

**LOCATION:** 21-23 Lodge Lane, London, N12 8JG

**REFERENCE:** F/03764/11

**Received:** 05 September 2011

**Accepted:** 19 September 2011

**WARD:** Woodhouse

**Expiry:** 14 November 2011

**Final Revisions:**

**APPLICANT:** Mr J Lipman

**PROPOSAL:** Demolition of existing buildings and erection of a two storey plus rooms in roofspace building to provide of 6no self-contained flats.

**APPROVE SUBJECT TO UNILATERAL UNDERTAKING**

**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 **Education Facilities (excl. libraries) £9,459.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £834.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,958.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
- 7 **Open Spaces (ward level) £6,000.00**  
A contribution towards the improvement of open spaces in ..... ward
- 8 **Monitoring of the Agreement £1,212.55**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03764/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4208 01, 4208 02, 4208 03E, 4208 04E, 4208 05C, site plan, Design and Access Statement, letters from Claridges dated 8th September 2011, 6th February 2012 and 1st March 2012, a letter from Peter Henson dated 13th December 2011 and an email from Nick Pryor dated 27th April 2012.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

4. The layout of the flats hereby approved shall remain as shown on the hereby approved drawings.

Reason:

To protect the amenity of future occupiers.

5. Before the development hereby permitted is occupied, the refuse shall be provided as shown on the hereby approved drawings 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.

6. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

Reason:

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

9. Before the development hereby permitted commences on site, details of any extraction and ventilation equipment to be used on the development shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

10. No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

11. Before the building hereby permitted is occupied the proposed living room window of flat 3 in the side elevation and communal staircase window in the side elevation shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

#### **INFORMATIVE(S):**

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GCCS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS4 and CS5

Development Management Policies (Examination in Public version) 2012: DM01, DM02, DM08, DM14 and DM17.

- ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
2. Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide 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.
  3. Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  4. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £\_\_\_\_\_.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/03764/11 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies M14, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D9, D11, M11, M12, M13, M14, H2, H16, H17, H18, H21, L11, GCCS1, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4 and CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM08, DM14 and DM17.

History:

<b>Application:</b>	Planning	<b>Number:</b>	F/03764/11
<b>Validated:</b>	19/09/2011	<b>Type:</b>	APF
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	Demolition of existing buildings and erection of a two storey plus rooms in roofspace building to provide of 6no self-contained flats.		

Consultations and Views Expressed:

Neighbours Consulted: 117      Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- The application would spoil the group of locally listed cottages.
- The proposal does not comply with policies.
- Design is not in keeping with the area.
- Out of Character.
- There is no amenity space, in an area of open space deficiency. A contribution should be sought towards open space as on Furniture Land.
- Parking - future occupiers should not be able to purchase parking permits.
- The site boundaries are not clear.
- Loss of light.
- Trees should be planted.

Internal /Other Consultations:

**Traffic & Development**

No objections.

Date of Site Notice:

29 September 2011

## 2. PLANNING APPRAISAL

### Site Description and Surroundings:

21-23 Lodge Lane is a vacant office building in the Woodhouse ward. The application site lies on the north side of the road, opposite the main town centre car park and close to the junction with the High Road.

### Proposal:

The proposal is for an erection of a 2 storey building to provide 6 residential units comprising 3 x 2 bedroom units and 3 x 1 bedroom units.

### Planning Considerations:

#### Existing Employment Use

The site has a current employment use. Council Policy seeks to protect employment sites and generally resists their re-development for non-employment uses. Letters from Claridges Estate Agents have been submitted with the application which states that it is unlikely that the office space could be let out.

#### Policy GEMP4 says:

The council will seek to retain land that meets strategic requirements for small, medium and large scale industrial users. If there is no realistic prospect of the re-use of a site purely for employment purposes, mixed use development for employment and housing will be a priority.

#### Policy EMP2 says:

The other sites apart from those listed in Table 10.2 that are used, or have last been used, for class B1, B2, B8 or similar industrial uses, the council will not grant planning permission to redevelop or change them to non-industrial or non-business uses. Exception will only be made where there is no realistic prospect of re-use in the short, medium and long term, or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.

Council Policies seek to retain employment generating land within the borough; *"...where there is a reasonable prospect of productive use, there will be a similar protection afforded against loss to non-industrial and non-business use. This protection will apply to slightly less desirable sites that could, or do, provide affordable premises for small firms and growing business sectors. Such a site may be redeveloped or re-used if there is no interest expressed in its use as an industrial site in its current form for a period of at least 18 months, and it has been actively marketed for such re-use or redevelopment..."*. The applicants have submitted marketing details for the site which demonstrate that a marketing exercise has been carried out without success. It is considered that given that other flats have already been approved on site, it is not considered that there would be any harm in allowing additional residential units at the expense of office space given the location of the site and the size of the unit available. It is also not considered that the loss of the office space will significantly harm job opportunities in the local area. It is also considered that the scheme as a whole will be more viable, and that the site would benefit more for more residential units than offices which would potentially be left unoccupied. Every case is site specific and it is considered that the overall delivery of the scheme and specific circumstances of the scheme render the additional

residential units acceptable. It may not always be acceptable to accept the loss of employment floorspace but at the same time each application has to be assessed on its own merits.

Paragraph 51 of the NPPF states, 'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'

It is considered that paragraph 51 provides justification for the change of use as the building is empty in an area with a need for more housing and there are no strong economic reasons why the development is inappropriate. The council's Property Services Team have stated that they feel the building could be re-let. However, it is considered that given the current state of the building and the new policy implications of the since adopted NPPF, it is considered that the scheme is acceptable on these grounds.

### Design

National, regional and local guidance have policies that seek to promote the redevelopment of Brownfield sites for residential use providing they are acceptable in terms of character and will not harm the amenities of future occupants or any of the adjoining uses. Policies such as H2, H16 and H17 relate to this in the Unitary development Plan and indicate that the Council will seek to provide additional homes providing that certain criteria has been conformed to. The various aspects of the application have been broken down and discussed below.

The NPPF has been adopted since the grant of the previous consent. The relevant sections are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- a social role – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).



Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the amended application complies with the above sections of the NPPF.

Policy H16 of the adopted *Unitary Development Plan* is a housing policy which states that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

Policy GBEnv1 of the adopted *Unitary Development Plan* is a general policy stating that the Council will protect and enhance the quality and character of the Borough's built and natural environment.

Policy GBEnv2 of the adopted *Unitary Development Plan* is a general policy including the statement that the Council will require high quality design in all new development in order to enhance the quality of the Borough's built and open environment, to utilise environmentally friendly methods of construction, to improve amenity, to respect and improve the quality of environment of existing and future residents.

Policy D1 of the adopted *Unitary Development Plan* is a Design policy stating that the all new developments should represent high quality design.

Policy D2 of the adopted *Unitary Development Plan* is a Design policy stating that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street and movement patterns and the overall character and quality of the area.

The proposed development has been designed to relate to both adjoining properties in that the eaves line matches the height of the 'cottages' in Lodge Lane and the apex of the roof is the same height of the eaves on 19 Lodge Lane. The windows on the first floor follow the pattern of the cottages and a gable to match No. 19 has also been incorporated. The building has also been set back from the foot way to align with the neighbouring properties.

The footprint of the proposed building is in keeping with the area and is considered to be acceptable. The bulk, siting, scale and general proportions of the proposed building would be in character with the surroundings and sit comfortably within the site. The proposal is not considered to cause harm to the character and appearance of the street scene or wider area. The external appearance of the building is also considered to be acceptable.

## Proposed Residential Units

All the flats comply with the London Plan's space standards and as such the layout is considered to be acceptable. Private amenity space is provided in the form a small courtyard and rear amenity area. This provision falls short of the UDP standards. However this is mitigated by the town centre location of the site and the willingness of the applicant to contribute towards local parks.

Refuse and re-cycling storage is to be provided at the front of the site. A condition is attached to this decision requesting that this is implemented before occupation. A condition has also been attached to ensure the soundproofing between the units is sufficient to prevent loss of amenity in terms of noise between the flats.

There are therefore no objections on these grounds.

## Neighbouring Amenity

Policy H17 of the Adopted Unitary Development Plan (2006) requires a minimum distance of 21 metres in new developments between facing windows to habitable rooms to avoid overlooking - the proposed buildings accord with this policy. To the rear the site faces the rear gardens of properties in Woodside Park Road which are approximately 25m from the rear of the site. Windows are proposed to the side elevations are to be obscured glazed.

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. It is considered that the building has been designed to minimise impact on the adjoining properties. The application is acceptable in terms of policy D5 also.

## Amenity Space

Council Policy H18 refers to amenity space standards. For flats the requirement is 5 square metres of space per habitable room. All the proposed residential units each benefit from amenity space in the form of private balconies which exceed the required area.

The scheme does not provide amenity space for any of the flats, except with flat 1 which has a patio (which is still below the required size) and a small garden area to the rear of the building. The site also falls within an area of open space deficiency. As explained above, to address this problem, £1000 per flat is sought towards the provision of open space in the borough.

## Parking/ Access

There is currently no parking available for the existing B8 (Storage) use and no new parking is proposed for the flats. The parking requirement for the proposed development would be between 3 to 7.5 parking spaces therefore the proposal without any parking provision does not meet the parking standards set out in the UDP 2006.

However, taking into consideration the site's location within a town centre, the position of several bus routes and local amenities and that the site is located within an All Day Controlled Parking Zone, the application is considered to be acceptable.

This is subject to a legal agreement preventing the occupiers of the new development from purchasing parking permits for the North Finchley Control Parking Zone (CPZ). A contribution of £2,000 will be required towards cost of amending the traffic order to exempt the occupiers of the new development from purchasing parking permits for the North Finchley Control Parking Zone (CPZ).

### Sustainability

Sustainable development is a key priority of Central Government and the Council. Any new major residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes. A condition has been attached to ensure that this is the case.

### Section 106 Contributions

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Education. A sum of £9,459 would satisfy this requirement.

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services. A sum of £834 would satisfy this requirement.

Policy CS13 of the Adopted UDP (2006) states that the council will seek to enter into planning obligations, where appropriate, in conjunction with new developments, to secure the provision of healthcare facilities. A contribution will be sought for the provision of healthcare services in the borough in line with the council's Supplementary Planning Document on Contributions to Health Facilities from Development. A sum of £5,958 would satisfy this requirement.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations. A sum of £1,212.55 would satisfy the monitoring requirement.

The total amount payable would therefore be £25,463.55 which is to be secured by a unilateral undertaking. This includes the open space and highway contributions.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The planning grounds of objection have been dealt with in the main report. However, the buildings are not locally listed and the boundary lines shown on the drawings are clear. There is not considered to be enough space to plant trees.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

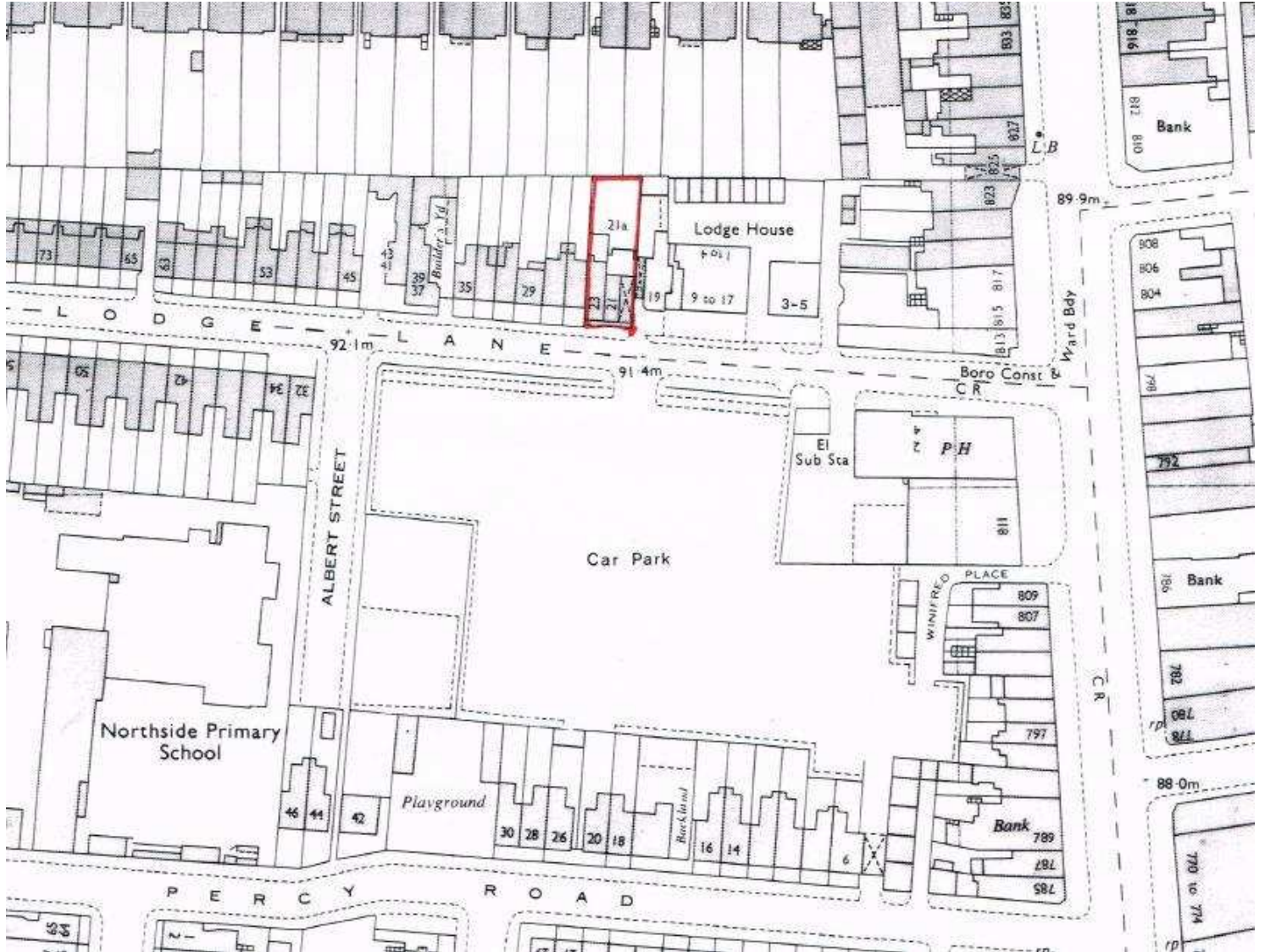
### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

It is therefore recommended that the application be **APPROVED**.

**SITE LOCATION PLAN:** 21-23 Lodge Lane, London, N12 8JG

**REFERENCE:** F/03764/11



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