

Location **50-54 Shakespeare Road London NW7 4BH**

Reference: **17/5074/FUL** Received: 4th August 2017
Accepted: 4th August 2017

Ward: Mill Hill Expiry 29th September 2017

Applicant: Ms Weinberger

Proposal: Demolition of 3no dwelling houses and the erection of a two-storey building including rooms in roofspace and basement level to provide 9no self-contained flats with associated vehicle parking, cycle parking, and refuse 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: Sustainability Checklist by Regional Enterprise dated August 2017; Site Location Plan; Planning Statement by Regional Enterprise Development Consultancy Services dated August 2017; Phase II Arboricultural Impact Assessment (Arboricultural Impact Assessment, Method Statement and Tree Protection Plan) Ref. 101 103 dated 10th October 2017 by Arbol Euro Consulting; Parking Stress Analysis by Regional Enterprise; Drawing no. RE/50-54SR/1A; Drawing no. RE/50-54SR/2A; Drawing no. RE/50-54SR/3A; Drawing no. RE/50-54SR/4A; Drawing no. RE/50-54SR/5D; Drawing no. RE/50-54SR/6D; Drawing no. RE/50-54SR/7D; Drawing no. RE/50-54SR/8E; Drawing no. RE/50-54SR/9D; Drawing no. RE/50-54SR/10D; Drawing no. RE/50-54SR/11D.

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.

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 2016.

- 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 2016.

- 5 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).

- 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 Before development hereby permitted is occupied, parking spaces, cycle parking and turning spaces shown on Drawing no. RE/50-54SR/8E shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

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

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

- 9 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 1 electric charging point accessible by two parking bays. 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.

- 10 Before the building hereby permitted is first occupied the ground and first floor proposed window(s) in the side elevations facing no.56 Shakespeare Road and Shakespeare Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 11 The outdoor amenity space for each proposed dwelling shall be implemented in accordance with the details shown on drawing no. RE/50-54SR/8E hereby approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (2016).

- 12 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

- 13 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 14 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree detailed in the hereby approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have 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 fully implemented and strictly adhered to in accordance with the protection plan and method statement detailed in this document

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.

- 15 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 October 2016) and 7.21 of the London Plan 2016.

- 16 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

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

- 17 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.

- 18 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.

- 19 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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals,

focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £13,475.00 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 £64,272.66 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 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 or by telephoning 0208 359 4500.

- 5 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.

- 6 If the development is carried out it will be necessary for a vehicular crossovers to be constructed over the footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 7 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, 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.
- 8 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 9 The London Fire Brigade strongly recommends that sprinklers are considered for new developments. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to money, same property and protect the lives of occupiers.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Shakespeare Road within the Mill Hill Ward. The site is currently comprised by three terraced dwellings (described as three bedroom units).

The site is not within a Conservation Area although the Mill Hill Conservation Area is located to the rear, and there is a statutory listed building to the northwest. There are no protected trees on the site although there are TPOs and Green Belt land on the adjacent site at the rear (the former St Joseph's College site).

The dwellings at present only benefit from one off-street parking (at no.50).

The site is in a flood risk zone that has been classified as 1, which is defined as having a low probability for flooding.

2. Site History

No relevant planning history

3. Proposal

The applicant seeks planning permission for the demolition of 3no terraced dwelling houses and the erection of a two-storey building including rooms in roofspace and basement level to provide 9no self-contained flats with associated vehicle parking, cycle parking, and refuse storage.

The units would be comprised as follows:

- 6 x 2 bed (3 occupiers) flats (3 of which would be duplexes)
- 2 x 3 bed (5 occupiers) duplex flats
- 1 x 3 bed (6 occupiers) flat

The building would be sited at the same level as the existing terrace and would be of the same width. The building would have a maximum depth of at 16.9m (17.5m including front bay windows).

The proposed basement would be sited within the existing footprint of the proposed building, apart from the rear lightwells serving the duplexes and the additional rear ward projection which would result in the building maximum depth at basement level being 22m.

Along the boundary with no.56, the building would have a depth of 11.3m, and a further projection would be set 3.3m away from the boundary with the same dwelling and would have an addition projection of 5.6m.

The building would be set 1.85m at the front and 4.8m at the rear from the flank elevation of no. 56 Shakespeare Road, and 4.2m from the flank elevation of Shakespeare Court.

The eaves and ridge height of the proposed building would be lower than the existing building (this has been designed to provide level access). The design would reflect the front gables of the existing terrace. A side dormer is proposed to the side facing no.56, 2no

side dormers facing Shakespeare Court and two rear dormers. The dormers would be centrally located on the respective roofslope.

4. Public Consultation

Consultation letters were sent to 32 neighbouring properties.

11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Objection to the principle of flats/ Proposal would alter character
- Houses in high demand
- Insufficient parking provision
- Streets already congested in this area such that a CPZ will probably soon be required
- No reference to proposed density of the building
- Overpopulation on the road/ fewer units supported
- A comprehensive strategy of development rather than piecemeal private development would help
- Basement could be used for parking
- Two-tier cycle store at the rear is unsightly.
- Loss of light to neighbouring gardens
- Loss of greenery
- Felling of mature trees
- Boundary treatment is unclear; currently open fencing
- Loss of privacy to Shakespeare Court/ overlooking/ side windows can still overlook
- Loss of privacy to no.56/ overlooking/ side windows can still overlook
- Impact on light
- Although distance to no.56 comparable, it is a bigger building and deeper
- Too many windows on the side elevation
- Compromise views towards the rear including the siting of the bike shed.
- Great impact on the village feel of Poets Corner which largely comprises privately owned housing, particularly if it sets a precedent for demolition and construction of other sites.
- Community threatened by overdevelopment
- Impact on wildlife
- Site is located within Green Belt and development is not permitted within the GB
- Should only be considered if for affordable housing
- Noise and disturbance
- Loss of views to Green Belt
- Parking survey taken during the summer when roads are quieter.

The Mill Preservation Society provided the following grounds for objection:

- Loss of family units
- Impact on streetscene/ appears overbearing
- Over dense
- Poor sub-standard living accommodation/ cramped accommodation
- Strange choices including the gym and studies at basement
- Impact of the basement on the water table and impact of subterranean construction has not been investigated
- Limited garden areas for occupiers
- Design would detract from Conservation Area
- Unsightly bins at front.

The Council's Highways team, Tree Consultant and Street Tree officers were consulted. Their comments are detailed in the relevant sections below.

Comments have also been received from the Fire Brigade advising that the proposal do not show compliance with Part B5 of the Building Regulations and therefore they are not satisfied with the fire fighting access; this however is dealt with as part of a separate legislation and therefore cannot be grounds for refusal.

A site notice was erected on the 17th August 2017.

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 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, CS4, CS5 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08 and DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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:

- 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.
- Whether adequate amenity would be provided for future occupiers
- Impact on Highways
- Impact on Trees
- Sustainability and Accessibility

5.3 Assessment of proposals

Principle of development and Density

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

With regards to the demolition of the existing buildings, the buildings are not statutory or locally listed, nor do they have any other level of protection. Therefore there is no in principle objection to the demolition of the buildings.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

Policy DM01 states that the loss of single family dwellings in roads characterised by houses will not normally be appropriate. This is because the loss of houses would change the character of the area. The policy states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate' and it is considered that the principle behind this policy is also relevant to the current enquiry.

The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan. This sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character

helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(i) states that:

"Loss of houses in roads characterised by houses will not normally be appropriate."

There are several examples of a flatted development (both purpose built and converted properties) on Shakespeare Road including:

- Shakespeare Court, containing 6 flats, is a purpose built block of flats which adjoins the site to the west;
- Torrington Court, containing 6 flats, is a purpose built block of flats;
- 2 Shakespeare Road granted permission for the conversion in 1980 under reference W06580;
- 27 Shakespeare Road granted permission for the continued use as two flats in 1985 under reference W07682;
- 33 Shakespeare Road, which Council tax records indicate the use as two flats;
- 35 Shakespeare Road, which Council tax records indicate the use as two flats;
- 37 Shakespeare Road, which Council tax records indicate the use as two flats;
- 56 Shakespeare Road, which Council tax records indicate the use as two flats;
- 58 Shakespeare Road, which Council tax records indicate the use as two flats.

The road is considered to be of a mix nature with flatted development on the neighbouring sites and elsewhere on the road. The principle of flatted development is therefore considered to be acceptable; the road is characterised by a mixture of conversions and single family dwellinghouses.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has a PTAL of 1a/1b which is considered to be low accessibility, and is considered to fall within a suburban setting as defined in the London Plan. The development should seek to ensure that a suitable density is provided which is compliant with the suburban setting and that the unit mix is appropriate. The proposal has been calculated as having 32 habitable rooms and has an estimated size of 0.07ha. Based on this, the density would equate to 128.57 units per hectare (457.14 habitable room per ha) which exceeds with the London Plan density matrix which stipulate a range of 35-75 units per hectare, although the habitable rooms would exceed the range of 150-200 habitable rooms per hectare.

It must be noted that density however is not the only indicator on whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following section.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and 3 bedrooms as medium priority. The existing buildings currently accommodate 3 bedroom houses; however the proposal would include a re-provision of 3 x 3 bedroom units. The smaller units proposed would have associated benefits by adding to the housing stock. The scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable in principle.

Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries.

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. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The proposed building would be comparable to the existing buildings in terms of its building line and distance from neighbouring buildings. The building as proposed would reflect the gable projecting bays of the existing building on the Shakespeare Road façade. The building would have a slightly lower ridge height than the existing (0.4m) and lower eaves height (0.8m). It is considered that from the streetscene, the proposed building would include that general design approach of the existing buildings and its impact would be limited. Whilst it is accepted that the multiple entrances would be removed, the overall bulk and massing at the front would be in accordance with the established appearance of the streetscene.

At the rear, the building would project further into the garden, however consideration has been given to the siting of buildings. The depth of the building would be comparable to the depth of no.56 and the projection beyond Shakespeare Court is not uncharacteristic.

The dormers are centrally located and are subordinate to the relative roof slope, in accordance with the Residential Design Guidance SPD .

The site backs on to the Mill Hill Conservation Area, however due to the trees at the rear and the distance, it is not considered that the building as proposed would have a detrimental impact on the character of the conservation area.

In conclusion, it is considered that the building would have an acceptable impact on the character of this section of Shakespeare Road.

Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (such as Policy DM01 of the Barnet Local Plan and Policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The building would maintain a similar gap between neighbouring properties at the front and it must be reiterated that the building would be at least 0.4m lower.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

With regards to the impact on no.56, there are 5 windows and a door on the flank elevation serving the residential units. The windows at the front serve bedrooms, however given the existing siting of the building it is not considered that there would be a greater impact on the flank windows of this property sited at the front, compared to the existing circumstances. The proposed building would project an additional 1.8m from the recessed rear wing of no.56. Whilst it is acknowledged that there are flank windows towards the rear of no.56 which would front the flank elevation of the development, it is noted that the proposed rearward projection is set 4.8m from the flank elevation of no.56. The siting of the building is such that although it would be visible from the habitable windows of the no.56, suitable outlook and light would still be provided to these windows. It is accepted that there would be some impact however the depth of the building, the distance from the boundary are such that angled views towards the rear would still be provided to the occupiers of no.56.

At the other boundary, the building would project beyond the rear elevation of Shakespeare Court, however this would be offset from the boundary and due to the siting of Shakespeare Court it is not considered that the building would have an overbearing impact on the occupiers of this property. There are windows to the side elevation of Shakespeare Court however these are either obscured glazed or appear to be secondary windows. It is therefore not considered that the building would result in loss of light, unacceptable loss of outlook or appear overbearing on these occupiers.

There would be additional windows to both flank elevations of the proposed building, however these are secondary windows or serve non-habitable rooms and as such have been recommended

The buildings at the rear are a sufficient distance for the amenities of the occupiers not be affected by the proposed development.

On balance it is considered that the building as proposed would have an acceptable impact on the amenities of neighbouring occupiers.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards, as set out in the London Plan, are as follows:

- Single storey 2 bed unit for 3 occupiers is 61 sqm;
- Two storey 2 bed unit for 3 occupiers is 70 sqm;
- Two storey 3 bed unit for 5 occupiers is 93 sqm;
- Single storey 3 bed unit for 6 occupiers is 95 sqm.

The proposed units would offer the following floor areas:

- Flat 1 is a 2 bed duplex unit (3p) providing a floor area of 119.1 sqm;
- Flat 2 is a 2 bed duplex unit (3p) providing a floor area of 119.1 sqm;
- Flat 3 is a 3 bed duplex unit (5p) providing a floor area of 120.5 sqm;
- Flat 4 is a 3 bed duplex unit (5p) providing a floor area of 124.8 sqm;
- Flat 5 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 6 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 7 is a 2 bed unit (3p) providing a floor area of 61.6 sqm;
- Flat 8 is a 2 bed duplex unit (3p) providing a floor area of 74.8 sqm;
- Flat 9 is a 3 bed unit (6p) providing a floor area of 108.5 sqm.

The proposed flats would meet and exceed the minimum space standards and this is acceptable.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from good outlook, with some rooms benefitting from dual aspect windows (although these would be conditioned to be obscured glazed to prevent overlooking). With regards to the duplex units at the rear, whilst it is accepted that the bedrooms located at lower ground floor face excavated lightwells, thus limiting the outlook, the scheme includes a stepped retaining wall to improve the outlook and the units also benefit outlook at ground level. Units 1 and 2 would have non-habitable accommodation including a study and gym at lower ground floor level; the layout would be conditioned to ensure that the habitable accommodation is not located at this level. For all the duplexes it is considered that for the aforementioned reasons suitable outlook would be provided. The living room for unit 8 would be located centrally at ground floor between the Units 3 and 4 with upper accommodation at first floor and with outlook on to a private amenity area at ground level. Finally, some habitable rooms for Unit 9 would be served by side dormers; this is nonetheless considered to provide sufficient outlook, albeit mainly towards neighbouring roofs.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For flats, options include provision communally around buildings or on roofs or as balconies; the SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. In the case of the proposal, the scheme would provide the amenity space through private balconies and communal amenity space in the rear garden. Given that the development would have 32 habitable rooms, 160sqm would need to be provided. Private amenity areas would be provided to Units 3 (41sqm), 8 (20sqm) and 4 (7sqm). The combined outdoor amenity provision is 187sqm including 119sqm communal garden.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Sufficient refuse and recycling facilities would be provided for future occupiers based on the size and number of units. Further details of the appearance of the refuse stores would be secured through a recommended condition.

The proposal is considered to provide good quality units for future occupiers with suitable amenity provision, and is acceptable in this regard.

Trees

The applicant has submitted an Arboricultural Impact Assessment, which has been reviewed by the Council's Tree Consultant.

As detailed in Policy DM01, the Council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

As noted above none of the trees are protected by a Tree Preservation Order within the site itself; although it is acknowledged that there are protected trees on the adjacent rear site.

The application site has a trees growing in the rear garden that are partially visible from the road and a third party street tree at the front of the property.

The proposal requires the removal of three trees, two of which are of a low quality. The most significant of these trees is the category B T9 (a Mountain Ash) however none of these trees are visible from the public highway, and therefore there is limited amenity value.

The street tree is potentially at risk from construction activities, deliveries and general construction vehicle movements, a proposed crossover to the left of tree and a new bin & cycle store.

However mitigation of these impacts has been addressed within the arboricultural method statement and tree protection plan.

The Tree Consultant and Council's Street Tree officers both confirmed that subject to the recommendations within the submitted report being implemented and a suitable landscaping scheme, the impact to trees including the street tree would be acceptable.

Highways

The Council's Highways department were formally consulted on the scheme and have reviewed the accompanying information.

The site has a PTAL 1a/1b which is classed as poor accessibility. The existing three dwellings only benefit from one off-street parking space.

The proposal would provide 4no off-street parking spaces at the front of the site. Pedestrian footways are provided at the front of the proposed property to the main entrance and rear cycle parking and bin storage (accessed through the site adjacent to Shakespeare Court).

Adopted Policy DM17 states that a maximum of 1-1.5 car parks should be provided for 2-3 bedroom flats. Given the proposed mix of 3 x 3 bedroom and 6 x 2 bedroom flats, the public transport accessibility level and the existing parking provision, the overall demand for the new development was agreed to be 12 car parks. The existing 3 x 3 bedroom terrace houses (proposed to be demolished) have a total parking demand of 5 spaces, and only one space provided; therefore, the existing demand from the site for on-street parking is 4.

A parking survey has been submitted that was carried out on 10th and 12th August 2017 7am-7pm.

The parking stress survey was undertaken during the school holidays, to mitigate any potential effects from the survey being undertaken during the school holidays the survey results were increased by a factor when reviewed by Highways officers so that it is comparable to a term time survey. The factor that was applied was 30% increase applied to the number of spaces occupied for every beat of the parking stress survey. This factor is based on existing data which is used to estimate the decrease in traffic flows during the school holidays.

The parking survey (including this factor) indicates there are a sufficient number of spaces available throughout the day and evening. The parking levels would need to increase by a further 60% overnight for there to be severe parking stress. It is not envisaged that there would be any issues with parked vehicles on street and there is adequate space to accommodate any likely overspill on the public highway.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 18 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings).

The proposed scheme would provide 18 cycle spaces in a cycle store at the rear of the site, which is in accordance with the London Plan.

Subject to the recommended conditions and informatives, the proposal is considered acceptable on Highways grounds.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over 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 to ensure compliance with the Policy

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).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet (index linked).

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index linked).

The proposal with a proposed internal floorspace of 961sqm (673sqm would be the net gain, however 385 sqm of chargeable area including the deduction of the demolition of the existing building with an area of 288sqm), would be liable for £64,272.66 of Barnet's CIL and £13,475.00 of Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the comments raised of neighbours consulted have generally been addressed in the assessment above. The following responses are provided to other comments:

"Impact on wildlife" - Given that the development is for the demolition of existing buildings and the rear of the site is residential garden it is not considered that the proposal would have a detrimental impact on local wildlife. The site is not within an area identified as an

area of importance for Nature Conservation and none of the trees are protected by way of a TPO.

"Site is located within Green Belt and development is not permitted within the GB" - The site is not located within the Green Belt although the land adjacent at the rear is.

"Should only be considered if for affordable housing"- Due to the scale of development, there is not a statutory requirement to provide affordable housing.

"Impact of the basement on the water table and impact of subterranean construction has not been investigated"- The structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations. The site is not within an area identified as having a moderate or high probability of flooding (it is located within Flood Zone 1 which is low). Therefore this reason for objection is not considered to be justified to warrant refusal alone.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

