- If minded to approved, development should be car free
- Restriction of access will detrimentally impact business on the Market Place and may lead to their demise.
- Impact the views of the park
- Creation of noise, pollution, disruption and traffic during demolition and construction period
- Potential complaints from deliveries in the evening
- Impact safety and security
- Site may deteriorate into its present condition and may risk health to residents of new housing
- Apartments will overshadow new housing
- Council need to take action to clean up the area
- Provision for deliveries to existing shop units not addressed
- Parking provision for shop tenants car/vans not addressed

- Refuse provision not been provided
- Parking provision for residential units above shops not provided
- No management scheme for future management of Bute Mews and responsibility for repairing the presently dilapidated units
- Intrusion of privacy of public users of the park
- Development would affect Northway Gardens outlook
- Impact amenities of occupiers of residential flats of the Market Place including being a visually obtrusive and overbearing form of development; loss of privacy; loss of view of the park;
- Impact character of the surrounding area

The representations received can be summarised as follows:

- Will improve condition of the road and enhance area
- Hope the whole area if cleaned up
- Sensitive development
- Suggested conditions in the event of an approval: complete take up of roadway, checking and repairs to drainage, road constructed at lower level than existing, provision of paladin bin stores, provision of gates to rear of retail units, Bute Mews should be lit by street lights, appearance of rear of shops should be improved, lorries and heavy vehicles should be banned, green space should be provided, security barrier either end of the Mews should be provided

Representations included a petition of 26 signatures.

Hampstead Garden Suburb Residents Association have raised the following concerns following a meeting held on the 1st March 2017. These included: density of development, overdevelopment of the site, conflict with Hampstead Garden Suburb Act 1906, cramped, visually intrusive and overbearing, out of character, dormers too large, doesn't comply with design guidance, low level of amenity for houses, loss of vegetation, gardens are small, question suitability of planting, loss of trees, risk of paving over green areas, unclear impact of gates onto the Park, concerns with capacity and ability of road to manage deliveries, removal of Japanese Knotweed to be conditioned in the event of an approval, concerns of rubbish collection, question responsibility of future fly tipping and on-going maintenance, concerns of access, impact of reduced access on viability on shops, concerns of highways and parking, lighting impact on character and wildlife, general disruption and impacts during demolition and construction works, comments on architects response consultee comments.

Councillor Sargeant has objected to the proposal stating: the proposal is not the answer to the problem of being poorly maintained. Garages well used and occupied by businesses, they are key to their survival. There is insufficient space for proposed development and existing uses for such things as garages, car parking and refuse collection. Impact on parking and traffic in Bute Mews and surrounding Northway and Kingsley Way. Further development on the site will cause additional problems. The houses will have basements and thus three storeys onto the park. Houses will have entrance onto path which is part of the public parkland. This is a regularly used park.

Councillor Marshall has recommended two conditions in the event of an approval; to secure repair of private road and to ensure weekly bin collections.

Metropolitan Police (Design Out Crime Office): Confirmed satisfaction with the scheme.

Council's Recycling and Waste Service: No issues in relation to collections at this proposed development. No objection.

Sustainable Drainage team: As a 'Minor development' it does not require the use of SuDS. Planning Officers consider that other concerns raised in regards to drainage could be adequately addressed as a condition, or have been attached as an informative.

Council's Environmental Health: Acceptable subject to conditions.

Greenspaces and Streets (Public Trees): No public trees impacted by the development. No objection.

London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals for fire fighting access.

Highways: Upon amendments and further clarification, deemed acceptable subject to conditions.

Transport for London: TfL is content that the development can be accommodated by the public transport network. The submitted construction methodology is reasonable. The parking ratio per unit is too high if the development is to seek to encourage sustainable transport. Cycle parking details and servicing arrangements to be provided.

Hampstead Garden Suburb Conservation Area Committee: Recommend approval subject to detailing.

Hampstead Garden Suburb Trust: Although not a formal consultee, Planning Officers are aware the Trust support the proposed scheme.

## **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 Government's 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 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 2050. 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, CS3, CS4, CS5, CS6, CS7, CS9, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM15, 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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of development
- Whether harm would be caused to the character and appearance of the the street scene and the wider locality and conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Impact on Metropolitan Open Land
- Whether harm would be caused to the health and quality of trees
- Refuse/Recycling Issues
- Whether the development would impact traffic and highways to an unacceptable level
- Whether the proposals would have harmful impact on ecology

- Whether the proposals would harmfully increase flood risk
- Whether the proposals would harm local security
- Sustainability/Environmental Issues
- Section 106 Issues

### **5.3 Assessment of proposals**

#### *1. Principle of development and redevelopment of the site:*

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of two existing garage blocks on site and their replacement with a terrace of six new dwellings.

The agent advises that the garages are currently used for storage and for no other purpose. The garage blocks are considered to be in a poor state of repair, as noted in the Hampstead Garden Suburb Conservation Area Character Appraisal (2011) which states: Bute Mews...is particularly poorly maintained and there are opportunities for improvement here.

Paragraph 17 of the National Planning Policy Framework (2012) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The scheme would constitute the re-use of previously developed (brownfield) land. The site of Bute Mews and the garage blocks is not considered to be of a high environmental value. As such it would be an acceptable form of development subject to the other considerations of development plan policy.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access. It is considered by Officers that the proposed development would give rise to opportunities for improvement, subject to planning conditions and obligations.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

In terms of the impact on the Market Place Town Centre, the proposals would replace existing garages within a service road. The proposed development would retain access to the rear of businesses on Falloden Way. The proposals would introduce additional residential use close to the town centre replacing derelict garages. This would have, if anything, a positive impact on the vitality and viability of the town centre.

It should be noted that at the time of writing the report, discussions are on-going between the Council's Greenspaces Team and the applicant regarding access to Northway Gardens from the proposed development.

As such the principle of redevelopment of the site is deemed acceptable.

*2. Design, appearance and character matters and impact on character and appearance of conservation area and wider area:*

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Policy CS1 of Barnet's Core Strategy (2012) states that will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the Council's Development Management Policies (2012) states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The site falls within the Hampstead Garden Suburb Conservation area, which is considered one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The applicant's submission has explained how a study of the character of the area helped inform the design proposals through the use of red stock brick, roof tiling, lead dormers, chimneys, and painted casement windows and doors.

The garage blocks are not statutory or locally listed structures, and in their current condition provide a limited contribution to the character and appearance of the conservation area.

The frontage block, No. 14 - 56 (even) The Market Place, is a designated locally listed building, developed in 1933 to designs by C. G. Butler. The rear of the parade has been altered and extended over time and the service road is currently in poor condition and visually cluttered.

The garage buildings are not visible from the frontage and street scene of the Market Place/Falldon Way. The garage buildings are partially visible from the archways of Kingsley Way and Northway. It is deemed their poor condition of the garages detract from the character and appearance of the open green space to the rear. The garages as existing have limited contribution to the setting of the locally listed building.

Although the proposed development would represent an increase in built form on the site, by reason of its height, the proposed development would continue to maintain a subordinate relationship to C. G. Butler's three storey terrace. It's siting and form would continue to maintain the established pattern of development of back land buildings.

The proposal would reflect the general principles of design detailing in respect of building forms including the roof shape, the use of materials, subordinate dormers and the fenestration pattern in general.

The proposed basements would not be visible from the private road of Bute Mews, and would have limited impact on the character and appearance of Northway Gardens as it would be obscured by the proposed 1.8 metre high boundary treatment bordering the rear of the site.

The proposed development would also include a re-landscaping of the hard surface area within Bute Mews. This has become degraded over time and is now poor quality. This is proposed to be secured by section 106 agreement. Soft landscaping is also proposed.

Overall it is considered that the proposed redevelopment would contribute to a marked improvement to the setting of the locally listed building, open green space to the rear and the general character and appearance of this part of the conservation area.

As such it is deemed the proposed development would preserve and enhance the character and appearance of the conservation area, in accordance with Policy DM06.

There would not be a harmful impact as a result of the proposals on the significance of nearby locally listed buildings and non-designated heritage assets.

Conditions have been recommended to ensure that the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance, conservation and landscaping matters.

### *3. Quality of accommodation for future occupants:*

Policy DM01 of the Development Management Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance, both updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

#### Dwelling size:

The units proposed would both have gross internal areas which meet the requirements of the London Plan for a dwelling of that type.

#### Dwelling layout and outlook:-

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

It is considered that all of the dwellings proposed in this instance have an acceptable degree of outlook.

#### External amenity space provision:-

All dwellings proposed would have access to their own private external amenity space.

It is noted that the proposed dwellings, excluding the end of the terrace property to the west, would not meet the Council's requirements on the provision of private amenity areas.

However, Officers note that the proposed development is in very close proximity to Northway Gardens and wider linear park of Hampstead Garden Suburb, which includes recreation and sports facilities, as well as play space. On balance, this is deemed acceptable.

#### Privacy and overlooking:-

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy.

To the front elevation the development would be of a single storey and therefore no overlooking would arise from the first floor windows of the flats at the Market Place. The rooflights on the front roofslope would not serve a habitable room.

Although the ground floor habitable rear windows of the proposed dwellings would be in close proximity to the public park, it is considered the proposed 1.8 metre high boundary treatment would adequately preserve the amenities of future occupiers.

By reason of the public park, the development would be sited an adequate distance from the dwellings located on Litchfield Way and Kingsley Close.

It is considered the design and layout of the windows, doors and amenity areas in the dwellings proposed is such that, subject to the provision of suitable boundary treatments and soft landscaping secured through conditions, the new residential units would be provided with an acceptable level of privacy and not suffer unacceptable overlooking.

#### Daylight and sunlight:-

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.



Conclusions on the amenities of future occupiers:-

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

*4. Impact on amenity of neighbouring occupiers:*

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

It is considered that the impact on surrounding residential units in Market Place would be limited. The residential accommodation in this neighbouring building is situated at first floor level and above. As a single storey development with windows at ground floor (to the front) it is not considered the proposed dwellings would give rise to unacceptable harm to the visual or residential amenities.

By reason of the public park, the development would be sited an adequate distance from the dwellings located on Litchfield Way and Kingsley Close not to impact the amenities of these occupiers.

The dwellings would have roof dormers at first floor facing Northway Gardens. There is however no specific plan policy precluding residential development being located next to public parks or protecting the privacy of park users. As such this would not constitute a reason for refusal.

*5. Impact on Metropolitan Open Land:*

The proposed development would be constructed on land that runs adjacent to land designated as Metropolitan Open Land (MOL) in Northway Gardens.

Although MOL land is not green belt, the Development Plan sets out a policy presumption for its safeguarding from inappropriate development.

Policy DM15 of Barnet's Development Management Document DPD (2012) states that development adjacent to green belt or MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings.

When viewed from Northway Gardens, the site is currently dominated by mature and semi mature trees of varying heights, sizes and quality as well as planting.

Together, these contribute to a verdant landscaped setting which is in keeping with Northway Gardens which is a well-kept landscape of high quality visual amenity.

The application site is located on an elevated land level compared to Northway Gardens and Officers acknowledge that to some extent the development would lead to a form of development that has greater visibility when viewed from the park due to its siting, form, appearance and size.

However, it is considered that there would not be any encroachment and given the character and appearance of the development which is being designed to appear consistent with Hampstead Garden Suburb principles, it is deemed that the attributes of the MOL land would be adequately maintained.

## *6. Impact on trees:*

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are a number of trees both within and outside of the site. There are no Tree Preservation Orders on site. As the site falls within a conservation area any trees on the site and neighbouring sites are subject to planning control.

The proposal requires the loss of 2 medium value trees (T1 & T2 on the applicants plan) that the applicant's report identifies as previously approved for removal. Both these trees are growing very close to the existing buildings and their long term viability is not assured. The remaining trees are small hawthorn and elder trees growing in a shrubby area. While the value of these trees is low they do provide a good buffer between the park and the built environment giving the open space a feeling of being larger. Therefore a landscaping condition has been attached to secure satisfactory replacement.

Japanese knot weed is present on the site and as such comes under the Environmental Protection Act 1990. A condition requiring the submission of a method statement for the treatment/control of Japanese Knot Weed has been attached to this approval.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the conservation area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

## *7. Impact on Ecology*

The neighbouring park is a site of Local Importance for Nature conservation.

The applicant has submitted a Preliminary Ecological Appraisal in support of the scheme. This recommends that additional surveys in relation to bats are undertaken.

Additional surveys have been carried out. The survey advises that the garages are considered to provide bats with Moderate Suitability for roosting bats. The activity surveys revealed that no bats are currently roosting within the building. This has been referred to the Ecology Team for their comments and any additional comments will be reported to the committee in the addendum.

There may be some initial disruption to nesting birds however in the longer term when hedges are established this will be mitigated and possibly improved. Bat boxes would be incorporated within the development.

Japanese Knotweed has been noted on site and a condition is attached to secure its safe removal.

Policy DM16 requires development schemes to make improvements to biodiversity. A condition is suggested to ensure that these are achieved as well as ensuring that the interface between the site and neighbouring park is managed appropriately.

## *8. Impact on Flood Risk*

The site is not located within a designated Flood Risk Area but is located in close proximity to Mutton Brook. Consultation has taken place with the Environment Agency and the Lead

Local Flood Authority. A condition is suggested in order to ensure that Sustainable Urban Drainage Systems (SUDS) are incorporated.

#### *9. Impact on refuse and recycling:*

The applicant has submitted an Outline Site Waste and Servicing Plan.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

The Council's Recycling and Waste Service have confirmed they raise no objection to the proposed servicing arrangement.

Notwithstanding the information submitted by the applicant, a condition has been recommended to secure a satisfactory refuse and recycling strategy and ensure adequate refuse and recycling facilities are provided at the proposed development.

#### *10. Highways and Parking:*

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 states that 1.5 to 1 car parking spaces will be expected for terrace houses and flats (2 to 3 bedrooms).

The proposal provides 8 car parking spaces, in accordance with these standards.

Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

Notwithstanding this the applicants transport assessment submitted in support of the application has demonstrated that the level of car parking is to be provided in accordance with the London Borough of Barnet parking standards and vehicle track plots completed for the proposed site arrangement have demonstrated that suitable access is provided and will not impact on the existing operation of the private road.

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

As such, Highways department have recommended approval subject to conditions.

### *11. Sustainability Issues*

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the existing building and the construction of a new building it is considered that it is necessary to apply this standard.

In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

In their covering letter the applicant has suggested that the proposals would only be able to attain M4(1), but has not specified why it would not be viable for the scheme to achieve M4(2). Therefore further information has been reported on this issue and will be reported to the committee in the addendum to the report.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a CO2 reduction in line with Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

### *12.Noise/Air quality and Environmental Issues*

The applicant has submitted an outline Construction Management Plan. Whilst this sets out a basis for how the development will be constructed finalised details are required and a condition is attached ensuring that this is followed through. Access for construction purposes would be from Northway and Kingsley Way. The applicant would ensure vehicles used for construction would be appropriate for using these access points.

Having evaluated the information submitted the Council's Environmental Health department are have recommended approval subject to conditions.

The proposals lower ground floor level would involve some excavation. The site is not within an area where there is a known hydrogeological issues, the site is located within an area of clay. Therefore no objections are raised.

### *13. Safety and Security:*

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The Metropolitan Police (Design Out Crime Office) have confirmed satisfaction with the scheme.

### *14. Section 106 Issues*

The proposals would necessitate contributions towards hard surface improvements and towards playspace which are included within the proposed section 106 heads of terms.

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sqm on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

## **5.4 Response to Public Consultation**

Planning Officers acknowledge that Transport for London have stated that the parking ratio per unit is too high if the development is to seek to encourage sustainable transport. However, on the basis that the development is compliant with LB of Barnet's parking standards as set out in Policy DM17 of the Development Management Policies Document DPD (2012) which is applied to applications in the Borough, the proposal is deemed acceptable.

In regards to neighbour consultee comments, the responses are as follows:

- Overdevelopment of the area

Although the proposal would result in an increase of built form on the site it is not considered that the proposal would result in overdevelopment.

- Not suitable for residential use

As addressed in the main body of the report, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

- Impact on traffic and parking including deliveries to the rear of the parade

Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

Notwithstanding this the applicants transport assessment submitted in support of the application has demonstrated that the level of car parking is to be provided in accordance with the London Borough of Barnet parking standards and vehicle track plots completed for the proposed site arrangement have demonstrated that suitable access is provided and will not impact on the existing operation of the private road.

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The potential addition of dedicated signed loading areas are expected to be self-enforceable and for this reason the applicant has recommended clear markings with coloured surfacing or hatching. The applicant also advises that a contact number to an off-site management company will be made available to existing tenants and new residents, in order to report any issues experienced along the mews.

- Inadequate provision and access of refuse

Currently refuse collection is undertaken once a week by the London Borough of Barnet, with refuse trucks reversing into Bute Mews from Northway.

The applicants report submitted in support of the application states that given the low number of residential units for the proposed development, a significant increase in the number of servicing vehicles is not expected nor would it require a separate refuse collection. The report states that refuse collection can be part of the existing collection arrangement at the site, with refuse vehicles anticipated to have a slightly longer dwell times to collect the additional refuse and recycling from the new dwellings.

Refuse and recycling storage has been provided for each proposed dwelling.

New timber refuse enclosures to house both general waste and recycling bins for the existing residential units (16A/B to 56A/B Falloden Way) and the existing retail units separately. This proposal will 'tidy' up and rationalise the current refuse arrangement observed on the site.

The Council's Recycling and Waste Service have confirmed they raise no objection to the proposed servicing arrangement.

- The garages are in use, contrary to documents submitted with the application

Notwithstanding that the garages may be in use, the redevelopment of the site has been deemed acceptable in planning terms, as discussed in the main body of the report.

- If minded to approved, development should be car free

It is not considered reasonable in this particular instance that the proposed development is made to be car-free. The application has been found acceptable in accordance with car

parking standards set out in Policy DM17 of Barnet's Development Management Policies Document DPD (2012).

- Restriction of access will detrimentally impact business on the Market Place and may lead to their demise.

As stated above, Bute Mews is a two-way private road with no right of access to the public. It is understood that apart from the dedicated parking area to the rear of the veterinary clinic and the existing garages at the site, there are no existing rights to park in the service road area.

As such, it would not be reasonable to refuse the application on this basis.

- Impact the views of the park

The Royal Town Planning Institute advises that views are not a material planning consideration. Therefore the application would not be refused on this basis.

- Creation of noise, pollution, disruption and traffic during demolition and construction period

The applicant has provided an outline Construction Management Plan. The Council's Highways department and Environmental Health department have confirmed that they are satisfied with this information. TfL have also confirmed that they believe the submitted construction methodology is reasonable.

A full and thorough Construction Management Plan will be required to be submitted as a condition in the event of an approval. It is considered that subject to conditions, the application is deemed acceptable with regard to impact from demolition and construction.

- Potential complaints from deliveries in the evening

There is currently no management located on the site, deliveries and servicing is generally sporadic located along Bute Mews. The Council's Environmental Health department can be contacted in the event deliveries are causing a nuisance to existing and future occupiers.

It is not considered this would constitute a reason for refusal in this instance.

- Impact safety and security

The design and layout of the development proposed is considered to be such that it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The Metropolitan Police (Design Out Crime Office) have confirmed satisfaction with the scheme.

- Site may deteriorate into its present condition and may risk health to residents of new housing

In the event this occurs, residents are advised to contact the Council's Environmental Health department.

- Apartments will overshadow new housing

Habitable accommodation within the proposed dwellings is located predominantly to the rear, facing the park and as such would not be unduly overshadowed by the existing terrace on the Market Place.

- Council need to take action to clean up the area

This is not a matter specific to this planning application and would not in itself constitute a reason for refusal.

- Provision for deliveries to existing shop units not addressed

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Parking provision for shop tenants car/vans not addressed

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Refuse provision not been provided

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- Parking provision for residential units above shops not provided

This has been addressed in the applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd, and is deemed acceptable.

- No management scheme for future management of Bute Mews and responsibility for repairing the presently dilapidated units

The applicant advises they do not have ownership of the remaining garage blocks.

The applicants Outline Site Waste and Servicing Plan by WYG Environment Planning Transport Ltd advises on the management and control of parking.

- Intrusion of privacy of public users of the park

The dwellings would have roof dormers at first floor facing Northway Gardens. There is however no specific plan policy precluding residential development being located next to public parks or protecting the privacy of park users. As such this would not constitute a reason for refusal in this particular instance.

- Development would effect Northway Gardens outlook

It is not considered the proposed development would impact the visual amenity or character of the green open space and designated MOL land.

- Impact amenities of occupiers of residential flats of the Market Place including being a visually obtrusive and overbearing form of development; loss of privacy; loss of view of the park



It is considered that the impact on surrounding residential units in Market Place would be limited. The residential accommodation in this neighbouring building is situated at first floor level and above. As a single storey development with windows at ground floor (to the front) it is not considered the proposed dwellings would give rise to unacceptable harm to the visual or residential amenities. Views are not a material planning consideration.

- Impact character of the surrounding area

As assessed in the main body of the report, it is not considered the proposed development would impact the character and appearance of the surrounding area, conservation area or adjacent locally listed building.

- Suggested conditions in the event of an approval: complete take up of roadway, checking and repairs to drainage, road constructed at lower level than existing, provision of paladin bin stores, provision of gates to rear of retail units, Bute Mews should be lit by street lights, appearance of rear of shops should be improved, lorries and heavy vehicles should be banned, green space should be provided, security barrier either end of the Mews should be provided

These suggestions are noted and have been applied where they are considered to meet the 6 tests as set out in Paragraph 206 of the National Planning Policy Framework (2012).

It is considered that the majority of the Hampstead Garden Suburb Residents Association concerns have been addressed above or in the main body of the report. It is not considered the application would represent over intensification or overdevelopment of the site. Any conflict with Hampstead Garden Suburb Act 1906 would not constitute a reason for refusal in this particular instance. It is not considered the development would appear cramped, visually intrusive or overbearing. It is not considered it would impact the character and appearance of the area. The dormers have been reduced in size upon amendments, and Planning Officers are satisfied with these changes. Overall the application is found compliant with development plan policy. The dwellings have been found to provide an acceptable level of amenity for future occupiers. Landscaping replacement can be attached as a condition in the event of an approval. The Local Planning Authority are satisfied with proposed arrangements in regards to access and the road improvements. Japanese Knotwood has been attached as a condition. Refuse matters have been found to be acceptable. It is not considered the proposal would impact the viability of the shops. Any proposed lighting would be assessed separately.

In regards to Councillor Sargeant's comments, it is not considered the proposal would impact the viability of the shops. The application, as assessed, has been deemed acceptable in terms of parking, highways and waste collection. By reason of its design and appearance the dwellings would not appear unduly large when viewed from the park.

In regards to the Councillor Marshall's comments, these can be secured as planning conditions or in a planning obligation in the event of an approval.

## **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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.

