

**Location**                    **The Vicarage Deans Lane Edgware HA8 9NT**

**Reference:**                **18/1871/S73**                                Received: 23rd March 2018  
Accepted: 23rd March 2018

Ward:                        Hale    Expiry 18th May 2018

Applicant:                 Diocese of London

Proposal:                    Variation of conditions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15 and 16 of planning permission 16/7594/FUL- dated 12/05/2017 for 'Demolition of existing vicarage and garage buildings and redevelopment to provide a replacement vicarage plus 8no. additional two storey dwellinghouses with associated access, amenity space, hard and soft landscaping, refuse stores and cycle storage. Provision of 15no. off-street parking spaces.' Variation to allow phased development, separating the new vicarage from the other eight new dwellings

**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:

850/P/1011  
850/P/1010  
Landscape masterplan  
850/P/300  
850/P/1000  
850/P/010  
850/P/1101  
850/P/1012  
850/P/4001  
850/P/2100  
850/P/2101  
850/P/2102

850/P/3003  
850/P/4000  
850/P/1010  
850/P/0001  
850/P/1103 Phasing Plan  
Design and Access Statement Part 1  
Design and Access Statement Part 2  
Heritage Statement  
Transport Assessment  
Planning Statement  
Tree Survey  
Ecology appraisal

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 commenced within three years from the date of the extant planning permission (LB Barnet ref. 16/7594/FUL which was granted on 12 May 2017).

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development or site works shall take place until a 'Demolition and Construction Management and Logistics Plan' which includes details of how the two phases of the approved development would be constructed 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;
- xi. details of temporary enclosures or security hoardings;
- xii. confirmation that all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's SPD "Control of dust and emissions during construction and demolition" JULY 2014 or subsequent guidance. The developer shall keep an up to date list of all NRMM used on the online register at <https://nrmm.london>.

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).

- 4 a) Other than demolition works, no development shall take place for the relevant phase until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas in that phase 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 and retained as such for the lifetime of the development.

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 either phase of the permitted development is occupied the refuse storage and collection arrangements shall be in place in accordance with the approved planning application.

Reason: In the interest of highway safety and the amenities of future occupiers of the development, 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.

- 6 a) A scheme of hard and soft landscaping for each phase, 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 that phase is commenced.

b) All work comprised in the approved scheme of landscaping for each phase shall be carried out before the end of the first planting and seeding season following occupation or completion of the of the relevant phase, whichever is sooner.

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.

- 7 Neither phase of the development shall be brought into use or first occupied until details of the means of enclosure, including boundary treatments, of that phase have been submitted to and approved in writing by the Local Planning Authority and approved details have been implemented. The approved means of enclosure, and boundary treatments shall be 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).

- 8 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).

- 9 Prior to the first occupation of either phase of the development, the dwelling or dwellings in that phase shall have been constructed to have 100% of the water supplied by the mains water infrastructure to be provided through individual water meters, and each new dwelling shall have 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. A fittings-based approach shall be used to determine the water consumption of the proposed development. The development shall be maintained as such for the lifetime of the development.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy 5.15 of the London Plan 2016 and the 2016 Mayors Housing SPG.

- 10 Prior to the first occupation of the relevant phase of the development, all dwellings in phase shall 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 for the lifetime of the development.

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.

- 11 Prior to the first occupation of the relevant phase of the development all dwellings in that phase shall have been constructed incorporating carbon dioxide emission reduction measures that achieve an improvement of not less than 20% 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 for the lifetime of the development.

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.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out within the area of each residential curtilage hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 Neither phase in the development shall be occupied until details of the vehicular access as indicated on Drawing No. 850/P/1000 for the proposed development has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented in full. The details shall include the reinstatement of the existing access.

Reason: To ensure that the access is satisfactory in terms of highway and pedestrian safety 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.

- 14 Prior to occupation the either phase of the development, secure cycle storage facilities shall be provided for that phase in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained for the lifetime of 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.

- 15 Prior to the occupation of the relevant phase of the development a Waiver of Liability and Indemnity Agreement signed by the developer for that Phase, which shall indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and 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.

- 16 Unless the development, including demolition works, have commenced by 28 October 2018, an additional wildlife survey of the site shall be carried out and a survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall update mitigation and biodiversity enhancement measures, with phases within the development clearly identified, and the development shall be implemented in accordance with the approved details.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 Prior to the commencement of development and unless alternative tree protection details have first been submitted to and approved in writing by the Local Planning Authority, the Tree Protection Plan in the approved Arboricultural Report Impact Assessment & Method Statement (Crown Consultants Arboricultural ref. 09545, dated 10 November 2016) shall be put in place, and maintained until the development has been completed. Any alternative details submitted under this condition shall reflect the proposed phasing of the development, including possible phasing of landscaping. No materials, soil or equipment shall be stored within the fenced / protected areas at any time.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2016.

#### **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 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](http://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.

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.

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](mailto: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](http://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](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](http://legislation.gov.uk)

Please

visit

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

- 3 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to carry out photographic survey of the public highway before commencing any development work in the vicinity of the development.

- 4 There is a bus stop in the close proximity of the existing site entrance which is likely to be affected by the proposed development. The applicant is advised that TfL Buses needs to be consulted to ensure that any impact on the bus operation is mitigated prior to commencement of development.
- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, 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.
- 6 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The site contains the vicarage for the John Keble Church (grade II listed) and is bound by the Baden Powell Centre and John Keble Church to the south west of the site. To the east and south are the rear gardens of residential properties on Sefton Avenue and Church Close respectively. The Vicarage is accessed via a crossover from Deans Lane to the north.

Deans Lane is defined by dwellings of varying density and design, ranging from purpose built flats, to semi-detached and terraced dwellings. Dwellings within Dean Lane largely follow the orientation of the street. Deans Lane also contains an eclectic mix of business units that include, A1/A2/A5/D1 and D2.

The site is not located within a Conservation Area and with the exception of the John Keble Church, there are no other protected features. The site is in Flood Zone 1, where there is a low probability of flooding.

### **2. Planning History**

16/7594/FUL - Demolition of existing vicarage and garage buildings and redevelopment to provide a replacement vicarage plus 8no. additional two storey dwellinghouses with associated access, amenity space, hard and soft landscaping, refuse stores and cycle storage. Provision of 15no. off-street parking spaces. Approved, 9 May 2017

### **3. Proposal**

The application seeks to amend conditions of the existing planning permission, which results from the above planning permission. As such, the application is not to determine the acceptability of the proposals in principle, and it is only the changes to the conditions as sought by the applicant which are for consideration. To provide a full background, the proposal as described in the report for the previous application is provided in this section of the report, followed by a summary of the changes to the conditions in the extant permission.

The existing vicarage building has reached the end of its useful life because of the poor standard of the original build quality. It requires significant on-going maintenance, and suffers from subsidence. As a result, the Diocese wishes to build a replacement vicarage to modern building standards. The 2017 planning permission provides for the construction of a new 4-bedroom Vicarage toward the southern end of the site. It will be located 1.5m from the western boundary, 8.1m from the eastern boundary and 7m from the southern boundary. The Vicarage as approved will measure 11m in width and 14.3m in depth.

The extant permission also provides for a terrace of (8) two storey units (1 x One bed, 2 x Two-bed, 5 x Three-bed), as follows:

- 1B/2P - 54sqm
- 2B/4P - 76sqm
- 2B/4P - 73sqm
- 3B/5P - 141sqm
- 3B/5P - 141sqm
- 3B/5P - 141sqm
- 3B/5P - 141sqm
- 3B/5P - 141sqm

The new terrace will be 62.3m in depth with a maximum width of 15.8m. It will be set in 16m from the northern boundary, 4m from the eastern boundary and 7m from the western boundary (all measured at the minimum separation points from the respective boundaries.) The 4m separation from the eastern boundary will be to a single storey structure, with the first floor level on this site set 10m in from the eastern boundary.

All of new units will have private rear gardens, which will be located adjacent to rear gardens of Sefton Avenue.

The site area is 0.3 ha and the current proposal would provide 46 habitable rooms. The proposed density would therefore be 161 habitable rooms and 30 dwellings per hectare.

Fifteen off-street parking spaces will be provided, located at the northern end of the site, in close proximity to Deans Lane, where the site will be accessed.

Two trees within the application site are subject to a Tree Protection Order. These form part of a wider group of trees extending beyond the application boundary which are protected. These trees are being retained, and proposals have been designed to prevent any damage to the trees or their roots during construction or use.

#### The amendments to conditions that are sought by the applicant

In order to be able to implement the application, the applicant seeks essentially to divide the site into two parts, with each of them to be developed as a separate phase. The two parts would be

- Phase A: The terrace of eight dwellings in the front and centre part of the site, and
- Phase B: The new Vicarage.

The intention of the application is to allow either phase in the development to be completed and occupied before the other is fully implemented (not necessarily in the order listed here). This is not possible under the terms of the conditions in the extant permission, as full implementation of most aspects controlled by conditions is required prior to the occupation of any part of the development. The matters covered by the following conditions all required the relevant matters to be implemented prior to the first occupation of the development:

- Condition 4 Details of the materials
- Condition 5 Refuse collection arrangements
- Condition 6 Hard and soft landscaping
- Condition 7 Boundary treatments
- Condition 9 Water meters and consumption
- Condition 10 Part M4(2) accessibility of units
- Condition 11 Carbon dioxide emissions
- Condition 13 Vehicular access and parking
- Condition 14 Cycle store
- Condition 15 Waiver of liability and indemnity
- Condition 16 Highway reinstatement and completion of the new access

Some but not all of these conditions also require further details to be submitted and approved prior to implementation, and this would not change in the conditions as amended.

It is understood that the key reason for the changes sought is that the development of the new Vicarage is intended to be self-funding, with the proceeds of the sale of the site for eight town houses financing the construction of a new Vicarage.

Changes are also sought to the following conditions:

Condition 1 Approved plans

Condition 2 Time frame for implementation

Condition 3 Demolition and Construction Management and Logistics Plan

A new drawing would be added to Condition 1, a phasing plan. Condition 2 would change as it is necessary for a section 73 application not to extend the timeframe for implementation beyond that in the original application, so the precise wording would be changed. Condition 3 is a pre-commencement condition; the application seeks to amend this to allow phasing of approval of the Demolition and Construction Management and Logistics Plan details.

#### **4. Public Consultation**

Consultation letters were sent to 114 neighbouring properties. The Council has received 10 objections and these are summarised as follows:

- Lack of disabled access to the new Vicarage
- Loss of privacy
- Loss of light
- Increase in congestion
- Increase in noise pollution
- Decrease in off-street parking
- Request for further involvement with designing a scheme that is more suited to the area

Highways: No objections subject to conditions

Trees: No objection.

Conservation Officer: No objection subject to their being no separation between the Vicarage and the rest of the development.

Lead Local Flood Authority: No objection

#### **5. Policy Considerations**

##### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

#### The Mayor's London Plan 2016

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

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

#### *Consultation Draft London Plan December 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, CS3, CS5, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM07, DM14

#### Supplementary Planning Documents

- Sustainable Design and Construction SPD (October 2016)

Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

- Residential Design Guidance SPD (October 2016)

### **5.2 Main issues for consideration**

The main issue for consideration in this case is:

- The principle of the development;
- Whether the intended phasing of the development as envisaged in the application to amend conditions would have any detrimental impacts on the acceptability of the proposal;
- Whether the amendments would give rise to any other impacts that need to be controlled by an additional condition or conditions; and
- Consideration of the issues in the extant permission.

### **5.3 Assessment of proposals**

#### The principle of the development

The principle of redeveloping the site has been established by the extant permission, which gave a detailed consideration to the quantity and density of the development, appearance, design, impacts on neighbours and building sustainability. Given that the site has an extant planning permission, these issues are not for re-consideration in this report, and it is only the issue of whether the intended phasing would be acceptable or not, as sought by the changes to conditions as applied for.

## Whether the intended phasing of the development as envisaged in the application to amend conditions would have any detrimental impacts

The acceptability of phasing the development, to allow occupation of one phase ahead of the other being completed, is dependent on any additional impacts that would arise which could not be adequately controlled by the amended conditions. These are considered here in turn:

### Condition 1 - Approved plans

The application seeks to add a single drawing to the list of approved drawings, namely a phasing plan ref. 850/P/1103. This is necessary to clarify the physical division between the two phases, and as such is integral to the acceptability of the proposal.

### Condition 2 - Time frame for implementation

The change sought would amend the wording so that, instead of providing for implementation to commence within three years of the permission, implementation would be required to commence within three years of the date on which the extant permission was issued, i.e. 12 May 2017. As such there will be no impact from amending this condition.

### Condition 3 - Demolition and Construction Management and Logistics Plan

This provides for separate Demolition and Construction Management and Logistics Plan (DCMLP) for the two phases. There is however a difficulty with allowing for separate approval of details for the two phases, as if the larger part of the site was developed ahead of The Vicarage, this may lead for example to a greater to parking construction vehicles on the public highway than would otherwise be the case. For that reason, it is considered that changes to this condition are only acceptable if the DCMLP for the development of both phases of the site is considered as a single document.

### Condition 4 - Details of the materials

Considering the materials separately for the two phases is considered to be acceptable.

### Condition 5 - Refuse collection arrangements

The approved plan shows a communal refuse / recycling store. In order to be able to comply with bin-carry distances for Council staff and a reasonable proximity of the facility for future occupiers of the whole development, it is important that the communal store is available for or that reason it is not considered that the condition itself should be changed; however, the reason as recommended above is clarified by the addition of a reference to the amenities of future residents.

### Condition 6 - Hard and soft landscaping

In order for a phased consideration and implementation of landscaping for the two phases to be acceptable, it will be necessary to ensure any landscaping provided in the first phase is not compromised by works being carried out in the second. The condition as recommended above takes this into account.

### Condition 7 - Boundary treatments

Considering the boundary treatments separately for the two phases is considered to be acceptable.

### Condition 9 - Water meters and consumption

### Condition 10 - Part M4(2) accessibility of units

### Condition 11 - Carbon dioxide emissions

These three conditions are all amended to allow for the two phases to proceed and be occupied independently of each other. This approach is considered to be acceptable.

Condition 13 - Vehicular access and parking

Condition 16 - Highway reinstated and the new access

This pair of conditions in the extant permission are essentially duplicates, together with slightly different wording (condition 13 has a direct reference to one of the approved drawings, whereas condition 16 does not). The application seeks to amend both conditions to require the driveway details to be submitted and approved ahead of Phase A. While it appears likely that, for development finance reasons, Phase A will proceed ahead of Phase B, it is however important to ensure that the driveway is constructed to a satisfactory standard before either phase is occupied. In addition, it is considered that the requirements in the two conditions can be provided for in a single condition, which is recommended above as an amended condition 13.

Condition 14 - Cycle store

The change applied for in this condition would allow cycle storage details to be considered separately for the two phases. This is considered to be acceptable.

Condition 15 - Waiver of liability and indemnity

This condition requires the developer to indemnify the Council against damage to private roads by the Council's refuse and recycling service. This approach is considered to be acceptable.

Whether the amendments would give rise to any other impacts that need to be controlled by an additional condition or conditions

The approved Ecology Appraisal (Thomson Ecology Preliminary Ecological Appraisal, Preliminary Roost Assessment and Bat Emergence and Return to Roost Surveys ref. LSAV130/001 - 002) states that if more than two years elapse between these surveys and the commencement of works on site, the surveys detailed within this report will need to be updated. The survey report (rev. 001) was dated 28 October 2016, and a new condition 16 is recommended that sets out that, if development has not commenced within two years of that date, an additional ecology survey and mitigation strategy will be required.

A Tree Protection Plan is included in the approved Tree Survey in the extant permission (Crown Consultants ref. 09545, dated 10 November 2016). The phasing of the development may mean that the Tree Protection plan cannot be fully implemented as provided for in the approved document, particularly if one phase of the development is to be implemented ahead of the other. In addition, the landscape condition in the extant permission requires landscaping requires to be carried out within the first planting season following the completion of the development. Any time lag between the implementation of the two phases could result in works for the second phase having to take place around approved landscaping. It is therefore recommended that an additional condition be imposed that takes into account the possible need for a revised tree protection plan that takes into account the phasing of the development.

**The issues considered in and established by the extant permission**

Principle of Housing

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. Further, policy DM01 states that 'Development proposals

should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed development would result in the redevelopment of a site that has previously been used as the vicarage.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing, including purpose built flats.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment for housing of the site is deemed acceptable

#### The Vicarage

The vicarage is not considered to constitute a non-designated heritage asset under paragraph 135 of the National Planning Policy Framework. As such, the relocation of this feature is not objectionable in principle, subject to the scheme proposed being compliant with the relevant development plan policies.

#### Impact on the character of the area and setting of the listed building

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The site (0.3 hectares) and located in a suburban area with a PTAL rating of 2. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 26 units/hectare. The London Plan advises that development should be at 150-250 habitable rooms/hectare. The proposals appear to be at 161 habitable rooms/hectare.

The residential element which will address the street will contain generous areas of private garden. The proposed development would be set back from the edge of the highway. This space in conjunction with parking on the forecourt would form defensible space for new dwellings.

The proposed development would be constructed from brick, and would feature partly flat and partly pitched roofs with a single rear projection on Unit 1. The massing of the terrace will be broken with recessed front walls. All fenestration will be simplistic in character and uniform in symmetry.

Given that the pattern of development is already disrupted by the existing development, the proposal whilst not mimicking the established pattern of development, does go some way to improve the situation by creating a residential terrace that addresses the wider character of the area in a traditional manner. Also found to be positive, were the creation of landscaped areas to the rear of the dwellings.



Within this residential area, the proposal retains a degree of spaciousness expressed by gardens and also through amenity spaces within the public realm. The architectural vernacular whilst more modern than the historic character of the street has gone a long way to respect the mixed character of the street.

It is considered that the proposed development in the form and appearance of a short terrace would respect and respond to these positive characteristics of the area which correspond to the local character.

#### Impact on the setting of the listed building

Section 66 (1) of the Act states, "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The preamble to DM06 of the local plan is clear in its favour of the conservation of Listed Buildings with an emphasis on the retention of Listed Buildings in active use. The same presumption will apply to other external works which might harm the architectural and historic character and setting of such buildings.

John Keble Church, listed grade II and the only heritage asset close to the site, has a modest garden style setting, with an open aspect to the south and west. The church hall and Baden Powell Centre lie to its west and north-west. In terms of its setting it is views of the west front and tower of the church that contribute most to its significance, and to a lesser degree the west elevation as seen from Deans Lane. The Site does not contribute to the significance of the listed building other than by affording views towards the tower from the north along Deans Lane, and from the east, in between the properties along Sefton Avenue.

As detailed in the proposal section of this report, the application seeks to retain the listed building in its entirety. The site, comprising a former vicarage in a large overgrown garden, lies between the rear of John Keble Church (to the north-west) and the rear of the semi-detached houses along the south side of Sefton Avenue (to the east). The repositioning of the vicarage will not in itself harm the setting of the listed building. In fact its new positioning along with the proposed detailed landscape plan will improve the views and therefore the setting of the listed building. The modest height of the terrace is not considered to cause a detrimental impact on views to the church (As discussed above only glimpsed views via Sefton Ave are currently afforded.)

The proposal is not considered to cause a detrimental impact on the setting of the listed building.

#### Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. All new dwellings would feature private terraces and rear amenity space which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to the rear and would be functional space.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking from and to neighbouring properties. The new residential terrace will contain a minimum separation of 10m from the rear boundary.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook with the main living areas being served by windows on two elevations. The main outlook for the living areas would be situated to the front and rear of the site.

Whether harm would be caused to the living conditions of neighbouring residents.

It will be important that any scheme addresses the relevant development plan policies (for example 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.

Concern has been raised that with the loss of privacy by reason of overlooking. However, all first-floor rear windows will be located at least 10m away from the common boundary with Sefton Avenue. Given the distances between buildings (directly facing windows will be located in excess of 21m) neighbouring amenity by way of overlooking is not considered to be harmed to a point of detriment.

Given the separation between directly neighbouring properties and rear gardens of Sefton Avenue, the new residential building is not considered to result in an overbearing impact on neighbouring amenity.

Concern has been raised with the loss of sunset views over the Church. Right is views are not material planning considerations.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 sets out parking requirements for residential developments. The proposal is for the demolition of the existing vicarage and garage buildings to provide a replacement vicarage and 8 additional dwellings comprising 2x2bedroom units, 5x3bedroom units and 1x4+bedroom unit. 15 parking spaces are proposed

Considering that the site is located within a high Public Transport Accessibility Level (PTAL) rating of 2, which is consider as a poor accessibility, parking provision of 15 parking spaces for the proposed development of predominantly 2, 3 and 4-bedroom residential units is acceptable on highway grounds.

The existing vehicular access to Deans Lane, which emerges onto the bus stop, will be permanently closed and a new vehicular access to Deans Lane is proposed to the south west. The proposal is considered to be an improvement on the existing situation by reason of reduced risk to highway and pedestrian safety.

19 cycle parking spaces will be provided in the basement area, and cycle stands are to be provided for each individual dwelling.

The provision of 19 cycle parking spaces is 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, however, 2 Cycle parking spaces per 4 bed residential unit are required in order to meet cycle parking standards

#### Emergency Access

The emergency access proposed is considered to be sufficient.

#### Refuse arrangement

The proposal seeks to have a refuse vehicle to enter the site for refuse collection. The access road would therefore need to be built to the Council's adoptable standards and the applicant will be expected to sign a Waiver of liability and indemnity agreement to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

#### Services

As assessment on the impact of services has revealed the proposal will not add an unreasonable levels of pressure on existing infrastructure.

#### Trees

The property contains a number of protected trees. The most significant of are being retained and protected which are T1, T7, T11 & T9 at the front of the property. A large group of elm trees along the frontage will be removed; however, it is highly likely that these trees will die of Dutch elm disease in the near future. Trees located to the rear of the site will be removed but these do not have a significant visual presence in the local environment. Hedgerows and trees in the boundary are retained which will help screen the new development. The landscaping plans set out in principle the level of new planting on the site and green spaces. A detailed landscape plan will be required that offsets the loss of trees and provides long term visual tree amenity. The draft arboricultural method statement provides sufficient information and measures to ensure that retained trees are maintained in good health.

As noted above, an additional condition is recommended to cover the phasing of the development.

#### Ecology

The Ecology Appraisal recorded nine habitat types within the site. Incidental sightings of seven faunal species were also recorded during the field survey.

The Preliminary Roost Assessment of buildings B1 and B2 recorded no bats or evidence of bats within either building. A number of external features were recorded for each building, and both buildings are considered to have moderate potential to support roosting bats.

All trees on site were assessed as having negligible potential for roosting bats, therefore no further surveys of this tree are required. An arboricultural survey is recommended for any trees to be lost to the development, and protection of trees to be retained.

Any habitat clearance should be carried out following a mitigation method statement specific to reptiles, and under an ecological watching brief. This will avoid impacts on reptiles,

hedgehog, common toad and common frog, all of which have been recorded within 1km of the site boundary.

No bats were recorded emerging from or returning to roost in the main building and associated garage of John Keble Vicarage, Deans Lane, Edgware, London during the dusk emergence and dawn return to roost surveys. These results indicate that bats are unlikely to be roosting within these buildings, and consequently the development will not contravene European legislation pertaining to bats.

As noted above and in accordance with the approved Ecology Appraisal, it is recommended that the survey should be updated if development including demolition has not commenced by 28 October 2018.

### CIL

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.

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.

### **5.4 Response to Public Consultation**

The concerns raised by objectors and noted at Section 4 above relate to matters that were considered in the extant permission for the development, rather than to matters that result from the proposed phasing of the development. These were addressed in the assessment of the original application for the development, but nevertheless are considered above.

The request for further involvement with designing a scheme that objectors consider would be more suited to the area is noted, but again the fact that there is an extant permission means that the design for the proposal has already been considered and approved.

### **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, it is considered that subject to compliance with the attached conditions, the proposed changes to the conditions would not result in any additional impacts on the character and appearance of the application site, the listed building, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval subject to conditions.



