

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. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

6. 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.

7. 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.

8. 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.
9. 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.
10. No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
11. 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.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to F of Part 1 to Schedule 2 of that Order shall be carried out within the development site.
Reason:
To safeguard the amenities of neighbouring occupiers and the general locality.
13. 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).

14. Before the development hereby permitted first commences, details of the proposed car port shall be submitted to and approved in writing by the Local Planning Authority. The car port shall thereafter be constructed and retained in accordance with the approved details, and shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate dwelling unit.

Reason:

To safeguard the character and appearance of the site and the amenities of the occupants of adjoining residential properties.

15. The flat roof of the dwelling hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

16. 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.

17. 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.

18. The development permitted by this planning permission shall not be commenced until a scheme for provision of compensatory flood storage on the site to a 1 in 100 year climate change standard, on a volume for volume and level for level basis for any flood storage lost as a result of the development has been submitted to and approved by the Local Planning Authority. The compensatory storage shall be retained for the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the impact of flooding on the proposed development and future occupants.

19. The development permitted by this planning permission shall not be commenced until details of the proposed finished floor levels, a minimum of 300mm above the 1 in 100 year flood level including climate change, have been submitted to and approved by the Local Planning Authority. The scheme shall thereafter be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding.

20. The development hereby permitted shall not commence until details showing that satisfactory arrangements can be provided demonstrating that the proposed dwelling can be accessed by emergency service vehicles and the dwelling shall not be occupied until these arrangements are in place and thereafter permanently maintained in accordance with those details.

Reason:

In the interests of public safety.

INFORMATIVE(S):

1. The reasons for this grant of planning permission are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Development Plan. In particular the following policies are relevant:

Core Strategy (Adopted September 2012): CS NPPF, CS1, CS5, CS7, CS9, CS10, CS13 and CS15.

Development Management Policies (Adopted September 2012): DM01, DM02, DM04, DM15 and 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 street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or give rise to unacceptable flood risk. This proposal is considered to accord with 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 £4935.

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. The applicant is advised that, with regard to Condition 15, refuse collection points should be located within 10 metres of the public highway. Alternatively, the development access should be re-designed and constructed to allow refuse vehicles to enter the site. The applicant is advised that such a revision to the access would require separate assessment and consideration as part of a planning application. Alternatively, refuse and recycling containers should be brought to the edge of the public highway on collection days. For further information regarding refuse, please contact the Waste and Sustainability team.
4. The applicant is advised to contact the Fire Brigade to discuss their requirements regarding access to the site.
5. 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) National Planning Policy Framework;
- 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.

6. The applicant is advised that, in accordance with the Wildlife and Countryside Act 1981 Obligations etc, any and all works carried out in pursuance of this permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
7. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 5 March 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/03397/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education and health and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 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.

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

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

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

The Mayor's London Plan (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.

Local Plan Core Strategy (September 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). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS13 and CS15.

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM04, DM15 and DM17.

Adopted Supplementary Planning Guidance and Documents

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards. A draft consultation version (November 2012) has recently been published, and is out to consultation at present.

Relevant Planning History:

Site Address: 161 Holden Road LONDON N12
Application Number: N00225C
Decision: Refuse
Decision Date: 18/12/1968
Proposal: **detached bungalow and garage.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225E
Decision: Refuse
Decision Date: 19/11/1991
Proposal: **Erection of detached bungalow to rear of Holden Heights,161 Holden Road.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225G
Decision: Refuse
Decision Date: 09/02/1993
Proposal: **Erection of detached bungalow.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225H
Decision: Refuse
Decision Date: 23/04/1996
Proposal: **Three bedroom detached house.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225J
Decision: Refuse
Decision Date: 15/11/1996
Proposal: **Alterations to existing garages to form a new flat roof above.**

Site Address: 161 Holden Road LONDON N12
Application Number: N00225K
Decision: Refuse
Decision Date: 04/03/1997
Proposal: **Three bedroom detached house.**

Site Address: 161 HOLDEN ROAD HOLDEN HEIGHTS LONDON N12
Application Number: N00225N/01
Decision: Refuse
Decision Date: 02/05/2002
Appeal Decision: Dismissed
Proposal: **Erection of a one bedroom detached bungalow with basement parking.**

Site Address: R/O 161 Holden Road London N12 7DX
Application Number: N00225P/06
Application Type: Outline Application
Decision: Refuse
Decision Date: 08/01/2008

Appeal Decision: Dismissed
Proposal: **Erection of single storey dwelling to the rear of existing garages with access from Holden Road and hardstanding parking area (OUTLINE APPLICATION).**

Site Address: Garage Block, Holden Heights, Holden Road, London
Application Number: 01585/08
Application Type: Outline Application
Decision: Refuse
Decision Date: 14/05/2009
Appeal Decision: Dismissed
Proposal: **Proposed construction of detached single storey dwelling (OUTLINE).**

Site Address: Garage Block, Holden Heights, Holden Road, London
Application Number: B/04157/09
Decision: Approve with conditions
Decision Date: 06/01/2010
Proposal: **Formation of a detached single storey dwelling following demolition of existing garages.**

Consultations and Views Expressed:

Neighbours Consulted: 44 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Application will adversely effect and increase traffic in Woodside Lane.
- Access for emergency vehicles would be restricted.
- Occupiers of the flats at Holden Heights would overlook any occupants of the proposed dwelling.

Internal /Other Consultations:

Traffic and Development: No objections are raised on highway grounds, subject to the same conditions and informatives as attached to the previous permission.

Date of Site Notice: 11 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains three detached blocks of garages, located approximately 22 metres rear of the existing block of flats at No. 161 Holden Road ('Holden Heights'). The garages are fairly overgrown, and do not appear to be in use. The application site slopes down from east to west, with the block of flats and the entrance to the site at a higher level (approximately 4 metres) to the application site. To the west of the site and at the bottom of the slope is the Dollis Brook, to the south the rear gardens of properties facing Laurel View, and to the north allotments. The land directly to the north of the site, and that alongside the Dollis Brook is classified as Metropolitan Open Land. The site is accessed from a track which runs from Holden Road down alongside the flats at Holden Heights.

Proposal:

This application proposes an extension to the time limit of planning permission B/04159/09, under which 'the formation of a detached single storey dwelling following demolition of existing garages' was approved. The application was approved in January 2010 and expires on 5 January 2013.

The previously approved bungalow was L-shaped, measuring 10 metres in width by 15 metres in depth. It would have a flat sedum roof 3.25 metres high. As a result of the changing site levels, the rear elevation of the proposal would be sunken into the ground. The garden area would be located toward the Metropolitan Open Land and the Dollis Brook, extending some 45 metres rear of the dwelling.

Planning Considerations:

The guidance published by DCLG regarding the handling of such applications advises that “LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies) which may have changed significantly since the original grant of permission”. In this case, the development plan has changed substantially, in that the Unitary Development Plan (2006) has been replaced by the Local Plan Core Strategy and Development Management Policies Development Plan Document (adopted September 2012). In addition, the National Planning Policy Framework has been published (March 2012) which supersedes all previous planning policy guidance notes and planning policy statements. As such, it is necessary to assess the proposal in light of current adopted policy.

The previously approved planning application followed a number of refusals, which all related to the encroachment of the proposed dwellings on the Metropolitan Open Land adjacent to the site. The approved scheme did not encroach into this land, and was therefore considered acceptable. Having regard to current policy, it is not considered that the proposed dwelling would appear as a prominent feature within the area. It would not adversely affect the character or appearance of the street scene or the wider locality. It would be set sufficient distance from the neighbouring properties such that it would not adversely affect the amenities of the nearest residential properties, and the garden area would be afforded a sufficient level of privacy.

Having regard to the above, and to the content of the NPPF, it is not considered that the revisions to national policy are such that any objections could be raised to the current scheme. As such, no objections are raised to the extension of time to implement the approved development.

During the appeal for planning application B/01585/08, the Environment Agency removed their objections to that previous scheme on the condition that two planning conditions were attached to any permission granted at that time. The two conditions are attached to the current approval.

It is noted that the previous planning permission contained a number of conditions, and most of these remain relevant, reasonable and necessary. Financial contributions to meet the additional pressures on healthcare, library and education facilities which would result from the additional population in the Borough from the new dwelling were requested as part of the previous planning permission, and are to be secured by a Legal Agreement.

Overall, it is considered that the proposed extension of time limit in this case is acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The preservation of views is not a material planning consideration. All other comments raised are addressed in the Appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

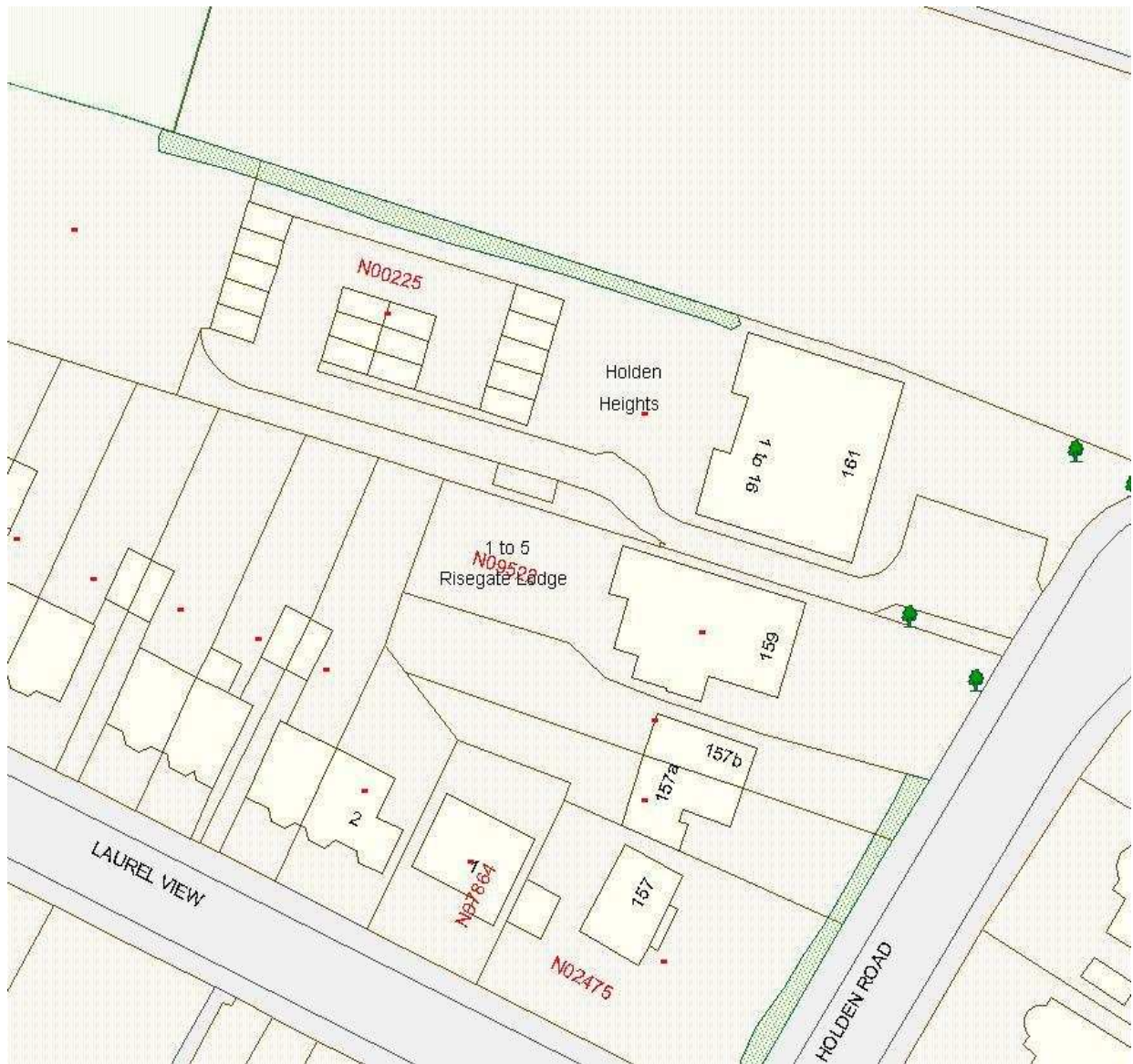
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for **approval** subject to conditions.

SITE LOCATION PLAN: Garage Block, Holden Heights, Holden Road, London

REFERENCE: B/03397/12



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