

LOCATION: 78-80 Brackenbury Road, London, N2 0ST

REFERENCE: F/03645/12 **Received:** 25 September 2012
Accepted: 03 October 2012

WARD: East **Expiry:** 28 November 2012
Finchley

Final Revisions:

APPLICANT: Mr Jason Lipman

PROPOSAL: Demolition of existing single storey hall (sui generis) and erection of 2. no houses.

APPROVE FOLLOWING COMPLETION OF 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 **Education Facilities (excl. libraries) £15,989.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £488.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £3,364.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £972.50**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/03645/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4352 01 rev A, 4352 02 rev A, 4352 03 rev A, 4352 04, 4352 05 rev A, 4352 06 rev A, Design and Access Statement.

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 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.

4. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

5. 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.

6. 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 policies CS NPPF and CS13 of the adopted Local Plan (adopted 2012) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

7. Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers.

8. The development shall not take place unless and until the applicant has undertaken a written and photographic recording of the historic features of the building, in particular the World War I War Memorial, which will be submitted to and approved by the Local Planning Authority.

Reason:

The planning authority wishes to secure the recording of the existing historic features of the building prior to development, in accordance with the guidance set out in para 128 of the NPPF.

9. The development shall not take place unless and until the applicant has secured with the Local Planning Authority an alternative location for the War Memorial. A written strategy and timetable for its removal and relocation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter and prior to demolition of the existing hall the War Memorial shall be relocated in strict accordance with the approved details.

Reason:

The planning authority wishes to preserve the existing historic features of the building prior to development, in accordance with the guidance set out in para 128 of the NPPF.

10. Before the development hereby permitted is brought into use or occupied the rear gardens shall be enclosed with a 1.8m high Close Boarded Fence.

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.

11. 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.

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.

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 Local Plan (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM14, DM15, DM17

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general streetscene. The development is not considered to have an adverse impact on the amenities of neighboring occupiers. The proposal is considered to accord with adopted Council policies and guidance.

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

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 £6,860.

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. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
5. The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:
 1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring property.and that work which falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

'The Party Wall etc. Act 1986: explanatory booklet' is available free from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB.

Please quote Product Code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

tel: 0870 1226236 fax: 0870 1226237 Email: communities@twoten.com

6. 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.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.4 and 3.11

Core Strategy (Adopted 2012): CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Development Management Policies (Adopted 2012): DM01, DM02, DM04, DM14, DM15, DM17

Relevant Planning History:

Site Address: Royal British Legion Hall Brackenbury Road N2
Application Number: C04587
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 28/11/1973
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of temporary buildings at rear and erection of permanent extension to Assembly Hall.**

Case Officer:

Site Address: 78 Brackenbury Road London N2
Application Number: C04587A
Application Type: Advertisement
Decision: Refuse
Decision Date: 06/05/1983
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **(Internally illuminated projecting box sign)**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Loss of a heritage asset if the building were demolished contrary to the NPPF, Policy 7.8 of the London Plan and the adopted Local Plan.
- Measures need to be taken to relocate the War Memorial at the site.
- Plans submitted are incorrect or inaccurate.
- Lack of parking.
- Loss of light and overlooking.
- Potential damage to adjoining properties during demolition and construction.

The War Memorials Trust made the following comments:

It is important to ensure that the proposals for this site provide adequate provision for the safe guarding of this memorial. If possible the memorial should remain on the current site as this has historic significance.

The Finchley Society objected to the proposal as it would destroy a stone War Memorial. This objection would be withdrawn if a binding condition were imposed that no work should begin until a plan has been prepared and agreed with Barnet Council and implemented for the removal and proper conservation of this memorial.

This application has been called in by **Councillor Mitra** as the application involves the destruction of a war memorial and so the potential loss of a landmark.

Internal /Other Consultations:

Traffic and Transport - No objections.

Date of Site Notice: 18 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

78-80 Brackenbury Road is a single storey terraced building located between two storey terraced residential properties. The building is located on the east side of Brackenbury Road close to the junction with Manor Park Road.

The building has a pitched tiled roof and rendered front elevation. The property extends up to the side and rear boundaries of the site, the front elevation lines through with the adjoining properties. The building was last used by the Royal British Legion as a social club who vacated the premises in September 2011. The building is currently vacant and the use has ceased.

Brackenbury Road is characterised by two storey terraced Edwardian properties with bay windows to the front elevation. Properties are characterised by a short front garden depth with low front boundary walls. As a result none of the original properties in the road have off street parking. Levels drop from southwest to north east along the length of the road. The roofline of the terraced properties is stepped as a result of this. Opposite the site is Longfield Court an infill development of two storey modern block of flats with parking court to the rear.

The site has an area 0.02 hectares.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 1b, 6 being the highest level of accessibility.

Proposal:

The application is for the demolition of the existing property and replacement with two, 3 bedroom terraced properties.

The front elevation of the proposed new units would line through with the adjoining properties (nos. 82 and 76) and have a single storey projecting front bay with pitched roof. The proposed units have been designed in a traditional L shape with a centrally located two storey rear projection with mono-pitch roof and a single storey

flat roofed element adjacent to the rear boundary with each of the adjoining properties. To the rear at ground floor the proposed rear elevation would line through with an existing single storey element at no.82 and would be 1.8m rearwards of an existing single storey element at no.76. The main rear elevation would line through with the rear elevation of both the adjoining properties. A dormer window is proposed in the rear roofslope. The proposed dormer would be centrally located within the roofslope and be set 0.5m below the ridge and 1.2m back from the eaves.

No off street parking is proposed.

Planning Considerations:

- Principle of development
- Highway safety and parking provision
- Impact on the street scene
- Impact on the residential amenity of adjoining properties
- Sustainable design and construction
- Section 106 contributions
- War memorial

Principle of Development

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted UDP and the emerging Local Plan.

The last use of the existing property was as a social club by the Royal British Legion. Policy DM13 of the adopted Local Plan protects community and education uses. However, community and education uses are defined as health centres, dentists, schools and further education, space for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worship and some policing facilities. A private social club is considered to be Sui Generis (without a class) for the purposes of the Town and Country Planning (Use Classes Order) and as a result it is not considered that the proposal would result in the loss of a community building and as a result policy DM13 is not considered applicable.

Given the surrounding area is predominantly residential the principle of residential development in this location is considered acceptable.

Highways Safety and Parking Provision

The proposal is for demolition of the existing hall and construction of 2, three bedroom houses. No off street parking exists for the current use as a social club and no off street parking is proposed for the new houses.

The proposal is not in accordance with the parking standards setout in the Local Plan, however taking into consideration that the existing use does not provide any off street parking, on balance the proposal is considered to be acceptable on highways grounds.

Impact on the streetscene

The current proposal would result in the demolition of all of the existing building at the site and their replacement with a pair of two storey terraced houses that storey structure that would extend across the full width of the site. The proposal would retain the existing front building line but extend the rear building line. The current proposal has re-interpreted traditional features and materials such as dormers; projecting bays; chimneys; clay tiles and brick in order to reflect and respect the existing streetscene.

Whilst the Council would normally require by imposition of a condition that the refuse area for new development is screened, it is considered that given the proposed front garden depth that this would not be appropriate as this would introduce further built form to the frontage of the building. Furthermore, the majority of properties in the street store their wheelie bins, unscreened, to the front of the property and therefore the imposition of such a condition could be seen as unreasonable.

The proposal is therefore considered to be in accordance with Policies CS1, CS5, DM01, DM02 and DM15 of the adopted Local Plan.

Impact on the residential amenity of adjoining properties

The main impact of the proposal will be on the adjoining properties nos 82 and 76 Brackenbury Road.

The proposal would increase the density of the site to 250hr/ha. The London Plan advocates that in suburban areas that a density range of between 150-200hr/ha for a PTAL of 0-1 is acceptable. The proposal would exceed the density range. However, the London Plan advocates that it is not appropriate to apply the density ranges mechanistically. The density ranges for each location type are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design, transport capacity etc. The proposal replicates the density and form of surrounding properties and is therefore considered acceptable. The proposal is therefore not considered to result in an overdevelopment of the site and is in accordance with Policies CS5, DM01 and DM02 of the adopted Local Plan.

The proposal would have a Gross Internal Area (GIA) of 99sqm. The London Plan requires a minimum GIA of 102sqm for a 3 storey, 3 bed, five person house. The proposal would therefore be 3sqm below the minimum requirement. However, a two storey, 3 bed, 5 person house has a minimum GIA requirement of 96sqm. The proposed third storey constitutes a dormer in the rear roofslope replicating loft

conversions that have occurred on other properties in the street and it is therefore not considered that this shortfall in floorspace would form a sufficient reason for refusal.

The proposal would have a rear garden depth of between 8.5-9.5m and amenity space of 33sqm. The provision is not in accordance with current council policy requirements however the proposed layout mirrors that on adjoining properties and maintains the traditional front and rear garden format found in this area and is therefore considered acceptable.

The current property occupies the majority of the site. The proposal will infill the site with a pair of terraced properties which replicate the adjoining properties. A rear garden area will be created which will introduce an open area to the rear of the properties where currently there is none and this is considered acceptable as it would provide a better outlook for the adjoining residential premises.

The proposal would include a two storey projecting rear element which would be set 1.7m off the boundary with both of the adjoining properties and project rearwards 4m which replicates the layout of adjoining properties. Due to the orientation of the site the proposal is not considered to have a significant impact in terms of loss of outlook or light to adjoining properties from this element of the scheme. No.76 has a similar two storey projection.

Accordingly, the proposal is considered to be in accordance with Policies DM01 and DM02 of the adopted Local Plan.

Sustainable design and construction

If Members are minded to approve the application a condition requiring that the development achieve Code Level 3 for sustainable homes is recommended.

Section 106 Contributions

The proposal will result in the creation of additional units at the site and as a result contributions towards healthcare, libraries and education are required.

War Memorial

The current building was originally the Manor Park Mission and as a result there is a marble plaque adjacent to the front entrance which commemorates those who fell during World War I. The plaque lists 23 names. The applicant is currently in discussions with the Royal British Legion (RBL) about whether they wish to retain the plaque. If the RBL do not wish to retain the plaque then the applicant has agreed that they will fund the relocation of the plaque. Officer's are currently in discussions with the Borough Archivists about suitable alternative sites. If members are minded to approve the application it is recommended that a condition be attached regarding the relocation of the plaque.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the main report however the following additional comments can be made:

- If Members are minded to approve the application then a condition is recommended regarding the relocation of the War Memorial. The cost of

- relocating the War Memorial would be borne by the developer.
- The plans have been amended to address the inaccuracies.
 - The Council's Traffic and Transport department have not objected to the proposal on Highways grounds.
 - The issue of overlooking is considered in the main report. If Members are minded to approve the application a condition requiring a 1.8m high close boarded fence to be erected on the boundary with the adjoining properties is recommended to address the issue of the perception of overlooking that may result as a result of the loss of the existing building.
 - Potential damage to adjoining properties during demolition/construction is not a material planning consideration. However, if Members are minded to approve the application an informative advising the applicant to contact the adjoining property owners to resolve this issue is recommended.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken into account all material considerations, it is considered that subject to compliance with the recommended conditions, this proposal complies with the adopted Local Plan 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 therefore recommended for APPROVAL.

SITE LOCATION PLAN: 78-80 Brackenbury Road, London, N2 0ST

REFERENCE: F/03645/12



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