

Location **Whitewalls Totteridge Green London N20 8PE**

Reference: **17/5718/S73**

Received: 6th September 2017

Accepted: 11th September 2017

Ward: Totteridge

Expiry 6th November 2017

Applicant: Mrs w MATSUZAKI

Proposal: Variation of condition 1 (Plans Numbers) pursuant to planning permission 17/2982/FUL dated 28/07/2017 for `Demolition of single detached house and erection of 2no detached dwellings. Associated landscaping, hardstanding and refuse storage.` Variations to include reduction of building footprint

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:

1529.P.OS

1529.P.01

1529.P.02

1529.P.03

1529.P.04 E (Overlay site plan)

1529.P.05 D (Proposed plans and overlay plans)

1529.P.06 D (Proposed elevations)

1529.P.07 B (Proposed and existing block plans)

1529.P.08 C

1529.P.10 A (Proposed context plan)

Tree Protection Plan

Arboricultural Impact Assessment

Demolition and Construction Method Statement and Dust Control Measures

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 development shall be implemented in accordance with the levels as approved under planning reference 17/5749/CON, dated 08/01/2018, 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.

- 4 The development shall be implemented in accordance with the materials as approved under planning reference 17/5749/CON, dated 08/01/2018.

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.

- 5 The development shall be implemented in full accordance with the architectural details as approved under planning reference 17/5749/CON, dated 08/01/2018 prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and conservation area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 6 Before the buildings hereby permitted are first occupied the first floor windows in the side elevations shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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

- 7 The development shall be implemented in accordance with Demolition and Construction Management and Logistics Plan, including the dust method statement, as approved under planning reference 17/5749/CON, dated 08/01/2018.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of

highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 8 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.

- 9 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 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Polices document (2012).

- 10 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 10% 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 Polices document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

- 11 The development shall be implemented in accordance with the refuse and recycling details as approved under planning reference 17/5749/CON, dated 08/01/2018, 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).

- 12 The development shall be implemented in accordance with means of enclosure as approved under planning reference 17/5749/CON, dated 08/01/2018 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).

- 13 Before development hereby permitted is occupied parking spaces shall be maintained/ provided within the site in accordance with drawing no. 1529.P.04 D and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the proposed 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.

- 14 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 15 a) The development shall be implemented in accordance with the tree protection plan and method statement as approved under planning reference 17/5749/CON, dated 08/01/2018.

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

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

16 a) The development shall be implemented in accordance with the scheme of hard and soft landscaping as approved under planning reference 17/5749/CON, dated 08/01/2018.

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

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

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

Informative(s):

1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. 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.

Officer's Assessment

1. Site Description

The application site is a detached property located on Totteridge Green, within Character Area 2 of the designated Totteridge Conservation Area.

It is also sited within an Area of Special Archaeological Interest.

The application property is not a statutory listed or locally listed building.

2. Site History

Reference: 17/2982/FUL

Address: Whitewalls, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 28 July 2017

Description: Demolition of single detached house and erection of 2no detached dwellings. Associated landscaping, hardstanding and refuse storage

Reference: 17/5749/CON

Address: Whitewalls, Totteridge Green, London, N20 8PE

Decision: Approved

Decision Date: 08/01/2018

Description: Submission of details of conditions 3 (Levels); 4 (Materials); 5 (Architectural detailing); 7 (Demolition and Construction Management and Logistics Plan); 11 (Refuse/Recycling); 12 (Enclosure); 15 (Tree Protection Plan); and 16 (Landscaping) pursuant to planning permission 17/2982/FUL dated 28/07/17

3. Proposal

The applicant seeks to vary the plans approved under Condition 1 pursuant to planning permission 17/2982/FUL dated 28/07/2017 for 'Demolition of single detached house and erection of 2no detached dwellings. Associated landscaping, hardstanding and refuse storage.'

The variations include the reduction of the approved footprint of the building, with the removal of the 'morning room' at ground floor.

The agent stated in an email dated 30 November 2017 that reducing the footprint of both dwellings was in order to reduce build cost.

All other details remain the same as the scheme previously approved under application reference 17/2982/FUL, dated 28/07/2017.

4. Public Consultation

A site notice was erected 12 October 2017.

A press notice was published 10 October 2017.

Consultation letters were sent to 19 neighbouring properties.

62 responses have been received, comprising 62 letters of objection.

Most objections were received from parents of the adjacent school (St Andrews CE Primary School). Objections raised various concerns including:

- Pollution, dust and noise and the health implications and study of the children
- Foundations of the walls of the playground and building work next to the temporary fencing - the school doesn't have secure fencing
- Traffic and safe access to the school, particularly across the Green where most children walk to school
- Security of children and parents with the amount of people and traffic
- Risk of debris on safety of children
- Disabled persons impact could be inhibited
- Contractors and construction/demolition workers overlooking a playground. Will not be DBS checked and risk safety of children
- Prevent children's play time/space
- Queries whether the current brick wall will be retained
- Suggested conditions including permitting construction only during school holiday periods or after 4pm on weekdays
- The finished dwelling would overlook where children play
- Concern for nature conservation, wildlife and trees
- Loss of light and overshadowing
- Impact on character and appearance of the designated conservation area

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.

Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM17

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.

Totteridge Conservation Area Character Appraisal

5.2 Assessment of proposals

Chipping Barnet Area Planning Committee granted approval for the 'Demolition of single detached house and erection of 2no detached dwellings. Associated landscaping, hardstanding and refuse storage' at the site under application reference 17/2982/FUL. The decision was dated 28/07/2017.

The applicant seeks to modify this scheme and therefore has made an application under section 73 of the Town and Country Act 1990, also known as a minor material amendment.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

The Government's Planning Practice Guidance states that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Under this application, the applicant seeks to reduce the footprint of the two approved dwellings by removing the 'morning room' at ground floor. This is considered a minor material amendment.

For this reason the amendment is considered acceptable in planning terms. With a reduction in footprint there would be no harm to neighbouring amenity, character and appearance of the conservation area, trees, archaeology or highways, subject to the relevant conditions attached to an approval.

It is considered the dwellings would continue to provide good living conditions and amenity for future occupiers.

5.3 Response to Public Consultation

There has been a significant level of objection from parents of pupils attending the adjacent St Andrews C of E School (to the north of Whitewalls).

The principle of redevelopment of the site into two dwellings has been confirmed acceptable under the previously approved application 17/2982/FUL, dated 28/07/2017. That original permission remains intact and unamended. This application is a minor material amendment to the approved scheme.

- Pollution, dust and noise and the health implications and study of the children

Concurrent to this minor material amendment, the applicant has sought approval of the details of certain conditions of the original permission. This is under application reference number 17/5749/CON, dated 08/01/2018. This includes the submission of a Demolition and Construction Management (DCM) and Logistics Plan and Dust Method Statement.

In regards to dust and pollution, an Environmental Health officer has assessed the information provided and confirms that the contractor's plans are using best practical means to control dust.

To reassure residents and parents, the Officer advises that the most important dust to control is fine dust which gets into the lungs and this is removed through the asbestos survey and removal prior to demolition. The Local Authority have been advised that a survey to remove asbestos will be completed prior to demolition.

In addition, protective hoarding will wrap around the site on three sides including where interfacing with the public. All debris will be contained within the site. The method statement also advises that roads will be regularly brushed and water sprayed; all vehicles carrying soil and other dusty materials to be fully sheeted; and site speed limits will be enforced.

Understandably residents have concerns about demolition close to schools but Environmental Health have experience of ensuring dust control by contractors is satisfactory and if residents or parents are concerned when works start they can contact the Environmental Health department to check best practical means is occurring as proposed if there is excessive coarse dust.

In regards to noise, normal working hours set by the local authority will be applied (Monday-Friday: 8.00am-6.00pm, Saturdays: 8.00am-1.00pm, Sundays and Bank/Public Holidays are not permitted). This is standard practice. Where work needs to occur beyond the agreed "normal" working hours, consultation and agreement will be sought from the local Authorities in advance of such an event. This has been deemed acceptable by the Council's Environmental Health Officers.

- Traffic and safe access to the school, particularly across the Green where most children walk to school; security of children and parents with the amount of people and traffic

The road where the development is taking place is private highway. The council only has power to mitigate the impact on public highway.

With regards to the safety of pedestrians and pupils at the neighbouring school, the Demolition and Construction Method Statement (DCMS) states that for Delivery vehicles, there will be a delivery rota system, whereby deliveries must be pre-booked at least 24 hours in advance to avoid the areas peak travel hours. This system will avoid any construction vehicles operating within the period where school traffic (vehicular and pedestrian) is circulating.

In addition to this the DCMS states that there will be no on-street loading or unloading and off-site holding areas will not be required. This means that there will be no construction vehicles parked on the road that could potentially lead to congestion and potential danger to pedestrians. Construction vehicles entering the site will be supervised by a trained banksman who will monitor and ensure that pedestrians are adequately protected. The DCMS is therefore acceptable on highway grounds.

- Risk of debris on safety of children

The DCMS submitted under application reference number 17/5749/CON, dated 08/01/2018, states that during demolition, all debris will be contained within the site. Protective hoarding will wrap around the site on three sides including where interfacing with the public.

- Foundations of the walls of the playground and building work next to the temporary fencing - the school doesn't have secure fencing

Officers note that the school does not have any formal enclosure along its boundary facing the Green (as of December 2017). However, this is not a matter that could or should be secured under this application. Furthermore, Environmental Health and Highways Officers are satisfied with the methods set out in the Demolition and Construction Management (DCM) and Logistics Plan.

- Disabled persons impact could be inhibited

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.

- Contractors and construction/demolition workers overlooking a playground. Will not be DBS checked and risk safety of children

Disclosure and Barring Service (DBS) is a separate executive public body and checks are dealt with under other legislation. All matters regarding DBS are not a planning matter and would not be considered a reason for refusal.

- Prevent children's play time/space

Officers see no reason why construction works would prevent or reduce children's play time or space. All construction works are confined within the boundary of the application site.

- Queries whether the current brick wall will be retained

In regards to queries whether the current brick wall will be retained, a close boarded timber fence would enclose the site along the boundary adjacent to the school.

- Suggested conditions including permitting construction only during school holiday periods or after 4pm on weekdays

It is considered that the suggested conditions to permit construction working hours only during school holiday periods or after 4pm on weekdays would not meet the 6 tests set out in Paragraph 206 of the National Planning Policy Framework (2012). This is because working hours for construction sites are set out in other legislation.

- The finished dwelling would overlook where children play

A condition was attached to the original permission to ensure the first floor flank windows of both dwellings will be obscurely glazed. This condition would remain in any application approved under section 73 of the TCPA. Therefore no overlooking of the playground from the dwellings would occur.

- Concern for nature conservation, wildlife and trees

The original permission was deemed satisfactory in regards to impact on trees, subject to conditions. The case remains the same in this instance. As previously developed land, Officers have no evidence before them to believe that the development would detrimentally impact wildlife or nature conservation to an unacceptable level.

- Loss of light and overshadowing

It is not considered that any overshadowing of the playground would be to such an extent or level to justify a refusal in this instance.

- Impact on character and appearance of the designated conservation area

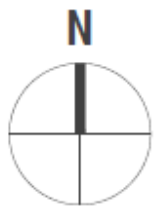
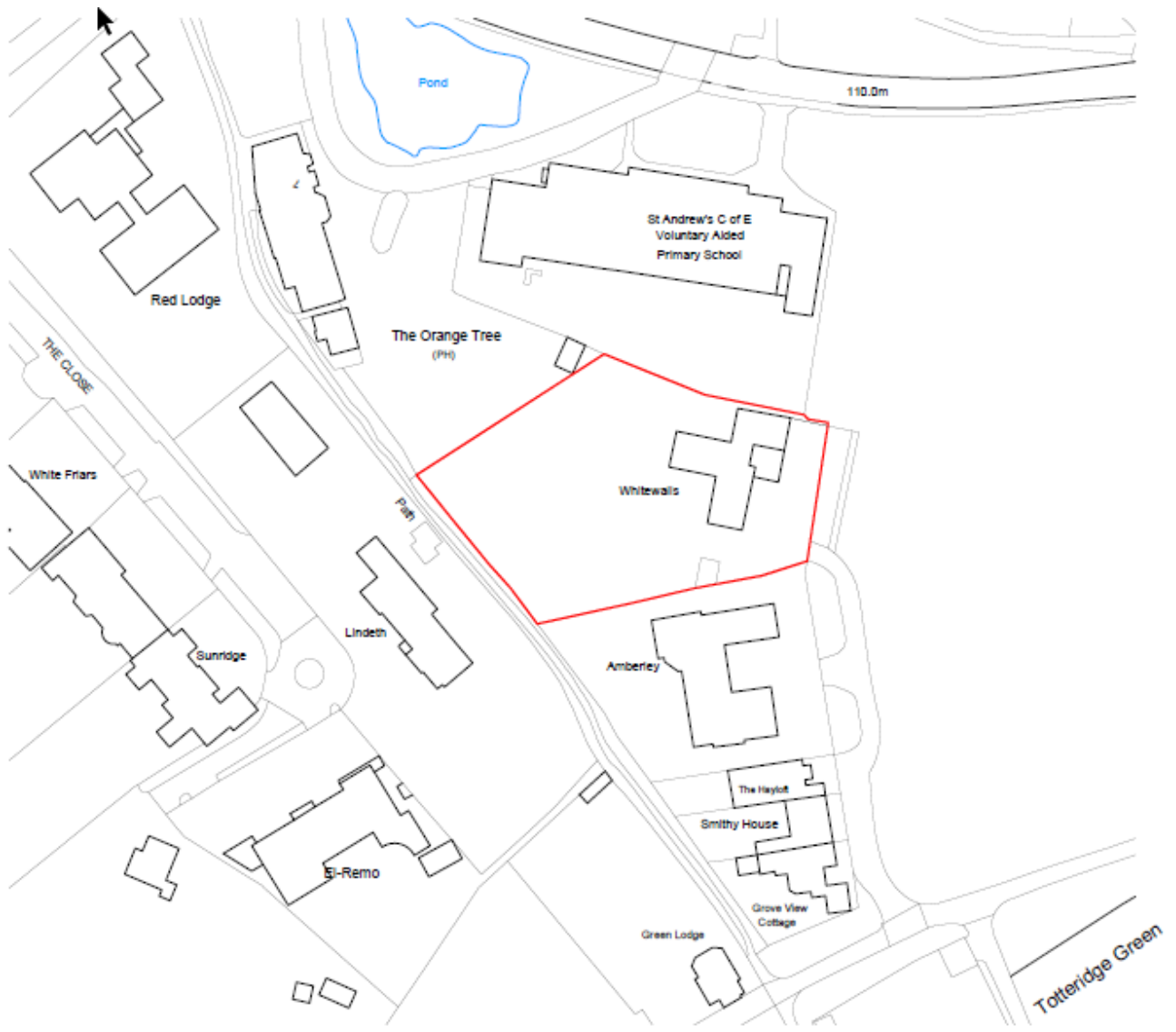
The original permission was deemed acceptable in regards to its impact on the character and appearance of the conservation area, subject to conditions. The case remains the same in this instance.

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.



Scale 1:1250

