

LOCATION: 100-102 Hamilton Road, London, NW11 9DY
REFERENCE: F/02415/12 **Received:** 22 June 2012
WARD: Golders Green **Accepted:** 16 July 2012
APPLICANT: Woodshore Ltd **Expiry:** 10 September 2012
PROPOSAL: Demolition of existing building and the construction of a two-storey building and a room in roofspace. The building will include two A1 units at ground floor level and 3 studio residential units on first and second floor levels. **Final Revisions:**

Approve, Subject to a Unilateral Undertaking

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 **Libraries (financial) £417.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £2,406.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Open Spaces (ward level) £3,000.00**
A contribution towards the improvement of open spaces in Golders Green & Childs Hill wards
- 6 **Monitoring of the Agreement £291.15**
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: F/02415/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Design & Access Statement; Location Plan; Existing Plan - HR02P; HR01E Rev C; HR02E; HP02P Rev B; HP03P Rev B; HR04P Rev B; HP05P Rev B.
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 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.

- 4 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.

- 5 The ground floor premises shall be used for the purposes of Class A1 and no other purpose.

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 6 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.

- 7 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 8 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.

- 9 The dwelling(s) shall achieve a Code Level 3 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 3 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).

- 10 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 11 Before the ground floor commercial units are occupied, details of their opening hours shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenity of neighbouring residents.

- 12 Sample panels of facing brickwork in the elevation fronting 94 Hamilton Road to form a feature wall showing the proposed colour, texture, facebond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant works commence and has been approved. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H1, H16, H17, H18, M11, M13, M14, TCR19, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS4, CS5, C6, CS10, CS11.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM12, DM13, DM17

- ii) The proposal is acceptable for the following reason(s): -

- 2 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 £4,238.50. 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.

- 3 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 Council of 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 email:

street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

RECOMMENDATION III

That if an agreement has not been completed by 07/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02415/12 under delegated powers for the following reason:

1. The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified health

and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy CS2, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan; contrary to Policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

2. The development does not provide sufficient amenity space for the proposed flats and no formal undertaking is given to meet the costs of making necessary improvements to local parks and open space to meet the needs of potential future occupiers of the proposed residential development, contrary to Policies H18, IMP1 and IMP2 of the adopted Unitary Development Plan; and Policies DM01 and DM02 of the Local Plan Development Management Policies (Adopted) 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan July 2011:

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.

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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, H1, H16, H17, H18, M11, M13, M14, TCR19, CS2, CS8, CS13, IMP1 and IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the UDP and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (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 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, CS4, CS5, C6, CS10, CS11.

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, DM12, DM13, DM17.

Relevant Planning History:

Site Address: 100A Hamilton Road LONDON NW11
Application Number: C10909A
Application Type: Full Application
Decision: Refuse
Decision Date: 30/07/1999
Appeal Decision: Dismissed
Appeal Decision Date: 30/07/1999
Proposal: **Erection of first floor ancillary to groundfloor hair salon.**
Case Officer:

Site Address: 100A Hamilton Road London NW119DY
Application Number: C10909C/05
Application Type: Full Application
Decision: Refuse
Decision Date: 25/11/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use to 24 hour radio-controlled administrative booking office for private hire vehicles.**
Case Officer: Karina Sissman

Site Address: 100A Hamilton Road London NW119DY
Application Number: C10909B/05
Application Type: Full Application
Decision: Refuse
Decision Date: 1/16/2006
Appeal Decision: Dismissed
Appeal Decision Date: 1/16/2006
Proposal: **Change of use from beautician (Class A1) to mini cab office (sui generis).**
Case Officer: Karina Sissman

Site Address: 100A Hamilton Road London NW119DY
Application Number: C10909D/06
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/07/2006
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use as internet cafe.**
Case Officer: Alissa Fawcett

Site Address: 100A Hamilton Road, London, NW11 9DY
Application Number: F/00083/09
Application Type: Full Application
Decision: Withdrawn
Decision Date: 09/02/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use to chauffeur rental call centre plus small sandwich bar serving hot and cold food and drink.**
Case Officer: Neil Goldberg

Enforcement Notices

Reference Name ENF/00342/10/F
Description **Enforcement Notice served under section 217(3) of the Town and Country Act 1990.**

Consultations and Views Expressed:

Neighbours Consulted: 146 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Having provision for only 2 car spaces for the proposed 3 flats & 2 retail units would result in the increase to existing parking pressures;
2. The plans suggest that the front elevation (on the side of Hamilton Road) would be an extension to the existing front line of the building, this does not ascetically keep with in the linear lines of the roads buildings and in essences would look out of place to the neighbouring dwellings in the area;
3. The tally up and display differing points;
4. The increase in height is unacceptable resulting in a loss of light and privacy from the looking of gardens;
5. No objection to the principle of shops;
6. Noise concerns from increased comings and goings.

* Please note that since these objections were received, the applicant has submitted amendments in an attempt to address these points of objection.

Internal /Other Consultations:

Traffic and Development (F&GG)
The proposed development is acceptable on highway grounds.

Date of Site Notice: 19 July 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

Hamilton Road is a minor road running approximately north to south, in the most part

parallel to and east of the Hendon Way (A41).

Hamilton Road is predominantly residential in character comprising of mainly terraced houses. The application site, however, sites with a small neighbouring shopping parade of Class A1 units.

The site has good access to Public Transport and has a PTAL value of 4. The site is within 210 metres of Brent Cross LUL (Northern Line) station and is with 200 metres of three bus stops (Q P R) forming part of the Brent Cross Shopping Centre terminus. The site is within easy walking distance of Brent Cross Shopping Centre.

Proposal:

The proposal relates to the demolition of existing building and the construction of a two-storey building and a room in the roofspace. The development will provide two A1 units at ground floor level and three studio residential units on first and second floor levels.

Planning Considerations:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The main issues are considered to be:

- i. Policy Context;
- ii. Principle of redevelopment and whether harm would be caused to the character and appearance of the area and street scene;
- iii. Sub-divided of retail space;
- iv. Design of the new development;
- v. The living conditions of adjoining occupiers;
- vi. Amenity of future occupiers;
- vii. Sustainability;
- viii. Parking, Access and Vehicle Movements;
- ix. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
- x. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
- xi. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Policy Context:

The proposed development is considered to be compliant with national policy (NPPF), the London Plan, and local policy within the UDP. The general message of

Section 6 of the NPPF 'Delivering a wide choice of high quality homes' advises that Local Planning Authorities should enable the provision of good quality new homes in suitable locations.

Paragraph 53 states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". As the site is extending to the front of the existing dwelling which is considered to be the front garden land and does not fall within the definition of previously developed land. However, in itself that does not necessarily preclude development on the site. The site is in a sustainable location and development of it would conform with the requirement in the NPPF.

The proposed development is considered to be compliant with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

Principle of Redevelopment and Character

The principle of demolition is considered acceptable. The property is not within a conservation area.

The location of the proposed development would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies state that new residential developments must harmonise with and respect the character of the area. The proposed traditional approach to the design is welcomed in this part of the road.

Sub-divided of retail space:

The Council's policies seek to encourage development proposals which incorporate a mix of uses within buildings or areas in town centres and other appropriate locations as long as they take account of the character and diversity of the area, potential nuisance to other users and the accessibility of the site by a range of modes of transport. Paragraph 11.3.1.1 of the UDP states that new retail development should sustain and enhance the vitality and viability of the borough's Regional, Major, District and Local Town Centres.

The proposed retail floorspace has been sub-divided into two separate commercial units with separate entrances. The size of the proposed retail units is considered to be in keeping with the size of the existing units in the locality and a condition to retain the layout shown on the drawings is recommended. The units are considered to be of a retail scale and function appropriate to small parade of retail frontage either side of the site.

The proposal is considered to offer an opportunity and therefore contribute to, and enhance, its retail function of this small neighbouring shopping parade without adversely impacting on the vitality and viability of the Brent Cross Shopping centre.

Design:

It is considered the design of the proposed dwelling would compliment the design of neighbouring existing buildings and is not would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a conditioned to this recommendation to ensure that the proposed materials are acceptable.

The proposed buildings would be located within the site to best fit the current alignment other buildings on street frontage of both Woodville Road and Hamilton Road.

The proposed height of the new building would remain as per the neighbouring existing properties' heights and the pitch of the roof to ensure that the proposed building respects the heights and built form of these other surrounding properties.

In this context, it is considered that the design and sitting of the proposal is acceptable and would be compatible with adjoining properties, the character of the surrounding area and the streetscene. It is considered that this proposed new development will result in the improvement to the appearance of this part of the road compared to the current situation.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The living conditions of adjoining occupiers:

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

Unitary Development Plan Policies D5 seek, amongst other things, to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue.

As well as requiring that new residential developments harmonise with and respect the character of the area in which they are situated, UDP policy H16 states that they provide and preserve adequate daylight, outlook and residential amenity, provide a safe and secure residential environment, maintain privacy and provide adequate private gardens or amenity space neighbouring properties.

In considering Policy DM01 of the Development Management Policies (Adopted) 2012, it is considered given the distance between the proposed building and neighbouring buildings, it would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Amenity of future occupiers:

One way in which a satisfactory quality of life can be achieved for people living in the Borough is to ensure that any new housing development is designed to provide good living conditions for the future occupiers.

All three units would meet the minimum space standards as outlined in Policy 3.5 (table 3.3) of the London Plan July 2011 for a 1 bed 1 person unit which is 37m².

The Council require garden space to be provided for new dwellings in order to help to protect and improve the quality of residential areas and maintain living standards, and it is recognised that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flat developments, the space can be provided communally around buildings but it must be usable. Front gardens that do not provide a reasonable level of privacy, areas that are overlooked by neighbouring development and areas whose use is hindered by their size or the siting of refuse storage enclosures will not be regarded as usable. For flat developments, in appropriate locations and where there is no significant overlooking, balconies may be considered an acceptable substitute for garden space.

Policy H16 of the Barnet Unitary Development Plan (May 2006) [UDP] states that new residential developments should harmonise with and respect the character of the area within which they are situated and should, among other matters, provide adequate levels of private garden or amenity space. UDP policy H18 sets out minimum amenity space standards. The following standard, with the emphasis being on 'usable amenity space' for flats:

- 5 square metres of space per habitable room.
- Rooms exceeding 20 square metres will be counted as two habitable rooms.

The development would fail to provide sufficient amounts of on site private usable outdoor space for the enjoyment of future occupiers in order to comply with Policy H18. However, it is acknowledged that the site is located near a town centre and a public park.

As such where no or limited private amenity space for new residential units is provided this leads to subsequent pressure on the play areas/parks and recreational areas provided by the Council. The applicant has agreed to offer a contribution of £3,000 (plus monitoring costs) for greenspaces provision to address the issues as part of the Unilateral Undertaking.

Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes - the applicant has indicated in his sustainability submission that this will be achieved (this is to be enforced by a Code for Sustainable Homes condition).

For the commercial units there is a condition attached to this recommendation that requires the two units to achieve the BREEAM level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

Parking, Access and Vehicle Movements:

No parking spaces are being provided. The proposed development would need to provide 3 parking spaces to meet the parking standards as set out in the UDP 2006.

However, taking into consideration the following:

- Good public transport accessibility;
- Our site observation indicated that there is on street parking available in on roads in the vicinity of the site.

On balance the proposal is acceptable on highway grounds.

The Community Infrastructure Levy Regulations 2010:

The NPPF and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

The education, library services, health facilities & monitoring fee of 5% contributions have been adjusted.

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The NPPF sets out three policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122.

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of The NPPF and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, although it seems that a blanket requirement on all new residential development is usually imposed, in this case, because of the nature of the proposal, the Supplementary Planning Document "Contributions to Education" doesn't require an education contribution. It is therefore concluded that the requirement for education contributions in this case would not accord with the advice given in The NPPF as there is no identified need related to the development.

Contributions to library services

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

To accord with UDP Policy CS2; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £417 (calculated at the time of this application) and a monitoring fee of 5%.

Contributions to Health facilities

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

To accord with UDP Policy CS13; DM13 of the Local Plan Development Management Policies (Adopted) 2012, Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012, and the SPD the proposed scheme would require a contribution of £2,406 (calculated at the time of this application) and a monitoring fee of 5%.

The library services, health facilities, local parks & monitoring fee of 5% contributions are required to be secured by a Unilateral Undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been amended and drawing correctly reflect the proposed development. It is considered that have received these amendments they comply with the National, London Plan, and Council Policies and Guidelines. As a result it is considered that the planning related concerns raised on this application relating to design and amenities are not sufficient to constitute a reason for refusal.

Highway related planning matters are considered to have been covered in the above appraisal.

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. CONCLUSION

The proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

When the Local Planning Authority approve planning applications there may be cases where there is some element of a loss of light to neighbouring properties. It is for the Local Planning Authority to determine whether the loss of light that could occur would be sufficient a reason to refuse the application.

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of

the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 100-102 Hamilton Road, London, NW11 9DY

REFERENCE: F/02415/12



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