

Location **72 Hendon Lane London N3 1SL**

Reference: **18/0220/FUL** Received: 11th January 2018
Accepted: 1st February 2018

Ward: Finchley Church End Expiry 29th March 2018

Applicant: Mr & Mrs Halperin

Proposal: Demolition of existing building and erection of three storey building to provide 7no self contained flats with associated parking, refuse and landscaping

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 her 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:

Site Location Plan; 3946/01(Proposed Site Plan), 3946/02(Proposed Ground Floor Plan), 3902/03 (Proposed Floor Plans and Elevations), 3946/04 (Proposed First Floor Plan), 3946/05 (Proposed Third Floor Plan), 3946/06 (Proposed Elevations), 3946/10 (Proposed Street Elevation), Site Location Plan, Design & Access Statement.

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 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.

4 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.

5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 8 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.

- 9 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011

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

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

- 11 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

- 12 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 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 April 2013).

- 14 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.3 of the London Plan 2011.

- 15 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a scheme drawing No. 3946/01 submitted with the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 Policies CS9 and DM17 of the London Borough of Barnet Local Plan 2012

- 16 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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 Policy 5.21 of the London Plan (2016).

- 17 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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.

- 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 London Plan (2015).

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

- 20 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) and policies 5.2 and 5.3 of the London Plan (2015).

- 21 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards. That area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 22 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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.

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. 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 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 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 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 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

- 5 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 6 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the

provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The application site is located on the north-west side of Hendon Lane, between St Marys Avenue and Cyprus Avenue in the Finchley Church End ward. The site adjoins Golda Court (formerly 70 Hendon Lane) a three storey development comprising of six flats.

The existing host building is a detached, two-storey residential dwelling house. The site holds no specific designation and is not located within a Conservation Area

2. Site History

Reference 15/06645/FUL

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 15 December 2015

Description: Demolition of existing building and erection of three storey building to provide 7no self contained flats with associated parking, refuse and landscaping.

Reference: F/00635/13

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 3 April 2013

Description: Extension to the time limit for implementing planning permission F/02922/10 granted 28/09/2010, for 'Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking'.

Reference: F/02922/10

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 28 September 2010

Description: Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking.

Reference: C00806L/07

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 19 November 2007

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking. (OUTLINE)

Reference: C00806K/04

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 7 February 2005

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking. (OUTLINE)

Reference: C00806H/01

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 26 November 2001

Description: Three storey block of six flats with eight car parking space. (Renewal of Planning Permission Ref. C00806F dated 26.8.1997).

Reference: C00806J/04

Address: 72 Hendon Lane, London, N3 1SL

Decision: Refused

Decision Date: 9 September 2004

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 8no. self-contained flats with associated provision of off-street parking. (OUTLINE)

3. Proposal

This application seeks consent for the demolition of existing building and erection of three storey building to provide 7no self-contained flats with associated parking, refuse and landscaping.

This application follows planning permission reference: 15/06645/FUL which was for the demolition of existing building and erection of three storey building to provide 7no self-contained flats with associated parking, refuse and landscaping. Permission was also granted on 28th September 2010 for the "Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking". A further application for an extension to the time limit was approved in 2013 under reference F/00635/13. The current application shows the same proposals as these earlier approved applications.

Prior to this, a number of previous applications for outline planning permissions have been granted for the demolition of the existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking.

The proposed scheme consists of 2 x 1 bedroom, 4x2 beds and 1 x 3 bedroom flats arranged in a single building of 3-storeys with rooms in the roofspace, together with on-site car parking 2 spaces at the front and 5 spaces through an undercroft at the side of the house. The ground floor would comprise of 1 x 1 bed/ 1 person and 1 x 3 bed/ 6persons flats measuring 45sqm (Flat1) and 114sqm (Flat 2) respectively.

First floor and second floor - each floor would comprise of 2 x 2 bed/ 4persons flats; the dimensions of the units are 90sqm (flat 3 and 5) and 91sqm (flat 4 and 6).

Third floor 1 x 1 bed/ 2persons flat (Flat 7) measuring 70sqm and a roof terrace .

The proposed development would have four dormers, one on each of the side elevation and two on the rear elevation with four rooflights.

A lift serving all floors would be provided as part of the development.

The bin enclosure store would be located at the front of the property close to the adjoining property at No.70.

Two parking spaces will be located at the front including a bay for people with disabilities and five parking bays to the rear. The parking bays will be accessed via an undercroft adjacent to No 70 Hendon Lane.

The proposed development would have balconies to the front and rear on the first and second floors respectively.

A communal amenity space measuring 126sqm would be provided for future occupiers.

The design of the building would be contemporary with one main gable end to the front and two gables to the rear. The proposed height would be approx. 8m to the eaves and 11m to the ridge. The width of the proposed development is approx. 14.9m.

The property has a staggered front and rear building line. The front building line would be the same as No 70 on the right hand side but would stagger back to respect the setting of No 74. This is repeated on the rear wall where similar relationships are evident. The depth of the side flank wall facing No 74 is approx. 16.5m and the side flank wall facing No 70 is approx. 15.5m. The maximum depth of the building would be approx. 19m .

The proposed development would be set back from No 74 by approx. 2.7m at the front and 2.9m at the rear. The separation distance between the proposed development and No 70 would be 2.7m.

The site is undulating, it slopes upwards towards No 70 and also from the front to the rear of the site itself.

4. Public Consultation

Consultation letters were sent to 170 neighbouring properties.

7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Existing property in character with the area
- Insufficient parking provision
- Impact on traffic
- Poor visibility on the road next to the site
- Impact of parking on neighbouring properties
- Noise and disturbance
- Loss of light
- Loss of view
- Property value
- Poor quality design
- Loss of privacy
- Drainage
- Damage to public pavement

Consultee Comments:

London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals for brigade access only; subject to advice to install sprinklers and the requirement of Building regs.

Highways: Recommend approval subject to conditions and informatives

A site notice was erected on 08/02/2018.

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.

The London Plan is currently under review. 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 adopted 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.

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.

5.3 Assessment of proposals

The acceptability of the proposal and the impact of the proposals on adjoining properties were considered in full when the original application was considered and approved in 2010 and 2015 respectively. The current planning permission (15/06645/FUL) for the site is extant and would expire on 14 December 2018. This current application shows the same scheme as these approved applications from 2010 to 2015.

It is noted that the immediate surroundings are characterised by purpose-built flats and houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy CS3. The current application is for two 1-bed flats, four 2-beds flats, and one 3-bed flat. Surrounding sites have or are being re-developed for higher densities. The design and built form in relation to the size of the plot on previous applications was not considered to be a result for refusal considering surrounding sites for similar schemes.

Impact on the character of the area

The proposed footprint would respect the character and pattern of buildings in this part of Hendon Lane and allow for sufficient gaps in between the site and surrounding buildings.

The proposed front building line aligns with the previously consented scheme. The front building line would align with No 70 to the right and staggers back to respect the setting to No 74. The same relationships would exist at the rear of the building. The footprint of the proposed development is the same as previously approved, which is considered to relate well to surrounding development. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

The proposed design replicates elements from the neighbouring properties and as such would respect the general proportions of the surrounding urban fabric.

Seven parking spaces are proposed, of which five will be accessed through an undercroft accessed along the boundary by no. 70.

Four dormers are proposed to the side and rear of the development including four rooflights. These would be in keeping with the character of the area.

The design of the proposed building is contemporary with front and rear gables with rooms in the roof space and balconies to the front and rear. The materials proposed will be a

combination of brick and render, with tiles for the roof. This part of the Hendon Lane consists of a mixture of single-family dwellings and purpose-built blocks of flats. Most dwellings are no more than 2-storeys, however the blocks of flats are generally three stories in height. The proposed design, scale, bulk and height will be in keeping with the character of the immediate area which has various roof forms and building design.

Impact on the amenities of Existing & Future Occupiers

All units would provide adequate internal space and therefore comply with policies CS5, DM01 and DM02. The stacking of flats/rooms is generally acceptable.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a communal garden to the rear and additional private space in the form of balconies and terraces which is in line with policy. The communal garden would provide an acceptable quality of outdoor amenity space. Details of landscaping are required by condition.

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

It is noted that the existing residential units have access to a communal amenity space. The amenity space requirement is 135sqm (27 habitable x 5sqm). The rear garden measuring 126sqm would be communal. In addition, the proposed development would include private balconies and terraces. The 1st and second floors balconies would equate to 18sqm and the third floor flat terrace would be 15sqm. The total provision would equate to 159sqm. It is considered that the proposed development would provide a satisfactory level of amenity for future occupiers.

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. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the proposed building. This is considered to be acceptable.

The proposed intensification of use from a single dwelling to seven is not expected to result in a detrimental loss of amenity for occupiers of this part of Hendon Lane or future occupiers of the adjacent flatted development.

Impact on the amenities of Neighbours

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 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.

The proposal like the previous approval would have a minimal impact on the residential amenity of neighbouring occupiers.

The proposal has been designed to reduce the impact of the proposal at the rear by setting away from the neighbouring buildings to achieve a significant gap between 74 Hendon Lane and the proposed building (minimum set back will be 2.7m) and between the proposed building and 70 Hendon Lane (minimum set back will be 2.7m).

The proposal would include windows and balconies to the front and rear; windows to the north east and south- west elevations. The windows would not give rise to overlooking or loss of privacy due to the relationship with the adjoining properties. The windows serving Nos 70 and 74 respectively serves non-habitable rooms. 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. In this instance, the distance from the rear building line to the rear boundary fence abutting the neighbouring garden of No 2 St Mary's Avenue is more than 20m.

In addition, the rear balconies would be recessed behind enclosing walls to prevent oblique views over the neighbouring sites and gardens.

It is not considered that the proposed development would result in overlooking and loss of privacy to any neighbouring occupier.

Impact on Highways

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 1 bedroom units- 0.0 to 1.0 parking spaces per unit

For 2/3 bedroom units - 1.5 to 1.0 parking spaces per unit

This equates to a range of parking provision of 5 to 9.5 parking spaces to meet the Barnet Local Plan Parking Standards contained in the Development Management Plan Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site.

The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility. The site has PTAL rating of 2 which is considered as a poor public transport accessibility.

7 parking spaces are proposed as part of the application, which is in accordance with the Parking Policy DM17.

Cycle parking space would be required in accordance with the minimum standards on the London Plan.

There are 2 vehicular accesses for the site. Proposal is to use one of the accesses for the vehicular access. Therefore, the redundant access will need to be reinstated at footway level at the applicant's expense and which require the applicant to enter into S278

Agreement of the Highways Act. The applicant is also advised that the maximum width of crossover allowed from public highway is 4.8m in accordance with the council's current policy. Therefore, it may be necessary to review the existing crossover proposed for reuse.

The proposed vehicular access within the site is 3m wide for approximately 12m of length. Passing places are proposed at either end of the narrow access to allow vehicles to wait until the access is clear to pass. This is acceptable on highway grounds.

A communal refuse store for the proposed development is located at ground level in the frontage within 10m of public highway which is acceptable on highway grounds.

Any works on highway if required necessary to facilitate the proposed development would need to be carried out at the applicant's expense under S278 of the Highways Act including relocation of the lamp column.

The proposal is acceptable on highway grounds subject to conditions and informatives

Impact on Trees

The Maple on left side of property is a protected tree (Tree Preservation Order TRE/FI/13/T32). Additional planting along the rear boundary is proposed. In order to safeguard trees on and adjacent to the site, a tree protection plan and method statement would be required prior to commencement. In addition to ensure adequate landscaping is providing, conditions requiring a detailed landscape plan for the front and rear gardens, that will add to the local visual tree amenity in the local area would be required to be submitted prior to commencement of the development.

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 would be attached in the event planning permission is granted 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 would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted] 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.

5.4 Response to Public Consultation

The concerns raised are noted. The principle of this development has already been established under the previous applications.

As detailed above, this application site has had outline consent for a scheme of redevelopment into flats since around 1997. The scheme proposed under this application has had consent on site since 2010, renewed in 2015 and the proposed development is considered to accord with current policy.

Most of the objections raised and the impact on adjoining properties has been fully assessed in the sections above. One of the objections relates to property values; this is not a matter for planning consideration and therefore cannot be taken into consideration in assessing the plans.

In view of the above, it is considered that the concerns raised are not sufficient to warrant refusal 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 supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings. The proposal is in accordance with the NPPF and Policies contained within the adopted Local Plan. It is recommended that the application be approved subject to the discharging of attached conditions.

It is therefore recommended that the application be APPROVED

