

**LOCATION:** Dick Turpin, 383 Long Lane, London, N2 8JW  
**REFERENCE:** F/03139/12      **Received:** 14 August 2012  
**WARD:** East Finchley      **Accepted:** 21 August 2012  
   **Expiry:** 16 October 2012

**Final Revisions:**

**APPLICANT:** Mr A Warwick

**PROPOSAL:** Material minor amendment to previously approved application reference F/03082/11 dated 04/11/2011 for amendment to include 3no. first floor windows be changed to juliet balconies and a front boundary wall replaced with railings and hedges.

**APPROVE SUBJECT TO A SECTION 106 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      **Link to another Legal Agreement**      **£0.00**  
Commit to sign a Deed of Variation to tie this application to the legal agreement signed for planning reference F/03082/11 dated 4 November 2012 & F/04668/11 dated 14 February 2012.
- 4      **Education Facilities (excl. libraries)**      **£11,550.00**  
A contribution towards the provision of Education Facilities in the borough.
- 5      **Libraries (financial)**      **£973.00**  
A contribution towards Library Facilities and Resources in the borough
- 6      **Health**      **£7,480.00**  
A contribution towards Health Facilities and Resources in the borough
- 7      **Open Spaces (ward level)**      **£3,500.00**  
A contribution towards the improvement of open spaces in East Finchley ward.
- 8      **Monitoring of the Agreement**      **£1,171.80**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 9      **Submission of Documentation**      **£0.00**  
Requirement to submit a Car Lift Maintenance Agreement for approval by the Council prior to occupation of the proposed development.

## RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/03139/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Plan No's: 1334.P.01 Rev G; 1334.P.03 Rev I, 1334.P.04 Rev J.

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 the original consented scheme F/03082/11 dated 4 November 2011.

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. Before the building hereby permitted is occupied all proposed windows and side screen shown as "Fixed window Obscure glazing" and "Obscure glazing" on drawing 1334.P.04 Rev J 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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 unless previously approved in writing by the Local Planning Authority.

Reason:

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

8. 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.

9. Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

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

10. 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.

11. 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.

12. 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.

13. 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.

14. The level of noise emitted from any plant or machinery 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.

15. 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).

16. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the drawing No's. 1334.P.01 Rev G & 1334.P.03 Rev I and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

17. Prior to the occupation of the development, the disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason:

To ensure and promote easier access for disabled persons to the approved building in accordance with Policy M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

18. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

### **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, GBEnv1, GBEnv2, GParking, GEMP2, GEMP4, EMP2, EMP4, D1, D2, D3, D4, D5, D6, D11, D13, M11, M13, M14, H2, H16, H17, H18, H21, CS2, CS8, CS13, IMP1, IMP2.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS1, CS3, CS5, CS6, CS7, CS8, CS9, CS10, CS11, CS13, CS15.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM13, DM14, DM15, DM17.

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

Having taken all material considerations into account, the proposal as amended from the original approved scheme would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed

development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives. This proposal is considered to comply with National, London Plan, and Council Policies and Guidelines.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

2. 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.

3. 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

4. Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.

5. 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 £....

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](http://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](mailto:cil@barnet.gov.uk).

### **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/02347/12 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 additional education, 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, CS8, 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 Education", "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.
3. The development would require a Unilateral Undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the requirement to submit a Car Lift Maintenance Agreement contrary to Policy M11 of the adopted Unitary Development Plan; contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (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.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GSD, GParking, GCS1, GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M8, M10, M11, M12, H16, H17, H18, CS2, CS8, CS13, IMP1, 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 (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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, CS6, CS9, CS10, CS11, CS12, CS15.

### Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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, DM11, DM13, DM17.

### Relevant Planning History:

**Site Address:** The Dick Turpin Public House 383 Long Lane, London, N2 8JW  
**Application Number:** C04706B/03  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 20/06/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey side extension to provide new w.c. for the disabled.**  
**Case Officer:**

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW  
**Application Number:** F/04668/11  
**Application Type:** Full Application  
**Decision:** Approve following completion of Deed of Variation to the existing Section 106 Agreement  
**Decision Date:** 14/02/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Material minor amendment to planning permission Ref: F/03082/11 dated: for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house." Amendment to include: "Removal of one of the car lifts in the basement area and replacement with windows. Creation of additional bedroom in flat B at basement level and associated enlargement of front lightwell "**  
**Case Officer:** Junior C. Moka

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW  
**Application Number:** F/01075/12  
**Application Type:** Non-Material Amendment  
**Decision:** Refuse  
**Decision Date:** 23/07/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Non material minor amendment for the previously approved application Ref: F/03082/11 dated 4/11/2011 for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats**

**following demolition of the public house. Amendment to includes the addition of boundary railings."**

**Case Officer:** Junior C. Moka

**Site Address:** Dick Turpin, 383 Long Lane, London, N2 8JW

**Application Number:** F/02971/12

**Application Type:** Conditions Application

**Decision:** Not yet decided

**Decision Date:** Not yet decided

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** **Submission of details of Conditions 3 (Levels), 4 (Materials), 6 (Refuse) and 8 (Contaminated Land), pursuant to planning permission F/04668/11 dated 14/02/2012.**

**Case Officer:** Junior C. Moka

### Consultations and Views Expressed:

Neighbours Consulted: 98 Replies: 7

Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Scale and appearance will result in a loss of privacy;
2. The obscures glazing condition doesn't protect the amenities of neighbouring occupiers;
3. The proposed changes will be visually harmful;
4. Overlooking;
5. Increased noise and disturbance resulting from the use of the balconies.

Date of Site Notice: 22 October 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site is a public house single family house at the corner of Long Lane and New Trinity. Most buildings in this part of East Finchley date from the Victorian period and vary in design. They include terraced houses on New Trinity Road and semi-detached houses on Long Lane. Overall, they form an attractive streetscene of which the pub forms an important feature. The pub is contemporary to surrounding Victorian buildings. The site currently has three vehicular accesses.

### Proposal:

The application relates to a material minor amendment to planning permission reference F/03082/11 dated 04/11/2011 for amendment to include 3no. first floor windows be changed to juliet balconies and a front boundary wall replaced with railings and hedges.

This current application follows the application F/04668/11 dated 14/02/2012 which was a material minor amendment to planning permission Ref: F/03082/11 dated 04/11/2011: for "Erection of a two storey building plus rooms in roofspace and basement living accommodation and parking, all to facilitate 8 residential flats following demolition of the public house."

F/04668/11 differed from the previous approval F/03082/11 in the following areas:

1. Removal of one of the car lifts in the basement area;
2. Replacement with windows;
3. Creation of additional bedroom in flat B at basement level; and
4. Associated enlargement of front lightwell.

Both these two applications followed the approval of planning permission F/03082/11 dated 04/11/2011.

#### Planning Considerations:

The main issues are considered to be:

1. Whether harm would be caused to the character and appearance of the area and street scene as result of the amendments to planning permission F/03082/11;
2. Impact on the amenity of adjoining properties;
3. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
4. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
5. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

#### Amendments to F/03082/11 (original permission):

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 gardenscape should also be respected.

The proposed changes are minor in nature and these proposed alterations are considered appropriate in terms of their design and location, which ensures that the development overall is considered to be compatible with the surrounding area. The proposed railings and hedging would result in a suitable type of enclosure and would not harm the character and appearance of this part of East Finchley. The proposed fenestration would be in character with the approved building.

The proposed amendments in terms of their design and siting would not have a detrimental impact on the character of either permitted buildings or the area. The proposal would also comply with Council Policies that seek to preserve the amenities of neighbouring occupiers. The design and location is such that it would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers.

The proposal would include works that are considered to be covered under the minor material amendment process, Section 73.

### Impact on the amenity of adjoining properties:

One of the Council's 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.

The proposed amendments are not considered to change the Local Planning Authority's view expressed on the previous two applications that the proposed development would not result in significant harm to the amenity of neighbouring residents. Overlooking standards of 21m between habitable rooms and 10.5m between habitable rooms and neighbouring gardens at ground and first floor level are met. It should be noted that the proposed balconies do not project past the rear building line and in fact are Juliet balconies. The degree of overlooking to neighbouring sites would remain as per the approved scheme.

### 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 Local Planning Authority acknowledges that the applicant did offer a signed Deed of Variation to the existing Section 106 Agreement to cover the financial contributions required as part of the previous approval. However, there is no record that payment has ever been received to cover this cost required:

1. Contributions education: £11,555 and a monitoring fee of 5%.
2. Contributions to library services: £973 and a monitoring fee of 5%.
3. Contributions to health facilities: £7,408 and a monitoring fee of 5%.
4. Contributions towards local parks: £3,500.
5. Contributions to monitoring fee of 5%: £1,171.80.

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.

The same amounts towards education, library services, health facilities, local parks & monitoring fee of 5% previously advised remains the same. Therefore, mindful of this current application and the fact that payment as part of the original application, the total sum £24,607.80 for these contribution areas should be secured by another Deed of Variation to the existing Section 106 Agreement.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Having received amendments to this application and having attached conditions to this recommendation, it is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal as the principle of the development has already been approved.

### **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**

Having taken all material considerations into account, the proposal as amended from the original approved scheme would ensure the protection and enhancement of the character and appearance of East Finchley in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives. This proposal is considered to comply with National, London Plan, and Council Policies and Guidelines.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.



**SITE LOCATION PLAN:** Dick Turpin, 383 Long Lane, London, N2 8JW

**REFERENCE:** F/03139/12



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