

LOCATION: 42-52 Lancaster Road, Barnet, Herts, EN4 8AP

REFERENCE: B/01900/11

Received: 05 May 2011

Accepted: 01 June 2011

WARD: East Barnet

Expiry: 31 August 2011

Final Revisions:

APPLICANT: Mrs H Rorke

PROPOSAL: Demolition of existing car body repair shop and erection of a three storey block of 10 flats and a three storey block of 6 flats. Associated landscaping and 16 associated car parking spaces.

APPROVE SUBJECT TO S106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £36,790.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £160.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £13,467.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £2,520.80**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/01900/11 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].

Reason:

For the avoidance of doubt and in the interests of proper planning.

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. Before the development hereby permitted is occupied the parking spaces shown on Plan 301 rev. C (received 22/08/2011) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

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

4. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

6. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

7. 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.

8. Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

9. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

10. 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.

Reason:

To ensure a satisfactory appearance to the development.

11. 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.

12. 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.

13. The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

14. Before the development hereby permitted commences a Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety.

15. Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

16. A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

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.

17. The level of noise emitted from the **(specify machinery)** 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.

18. Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the

development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 19 A scheme for acoustic fencing along the rear boundary of the site adjoining the communal amenity area and along the southern and eastern boundaries adjoining the gardens of properties on Lancaster Road shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes.

- 20 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.

- 21 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

- 22 Before the building hereby permitted is occupied the proposed windows in the south flank elevation of block A facing 54 & 56 Lancaster Road shall be glazed with obscure glass only and shall be permanently retained as such

thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 23 Before the building hereby permitted is occupied the proposed windows in the east elevation of block B facing Block A of the proposed development shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

Core Strategy (Adoption version) 2012:

Development Management Policies (Adoption version) 2012:
 - ii) The proposal is acceptable for the following reason(s): -

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
2. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
3. The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £44,800.00

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

4. If the development is carried out it will be necessary for the existing crossovers to be amended by the Highways Authority. New or amended crossovers will be subject to detailed survey as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. Any street furniture or road markings affected by the proposed works would be relocated at the applicant's expense. Any redundant crossovers should be reinstated to footway level. An estimate for this work could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
5. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
6. Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, 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. In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents;
 - 2) Planning Policy Statement 23 (PPS 23) - England (2004);
 - 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

8. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 9 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality

Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

- 10 The report submitted to the LPA should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control Planning for Air Quality and the Planning Policy; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils' Air Quality and Planning Guidance, revised version January 2007; 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

RECOMMENDATION III

That if an agreement has not been completed by 07/09/2012 that unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management should REFUSE the application B/01900/11 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, Supplementary Planning Document- Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries and Supplementary Planning Document- Contributions to Health Facilities and policies CS10, CS11, CS15 and DM13 of Barnet's Local Plan (Adoption Version) 2012.

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- 2.7 - Outer London: Economy
- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design of Housing Developments
- 3.8 - Housing Choice
- 3.9 - Mixed and Balanced Communities
- 3.10 - Definition of Affordable Housing
- 3.11 - Affordable Housing Targets
- 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 - Affordable Housing Thresholds
- 3.14 - Existing Housing
- 4.4 - Managing Industrial Land and Premises

- 7.2 - An Inclusive Environment
- 7.4 - Local Character
- 7.6 - Architecture

Relevant Unitary Development Plan Policies and Supplementary Planning Documents:

GSD, GBEnv1, GBEnv2, D1, D2, D4, D5, H2, H5, H16, H17, H18, H21, H24, CS2, CS8, CS13, IMP2, ENV7, ENV12, GEMP4, EMP2

Supplementary Planning Design Guidance Note No. 7 - Residential Conversions

Supplementary Planning Design Guidance Note No. 5 - Extensions to Houses

Supplementary Planning Document - Sustainable Design and Construction

Supplementary Planning Document - Planning Obligations

Supplementary Planning Document - Education

Supplementary Planning Document - Health Facilities arising from Development

Supplementary Planning Document - Library Services

Supplementary Planning Document - Affordable Housing

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy (CS) is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS6, CS8, CS10, CS11, CS13.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM10, DM11, DM13, DM14, DM17.

Relevant Planning History:

N00723D - Approved 19/06/1968
Coachworks and ancillary offices

N00723C - Refused 16/05/1967
Erection of 12 flats and 12 garages

N00723B - Approved 14/2011/1966
Erection of new factory for coach building and car repairs

Consultations and Views Expressed:

Neighbours Consulted: 159
Neighbours Wishing To
Speak

Replies: 7

The objections raised may be summarised as follows:

- It would be preferable to build houses as opposed to flats as there are already too many flats on this road
- Parking is difficult as there is often an overspill on Lancaster Road from existing flats who prefer to park on street than on their allocated car parks to the rear of the buildings
- Noise pollution
- Loss of privacy
- Insufficient parking provision for the development and no allowance for visitor parking
- North facing windows on Block B would overlook residential gardens on Lancaster Road especially given elevated position and the height of the development
- A northerly aspect is not the best aspect to have in any residential design, they should be rotated to an easterly aspect
- The appearance of Block A appears to be in keeping with the scale and massing of Lancaster Road however, the 2 flank elevations of solid brickwork with minimal variation and one window on the southern flank will not add to the aesthetic of the environment and object to the design and appearance of the flank walls
- Block B is hideous and appears to have a significantly cheaper envelope and none of the variety of Block A. It has the larger mass on the site and this size coupled with poor elevational treatment means it will not add to, improve or even fit in to the current aesthetic and object on this basis
- Trees lining the side of the railway should not be removed as they bring much needed green to the outlook across the line and absorb sound and fumes
- Lots of through traffic and lorries accessing industrial estate
- Concern over damage to neighbouring properties during demolition and construction works
- The old drainage system may not be able to cope with the new development
- Damage to parked cars during construction
- Dirt and dust during construction

Internal /Other Consultations:

Traffic & Development:

The proposal is for demolition of existing car body repair shop and construction of a residential development consisting of 16 self contained flats (13 x 2-bedroom and 3 x 1-bedroom) with provision of 16 parking spaces. Access to the proposed parking spaces will be via an access road from Lancaster Road

The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

If the proposal is carried out it will be necessary for the existing crossovers to be modified by the Highways Authority. New or amended crossovers will be subject to detailed survey as part of the application for crossover

Environmental Health:

The car repair site is surrounded by residential on both sides and across the road so the proposed residential use of the site would be a positive use for the site.

The road is mainly residential with industrial units located towards the end of the road. It is likely to be used by HGV's/ car traffic accessing these. There is a high speed train line to the rear of the site which are very frequent. As such a noise impact assessment will be required. The car parking at the rear and communal gardens should be enclosed by acoustic fencing.

The site is not in an area of exceedance for air quality and therefore small development air quality condition should apply.

Given previous uses of the site there is potential for asbestos to be on site and other contaminants. Contaminated land conditions should therefore be attached to any grant of approval.

Date of Site Notice: 09 June 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a car repairs workshop side on western side of Lancaster Road. The buildings itself is of a substantial size, set back from the front building line of adjoining properties with informal parking to the front of the building. There is an existing access road to the south of the building adjoining the boundary with No.'s 54&56 Lancaster Road which leads to the parking area to the rear of the site which stretches behind the rear gardens of No.'s 54-64 Lancaster Road.

The existing building is two-storeys with a flat roof with surrounding parapet. It is 18.2m wide and 26.7m deep and reaches a height of 7.7m.

The street is characterised by a mix of residential properties including terrace, semi-detached and purpose built blocks of flats. The Lancaster Road Industrial Estate lies at the northern end of the road; this land is allocated as a Primary Industrial Site.

Proposal:

The application seeks planning permission for the demolition of the existing building and the redevelopment of the site for residential purposes. 2no. blocks are proposed to accommodate a total of 16no. self-contained flats with associated amenity space and parking provision. 13no. 2 bed flats and 3no. 1 bed flats are proposed.

Block A would front Lancaster Road with its front building line in line with the adjoining property at No. 40. It would be set back 4.4m from the front boundary of the site and would be 2m from the northern boundary with No. 40 and 5.3m from the southern boundary separated by the proposed access road which leads to the rear parking area. The building would be two-storeys with rooms in the roofspace facilitated by a crown roof and dormer windows to the front and rear elevations and 1no. dormer window to the south facing roof slope. It would have a frontage of 20m to Lancaster Road and would be 16.3m deep. Eaves and ridge height of the building would not exceed those at No. 40. Maximum height of the building would be 9.2m.

Block B would be sited on the rear part of the site at a distance of 12.5m from Block A and 1.2m from the rear boundary of the site. It would be a minimum of 10.5m from the northern boundary which adjoins the garden serving No. 40 Lancaster Road and 23m from the southern boundary. It would be 5m from the rear garden boundary of No.'s 54 and 56 Lancaster Road. The building would be three storeys with the third floor partly contained within the roof. It would be 17m wide, 11.2m deep and would have a maximum height of 9.5m.

Communal amenity space would be provided at the northwestern end of the site adjoining the garden of No. 40. A car parking area for 16 cars would be provided on the southern end of the site as well as cycle parking and refuse storage.

Planning Considerations:

There is a general presumption in favour of retaining employment floorspace falling within classes B1, B2 and B8 in the borough. Where a loss of such floorspace is proposed it must be demonstrated that there is no realistic prospect of re-use for employment purposes and an active period of marketing has been carried out.

The site has been vacant for the last 2 years and marketing information has been submitted to demonstrate that there is no interest in using the premises for B1/B2/B8 purposes. Letters from the marketing agent state that while some interest was shown in continuing the use of the site for car body repairs, given that the building was in need of repair and investment was required to bring the plant and equipment up to modern standards no serious offers were made. The marketing effort was broadened to include general industrial use and storage but no serious interest was shown. Letters from the marketing agent conclude that the site has no realistic prospect of re-use for industrial purposes given the investment required in the premises to bring it back into use and the LPA are satisfied with this information.

Where loss of employment land is accepted, a mix of uses is generally encouraged. However, in this case, it is considered that an exclusively residential development is acceptable given the character of the street and proximity of adjoining residential properties. An exclusively residential development on the site will minimise noise and disturbance to adjoining and future occupiers reducing conflicts between different users. In addition, there is an existing industrial estate on Lancaster Road which is allocated employment land where industrial uses are more appropriately concentrated. A residential development on the application site is therefore

considered more appropriate than a mixed use scheme given the nature of the surroundings and the character of the street and minimising any adverse impacts from industry/ commercial uses on adjoining residential properties.

The proposed development is considered to have an acceptable impact on the character and appearance of the general locality and the amenities of the adjoining residents. Block A would be in keeping with the character and appearance of the Lancaster Road street scene. Whilst the building would be of a substantial size when compared to adjoining properties it would be of a lesser depth than the existing building occupying the site. It would be of a traditional design and appearance with a single entry point into the building and a gable feature and projecting bays on the frontage to break up the front elevation. Eaves and ridge heights do not exceed the adjoining buildings and the front building line would be respected.

Block A would be higher than the existing building. However, given it would not be as deep as the existing building and would not project as far beyond the rear building line of No. 40 as the current building the relationship with this property and the impact on the amenities of these adjoining residents would be improved when compared to the existing situation. The existing building extends approximately 20m beyond the main rear wall of No. 40 at a distance of 4m. Block A would project 8m beyond the main rear wall of No. 40 at a distance of 2m. It is therefore considered that the proposal would have an acceptable impact on these adjoining residents when taking into account the existing building. No windows are proposed in the flank wall facing towards No. 40 and as such the development would not result in a loss of privacy to the adjoining properties.

Similarly Block A would have a lesser impact on the amenities of the adjoining occupiers to the south than the existing building given its shallower depth. 2no. windows are proposed on the south flank elevation at first floor level and 1no. dormer window on this elevation is also proposed. A condition has been imposed to ensure that these windows are fitted with obscure glass with a fanlight opening only to restrict views into the adjoining garden and preserve their privacy.

Block B would be sited on the rear part of the site which is currently used for parking/ storing vehicles in association with the use of the site for car repairs. The building has been sited in a way to minimise the impact on the visual amenities of adjoining residents and the enjoyment of their gardens. As such the building has been re-positioned during the course of the application and revisions have been made to its design and appearance. The building would be a minimum of 10.5m from the adjoining garden and would therefore be in accordance with Policy H17 which seeks to protect the privacy of residential gardens by retaining a minimum distance of 10.5m from facing windows. At this distance, the building is not considered to be unduly obtrusive or overbearing as perceived from the rear part of this adjoining garden. In addition the communal amenity space would act as a buffer between the new development and the adjoining garden.

The re-siting of Block B further towards the northern boundary has reduced the impact on the amenities of 54 and 56 Lancaster Road to an acceptable level. The proposed building would be sited 5m from the rear boundary of this site and would extend only 1m directly to the rear of the adjoining garden with the remainder of the site being open for car parking. It would be approximately 18.5m from the main rear wall of 54-56 Lancaster Road and at this distance, in the position proposed, it is not considered to be unduly obtrusive or overbearing as perceived from these adjoining properties.

Block B would be higher than Block A and would have an asymmetric roof form of greater perceived bulk and the front elevation would be less articulated by fenestration. However, given its siting on the rear part of the site it is considered to have a minimal impact on the street scene. Although visible from adjoining gardens it is not considered to be an obtrusive form of development and would have an acceptable impact on the character and appearance of the general locality.

The development is considered to provide a good form of accommodation for future occupiers of the development. Each of the units would have adequate outlook and access to natural light and the sizes of the individual flats would comply with the minimum floor areas for new residential development as specified in the London Plan. Amenity space provision for the development would accord with the Council's standards. Given the proximity of the railway line to Block B a condition has been imposed to ensure that this is mitigated against so as not to harm the amenities of future occupiers of the development.

The proposed access road to the parking area would be in the same position as the existing access road. A condition has been imposed to ensure that noise from the use of the car park and access road are minimised by the installation of an acoustic fence. Parking in accordance with the Council's standards is proposed and no objection to the development has been raised by the traffic and development team.

As the development proposes 16 units there is a requirement for the developer to provide a mix of tenures as part of the development in accordance with the Council's policies on affordable housing provision. The application has been subject to an Independent Financial Appraisal which concludes that the site cannot support affordable housing provision as part of the development. The LPA is satisfied with these findings.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed above, additional comments are as follows:

- Noise and disturbance and damage to property during construction is not a material planning consideration;
- A Construction Management Plan condition has been imposed to minimise the impact on the public highway during the works;
- A landscaping condition has been imposed to ensure a satisfactory appearance to the development.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. SECTION 106 ISSUES

Given that the proposal would provide new residential accommodation in the borough, there would be increased pressure on local services. As such, the applicant is required to make contributions towards these services to off-set the additional demand in accordance with local and national policy. The application is therefore recommended for approval subject to a legal undertaking to ensure these costs are met.

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

6. CONCLUSION

The proposed development would have an acceptable impact on the character and appearance of the general locality and amenities of adjoining residents. It would accord with planning policy and guidance and approval is therefore recommended.

SITE LOCATION PLAN: 42-52 Lancaster Road, Barnet, Herts, EN4 8AP

REFERENCE: B/01900/11



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