

LOCATION: 6 Beechworth Close, London, NW3 7UT
REFERENCE: F/02630/12 **Received:** 06 July 2012
WARD: Childs Hill **Accepted:** 09 July 2012
Expiry: 03 September 2012

Final Revisions:

APPLICANT: PKS ARCHITECTS
PROPOSAL: Erection of two new three-storey detached dwellings and basement accommodation with new vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

Approve Subject to 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) £11,949.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/02630/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 005-01; 005-02; 005-03; 005-04; 000-02 RevC; 000-03 RevA; 010-00 RevC; 010-01 RevC; 010-02 RevC; 010-03 RevC; 010-B1 RevC; 050-04 RevA; 050-01 RevA; 050-06 RevA; 050-05 RevA; construction method statement Sep'12/MFF/212114 RevA email from Graham Epking-Crane from PKS architects dated 20.11.12 relating to the construction method statement; PKS/6BC/AIA/01e; PKS-6BC-AMS-01A; Chelmer site report phase 1 CSI Ref: Desk/3369; CSI Ref: BIA/3369/Rev1 and email from Graham Epking-Crane of PKS architects dated 21.11.12 relating to additional information for basement impact assessment; CSI Ref: FACT/3369; CSI Ref: FRA/3369/Rev1; CSI Ref: GSR/3369/Rev1; CSI Ref: GEO/3369/Rev1; 12-001-JJF-TS3.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 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 in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 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 the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 7 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) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facings 1 Elm Walk and 5 Beechworth Close.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 Continued monitoring of ground water levels should be carried out throughout the development and the results provided at the request of the Local Planning Authority.

Reason:

To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

- 9 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, expanding on the principles as set out on plan 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 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.

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

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 16 The level of noise emitted from the pool plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 17 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 18 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

19 Works to the basement shall be dealt with in accordance with the hereby approved Basement Impact Assessment and the basement construction shall be watertight in accordance with BS 8102, and the pile wall shall be adequately propped in accordance with the Basement Impact Assessment, Ground Stability Report and email sent by PKS architects dated 21.11.12.

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

20 Before the development hereby permitted is occupied, vehicular and cycle parking spaces shall be provided in accordance with drawing No 000-50 Rev. A, 000-02 Rev.C submitted as part of the above application 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 DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 of the Adopted Barnet Core Strategy DPD (2012).

21 The development shall be carried out in accordance with the Construction Management Plan hereby approved any variation to the Construction Management Plan must be submitted to the Local Planning Authority for approval before site works or works on this development including demolition or construction works commence.

Reason: In the interests of highway safety in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS9 of the Adopted Barnet Core Strategy DPD (2012).

22 Details of the boundary treatment around the site including the boundary between the two new dwellings shall be submitted to and approved 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 safeguard the health of the trees of special amenity value in accordance with policies DM01, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS7 and CS9 of the Adopted Barnet Core Strategy DPD (2012).

- 23 No development or other operations shall commence on site in connection with the demolition and erection of two new dwellings development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 24 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 25 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4, CS5, CS6, CS10, CS11.

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

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance 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.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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 £40,425.00.

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

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

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

- 3 In the event that any alterations to the existing crossover or new crossovers are required then it will be subject to detailed survey by Crossover Team the as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 4 The gradient for the proposed ramp leading to the vehicular parking area should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks 3rd Edition.
- 5 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 7 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

RECOMMENDATION III

That if an agreement has not been completed by 30/01/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/02194/12 under delegated powers for the following reason:

1. 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 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 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".

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 3.5A 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.

Barnet Local Plan

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Core Strategy (Adopted) 2012:

The Core Strategy was adopted by the Council on 11 September 2012. The Core Strategy sits at the heart of the Local Plan. It sets out where, when and how change will take place, providing a shared vision of what Barnet will be like as a place in 2026.

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

Development Management Policies (Adopted) 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..

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM12, DM13, DM17.

Relevant Planning History: None relevant.

Consultations and Views Expressed:

Neighbours Consulted: 23 Replies: 18
Neighbours Wishing To Speak 9

The objections raised may be summarised as follows:

Character and appearance

- Dwellings do not reflect the existing neighbouring properties.
- Overbearing and negative impact on streetscene.
- Overdevelopment and hugely exceed the requirements set out in the London Plan for a 5 bedroom house.
- Proposal is massive.

Impact on neighbouring properties

- Loss of privacy.
- Vegetation can not be relied upon as a sufficient privacy screen.
- No acoustic report to address the new plant for the swimming pools.

Traffic, access and parking

- Impact on further development on an area of limited resident parking with already over-used resident parking bays.
- Entrance and exit arrangements has not been properly considered in transport statement.

- Report and drawings are inadequate to demonstrate that development can take place without adverse impact on trees whether or not TPO protected.

Other matters

- No basement impact assessment has been undertaken. Area is known for underground water flows, and natural springs rise in gardens on Elm Walk. Ground investigations need to be undertaken.
- Ownership issues
- Landscaped strip along Elm Walk is not part of public highway.
- This strip serves an important function and should not be lost.
- Consultation was carried out by Barnet for Beechworth Close but not Elm Walk.
- Incorrect position of red line of application - must show 4 areas of crossover required.
- Concerns relating to the impact on Beechworth Close during building works.
- Trees are protected by a tree preservation order.
- Low level boundary landscaping which reinforces character of Beechworth Close will be harmed.

Internal /Other Consultations:

- Traffic & Development - No objections subject to conditions.
- Building Control building engineer - No objections.
- Trees and landscaping - No objections.

Date of Site Notice: 19 July 2012

Two rounds of public consultation were carried out on the application following receipt of amendments to the proposal which included the relocation of the access points to Beechworth Close. After the second round of public consultation three new objection letters were received to the proposal.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site.

Proposal:

The application relates to the erection of two new three-storey detached dwellings and basement accommodation with new vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

The submission of the application follows lengthy pre-application discussions between the applicant and officers. The application was originally submitted with access from Elm Walk, during the life of the application this was amended to create a new access point from Beechworth Close. The proposal therefore no longer has access from Elm Walk.

Planning Considerations:

The main issue in this case are considered to be covered under the following areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size, siting and design of the proposal.
- Impact on traffic, parking and vehicle movements.
- Impact of proposal on trees on site particularly protected trees.
- Impact on ground water and other hydrologys as a result of the proposed basements.
- Financial Planning Obligations arising from the development.

Living conditions of neighbouring residents

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

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the consultation draft Sustainable Construction and Design SPD (2012) states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Furthermore the consultation draft Residential Design Standards SPD (2012) advises that 'Privacy is an important design issue and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.'

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

Privacy can be safeguarded by achieving window to window distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Windows are proposed in the side elevation facing towards 1 Elm Walk the distances above are not met, however, the side windows are not principal windows and as such a condition requiring these to be obscure glazed has been suggested to overcome this concern.

It is considered that there is sufficient distance between the application site and 5 Beechworth Close to ensure the proposal does not result in any demonstrable loss of amenity to the neighbouring residential occupiers.

Character and appearance

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the consultation draft SPD 'Residential Design Standards' (2012) advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas,

The principle of demolition is considered acceptable. The property is not within a conservation area and is not of particular architectural merit to warrant its retention.

The location of this site within a residential area, on a sufficiently large plot makes the principle of two new units on the site in keeping with Council Policies relating to new developments.

When assessed against the London Plan's density matrix, the scheme provides 14.29 units per hectare and 178.57 habitable rooms per hectare, in an area where 35-55 units per hectare and 150-200 habitable rooms per hectare would be acceptable. The scheme is therefore less dense than the London Plan policies normally recommend and as such there are no objections on the proposed density. It is considered that as there is one property on site at the moment, the scheme could not be refused on the shortfall in the number of units, when compared to the requirements of the density matrix on this occasion.

Council Policies state that new residential developments must harmonise with and respect the character of the area. Whilst the proposal is of a contemporary design it is not considered the design of the two dwellings would be out of character with the area. The property as existing is a box shape with flat roof and the proposed dwellings would continue this general design principle. The proposal would adhere to policies recommending the infill of sites in residential areas.

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

The Urban Design team support the proposals.

Living conditions of future occupiers

The minimum space standards for new development is laid out in table 3.3 of the London Plan 2011. The requirements for houses is set out below:

3 storey houses
3 bed 5 people 102m²
4 bed 5 people 106m²
4 bed 6 people 113m²

Each house proposes 5 bedrooms whilst this is not covered in the London Plan table the pre-amble suggests that when designing homes for more than 6 persons/bedspaces, developers should allow approximately 10 square metres per extra bedspace/person.

Each house complies with the minimum space standards.

Table 2.3 of the consultation draft of Barnet's supplementary planning document sustainable design and construction (2012) indicates outdoor amenity space requirements. For houses of this type the standard is set at 85m². Each dwelling meets the requirements of on site usable amenity space.

Impact on traffic, parking and vehicle movements.

The traffic and development team have reviewed the planning application and consider that based on observations the proposal is acceptable subject to conditions. 3 parking spaces are provided for each of the houses which is appropriate provision for the area. Cycle parking spaces are also proposed.

The site is located within a one Hour Controlled parking Zone. Appropriate level of parking is provided in this location.

Vehicular accesses to both properties are proposed from Beechworth Close including the existing access which is being retained. The vehicular accesses are to provide via ramps from public highway and the ramp gradient as proposed in drawing 000-50 Rev. A should be provided. Any amendments to the proposed gradient will need to be in accordance with the guidance in Institute of Structural Engineers Design recommendations for multi-storey and underground car parks 3rd Edition.

Trees related issues

The trees and landscaping team have reviewed the planning application and consider that the proposal is acceptable in compliance with arboricultural information submitted with the application. In addition, conditions have been attached to the application to ensure the safeguarding of the health of the trees of special amenity value and to ensure that a suitable scheme of landscaping is implemented for the two new dwellings. It is considered that a sufficient level of replacement planting is proposed in place of soft landscaping and trees which are to be removed as part of the development.

Impact on hydrological issues as a result of the proposed basements.

The Council's Building Control Department Principal Structural Engineer agrees with the applicant's conclusion that the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely.

The Local authority's building control department principal structural engineer has reviewed the information submitted in relation to impact of the basement on hydrological issues. Following a review of the information submitted and additional information provided by Chelmer and the contractors it is considered that the proposal to create new basement accommodation will not result in any significant disturbance that would warrant a refusal of the application on these grounds. It has been suggested that conditions are attached to ensure the monitoring of the drainage and future ground water monitoring is conducted as per the basement impact assessment. It has been confirmed that the ground water will be dealt with in accordance with the Basement Impact Assessment and the basement construction will be watertight, this should be in accordance with BS 8102, and the pile wall will be adequately propped.

A condition has also been imposed to carry out monitoring for the basement construction.

Sustainability:

Sustainable development is a key priority of Central Government and the Council. Any new residential development in Barnet is expected to meet Code Level 3 of the Sustainable Homes – whilst the applicant has not indicated in the design and access statement that this will be achieved; a condition as part of the permission could be attached to the decision notice should the Council be minded to approve the application.

The Community Infrastructure Levy Regulations 2010:

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

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Adopted policy 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, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five 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. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)). The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide 1 additional residential unit that is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

Contributions to library services:

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

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

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

Contributions to Health facilities:

The proposal would provide 1 additional residential unit that is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by unilateral undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Character and appearance

- The character and appearance of the property is considered to be appropriate within its setting.

The site is considered large enough to facilitate the level of development proposed. Whilst less dense than the London Plan policies normally recommend it is considered that as there is one property on site at the moment, the scheme could not be refused on the shortfall in the number of units, when compared to the

requirements of the density matrix. In addition, a more dense proposal would not be appropriate in the context of Beechworth Close, which is a road characterised by large dwellings set within large plots.

Impact on neighbouring properties.

- The proposed dwellings are not considered to give rise to any loss of amenity to the neighbouring residential occupiers, the scheme has been amended since the initial submission, to create one column of windows in the side elevation of the nearest property facing 1 Elm Walk. These windows are to be obscure glazed being secondary windows. This along with the screening between the two dwellings is considered to be sufficient to ensure there is no loss of privacy.

Traffic, access and parking

- The application has been reviewed by the traffic and development team and it is considered that the proposal is acceptable on highways grounds.
- The application has been amended since the initial submission changing the proposed access points from Elm Walk to Beechworth Close. Access to house 2 will utilise the existing drive and one new access point will be created for house 1. This amendment addresses a number of the objections raised including ownership issues relating to the landscaped strip along Elm Walk and whether or not this forms part of public highway and incorrect position of red line of application.

Other matters

- A basement impact assessment has been carried out and reviewed, exploring ground water levels and any potential impact of the basement.
- The proposal has been amended removing the vehicular access points from fronting Elm Walk to the opening of a new access point on Beechworth Close and use of the existing access. This has overcome previous ownership issues surrounding the grass verge on Elm Walk.
- A construction method statement has been submitted as part of the application which has been reviewed and is considered appropriate to ensure building works do not result in undue harm to the residents of Beechworth Close during building works.
- The trees and landscaping team have reviewed the application and are satisfied with the proposal with suitable measures to safeguard the protected trees and provides a suitable landscaping scheme.

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, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance 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: 6 Beechworth Close, London, NW3 7UT

REFERENCE: F/02630/12



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