

Location **Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ**

Reference: **17/1111/FUL** Received: 23rd February 2017
Accepted: 1st March 2017

Ward: East Barnet Expiry 26th April 2017

Applicant: Mr Costas Christou

Proposal: Construction of additional storey to provide 4no self-contained flats.
Associated parking and cycle storage

Recommendation: Approve subject to conditions

AND the Committee grants 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/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

928/91 Rev C (Site Locations Plans), 928/92 Rev C (Plant level and Roof Plan as Existing and Sixth Floor and Roof Plans as Proposed), 928/93 (Front and Right Flank Elevations as proposed), 928/94 (Rear and Left Flank Elevations as Existing), 928/95 Rev C (Front and Right Flank Elevations as proposed), 928/96 Rev C (Rear and Left Flank Elevations as Proposed), 928/97 Rev C (Right Flank Sections as Existing and Proposed), 928/98 (Part Ground Floor Plan as Existing and Proposed), 928/99 Rev A (CGI), Design and Access Statement prepared by CG Architects dated Feb 2017.

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a banksman;
- xii. 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 policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces and cycle storage spaces shown on Drawing No. 928/98; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of

the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 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.

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

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

- 9 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.

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £11,585 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 £44,685 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exceptional circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 3 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 or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

1. Site Description

The application site comprises an 'L' shaped 6 storey building. The building is located to the east of East Barnet Road and there are no special restrictions on site. The building has been subject to a prior notification for the conversion of the previous office space over the upper 5 storeys into residential accommodation comprising 30 self-contained flats, in addition planning permission has been granted for a gym in the basement area. The building works have been completed.

The site is bordered in the north by a health centre, to the south by residential dwellings, to the east by garages owned by the residents of nearby dwellings and to the west by East Barnet Road.

The property is not listed nor located within a Conservation Area

2. Site History

Reference: 17/4434/FUL

Address: Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ

Decision: Pending Consideration

Decision Date:

Description: Installation of 2no. 5m high LED lighting columns with 2no. CCTV cameras on each column (Retrospective Application) [Amended Description and Plans]

Reference: 17/1601/LIC

Address: Installation of BT Openreach fibre optic green equipment cabinet

Decision: Exempt

Decision Date: 28.03.2017

Description: Installation of BT Openreach fibre optic green equipment cabinet

Reference: 16/2425/FUL

Address: Checknet And Durkan House 153-155 East Barnet Road Barnet EN4 8QZ

Decision: Approved subject to conditions

Decision Date: 26.01.2017

Description: Ground floor rear extension at left flank elevation with parking provisions at roof level, creation of basement level at right flank elevation to create the formation of a 475sqm commercial unit (Class D2 use) at ground floor level with associated shop front installation, reconfiguration of parking, refuse and bicycle stores.

Reference: 15/02019/FUL

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved subject to conditions

Decision Date: 21 August 2015

Description: Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2no. new entrance doors and canopies following removal of 2no. existing glass entrance foyers

Reference: 15/05447/NMA

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved

Decision Date: 17 September 2015

Description: Non material amendment pursuant to planning permission 15/02019/FUL dated 27.07.2015 for 'Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2 no. new entrance doors and canopies following removal of 2 no. existing glass entrance foyers'. Amendments include 'Reconfiguration of balconies and kitchens to flats'.

Reference: B/03924/11

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Withdrawn

Decision Date: 20 September 2013

Description: Retention of change of use from sole B1 offices to mixed B1 and D1 use at first floor level.

3. Proposal

This application seeks consent for the construction of an additional storey to provide 4no self-contained flats. Associated parking and cycle storage.

The plans have been amended following submission. The main changes include setting back from the buildings lines, reducing the overhang on the roof and changes to the proposed layout.

4. Public Consultation

295 consultation letters were sent to neighbouring properties.

10 responses have been received; comprising of 10 letters of objection.

The views of objectors can be summarised as follows;

- Not all the parking provided will be available for the flats
- there will be pressure on parking on neighbouring streets as a result of under provision
- Parking by gym users would result in an parking overspill
- The effects of radiation from the telephone masts on the building roof should be taken into account.
- Potential health risks to future occupiers resulting from the close proximity to radio masts
- Noise and disturbance from building works.
- Construction traffic causing obstruction and safety hazard to other vehicles and pedestrians.
- Loss of privacy resulting from existing CCTV and overlooking from the new flats
- Light pollution arising from LED lights from flats and two lamp posts
- Additional light will cause nuisance
- Over development
- Increase levels of CO2 emissions resulting from traffic pollution

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM16, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)
Sustainable Design and Construction SPD (adopted 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents
- Impact on Highways

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The existing building is highly unique to the local area, the surroundings roads primarily being characterised by two storey dwelling houses. The application property is situated on a prominent plot which backs on to Crescent Rise.

The proposed roof extension would utilise the spaces between the existing stairwells and plant rooms, which are distinctive features of the building. The additional storey to the existing building has been substantially set in by approx. 2m from the front elevation, approx. 2.5m from the side elevation and approx. 1.5m from the rear, in addition the proposed floor would be approx. 1m lower than the existing lift overrun. The setback would ensure that the additional floor would not be overly dominant in the street scene. The design of the scheme would provide additional residential units whilst being sympathetic to the character of the local area and would improve the form of the existing structure. The proposed roof extension would be set back from East Barnet Road and would be in keeping with the character and appearance of the area.

Although the property is visually prominent, it is not considered that the extensions would result in the building being more visually prominent than the existing, given the rooftop structures, to such an extent as to warrant refusal. As such, the extensions are not considered to unduly detract from the character and appearance of the existing building and given its siting, are not considered to adversely impact upon the visual amenities of the locality or neighbouring residential occupiers.

Potential impacts upon the amenities of neighbouring residents.

It is considered that the proposed roof extension would not affect the amenities of neighbouring residents. It is not considered that the creation of the additional floor would result in overlooking, loss of privacy to any neighbouring occupier nor result in noise and disturbance or excessive light pollution over and above what currently exists on site. In addition, the Council's Residential Design Guidance states that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Given that the proposal would not result in habitable room windows directly facing neighbouring habitable room window, that neighbouring residential properties to the east along Crescent Rise and to the north along St Wilfrids Road would be over 21 metres away from the extensions and that the rear gardens of the these properties would be over 10.5 metres away, it is not considered that the proposal would result in overlooking or loss of privacy over and above what currently exists on the site.

Living conditions for future residents

The proposed development would involve the addition of no.4 additional units to the existing

Summary of additional residential units:

Flat 31 - 2 bedroom / 4 person unit - 71sqm

Flat 32 - 2 bedroom / 4 person unit - 70sqm

Flat 33 - 2 bedroom / 4 person unit - 69sqm

Flat 34 - 2 bedroom / 4 person unit -81sqm

In general, the proposed additional units would be in accordance with the minimum standards for new residential development as set out by the London Plan (2016) and the Council's Sustainable Design and Construction SPD.

In regard to amenity provision each flat would have private balconies. The four new flats will have a total of approx. 68 sqm. balcony space, approx. 20 sqm. for flat 31, 13.6sqm for flat 32, 12.6sqm for flat 33 and 22 sqm. for flat 34. It is therefore considered that the proposed amenity provision is acceptable.

Highways

Officers have consulted with the Council's Highways officers, who have considered the previous planning permissions. Highways noted the following:-

- Vehicular access will be gained from 2 crossovers that were approved under planning application 16/2425/FUL.
- The PTAL for the site is 3 which is considered as moderate accessibility.
- To comply with policy DM17 5 spaces must be provided. Taking into account this application is for an additional storey, on balance the proposal with a shortfall in parking provision is acceptable on highway grounds. The proposal is for an additional 4 car parking spaces.
- To comply with the London Plan 8 cycle spaces must be provided. The applicant is proposing 8 cycle spaces which is acceptable on highway grounds.
- Refuse storage has been identified on drawing 928/98. This is more than 10m from the public highway and therefore further details will be required.

Highways officers considered the scheme acceptable subject to conditions requiring the vehicle and cycle parking areas to be provided as indicated on the plans; a Demolition and Construction Management and Logistics Plan and details of refuse collection arrangements to be submitted to and approved in writing by the Local Planning Authority prior to commencement.

5.4 Response to Public Consultation

Most comments have been addressed in the assessment above.

However concern was raised about the impact of existing LED lights and CCTV on adjoining occupiers. The impact of these would be assessed as part of the retrospective application which was recently submitted (17/4434/FUL). The proposals do not form part of this application.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

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