

LOCATION: Steepways, King Edward Road, Barnet, Herts, EN5 5AW

REFERENCE: B/03377/12

Received: 31 August 2012

Accepted: 07 September 2012

WARD: High Barnet

Expiry: 02 November 2012

**Final
Revisions:**

APPLICANT: Mr Anthony Ramelli

PROPOSAL: Demolition of existing building and erection of one pair of two-storey semi-detached dwellings (incorporating basement and rooms in the roofspace). Associated off-street car parking and landscaping.

APPROVE SUBJECT TO S106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £21,239.00**
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 £2,848.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,216.55**
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: B/03377/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, P/301, P/303, P/304 and P/305 (received 31 August 2012), P/302/A (received 10 December 2012) and

Drawing Nos. P/306/B, P/308/B, P/310/B, P/311/B and P/0312/B (received 4 December 2012) and P/309/C (received 5 December 2012).

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 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.

4. Before the development hereby permitted is occupied the parking spaces shown on Plan P/306/B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

5. 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 E of Part 1 to Schedule 2 of that Order shall be carried out within the area of the application site.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

6. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

7. The dwellings hereby permitted shall be used as individual family dwellings (Use Class C3) and no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area, and to ensure the dwellings provided remain as single dwellings as approved given their status as 'high priority' within Policy DM08.

8. 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).

9. The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy 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).

10. No work on the development hereby approved shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The construction shall take place thereafter in accordance with the approved details. The details must include the likely timescales for the development, contractor parking and material storage.

Reason:

To safeguard the free flow of traffic, pedestrian and public safety.

11. The levels of the building hereby approved shall be as shown on the approved plans.

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.

12. All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

13. The dwellings hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policies DM02 of the Development Management DPD (2012) and 5.15 of the London Plan 2011.

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 Core Strategy (2012) and Development Management Policies DPD (2012). In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1 and CS5.

Development Management Policies (Adopted) 2012: DM01, DM02, DM08 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. 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.

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 applicant has not entered into pre-application discussions with the Local Planning Authority. However, the Local Planning Authority has negotiated with the applicant / agent during the application process, providing detailed feedback regarding the original scheme to enable the applicant to formulate a more acceptable scheme, and 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 £9765.

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) is required to be entered into relating to this permission.
4. The applicant is advised that if the proposal is carried out it will be necessary for a new crossover to be constructed by the Highways Authority. Any alteration to the existing or new crossovers will be subject to detailed survey as part of the application for crossover under the 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. Any street furniture including lamp columns affected by the proposal will be relocated at the applicant's expense.

5. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.
6. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the borough streets and pavements improved.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9 April 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/03377/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education facilities, library facilities, health facilities 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), Health (2009), Libraries (2008) 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 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". The NPPF 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 and is recognised in the NPPF as part of the development plan.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08 and DM17.

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local 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.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

Application Number: N04515
Decision: Approve with conditions
Decision Date: 17/06/1974
Proposal: **Single storey rear extension.**

Consultations and Views Expressed:

Neighbours Consulted: 73 Replies: 20
Neighbours Wishing To Speak: 3

The objections raised (relating to the original scheme) may be summarised as follows:

- Development is inappropriate for the area.
- There is no room for an additional dwelling.
- Proposal will put strain on parking, as the road is already overcrowded.
- Proposal will take away the privacy of neighbours,
- Proposal would be an overly dominant form of development, unduly obtrusive.
- Development is too large and out of scale and character with the surrounding area and neighbouring buildings.
- Excavation will alter the land gradient and could have structural implications.
- No other properties nearby have basements, and the proposal would be out of character with the neighbours.
- Side dormer windows would reduce the privacy for neighbouring properties.
- The extent of glazing would be out of keeping with the street scene.
- Proposal would sit below the level of the road and not reflect neighbouring properties.

- Shape and size of the roof is not consistent with neighbouring properties.

Theresa Villiers MP has written in support of an objector's comments

Officer Note: It should be noted that the comments above relate to the original scheme submitted as part of this application. However, amended plans have been received. Interested parties have been given the opportunity to comment on these amended plans, and their comments will be reported within the Addendum to this report at the Committee meeting.

Internal /Other Consultations:

Traffic and Development: The proposal is for demolition of existing house and construction of two new houses with parking in the forecourt of the houses. The proposal is acceptable on highways grounds.

Date of Site Notice: 20 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a detached bungalow. The bungalow has a front gable projection, with a hipped roof over the main section set slightly further back on the plot. King Edward Road has a fairly varied street scene, with the properties to the south east being two storey semi-detached properties. The properties to the north west are three storey houses with pitched roofs. On the opposite side of the road is a mixture of detached and semi-detached dwellings, and buildings containing flats. King Edward Road slopes down in this location from north west to south east. However, the land levels in the gardens of the properties at this part of King Edward Road slope up from front to rear.

Proposal:

This application proposes the demolition of the existing bungalow, and the erection of a pair of three-storey semi-detached properties, with accommodation within the roof slope and a lower ground floor level. The pair would measure a maximum of 14 metres in depth by 10.2 metres in width at lower ground and ground floor levels. At first and second floor levels, the depth would be 10.5 metres. When viewed from the front, the property would have three storeys above ground level. However, to the rear the lower ground level would open onto a lower courtyard area below the main garden. The ground floor level would open out to the rear at the same level as the rear garden. The proposal would have two front gables (one to each of the semi-detached dwellings), approximately 10.2 metres high. The submitted plans show the proposed building to have a greater height than the neighbouring property at a lower level, and a lesser height than the three storey neighbouring property. Each dwelling would include four double bedrooms.

One parking space is proposed to be provided for each dwelling, forward of the dwelling.

The agent has confirmed that the proposal has been designed to meet lifetime home standards.

Planning Considerations:

As noted above, the application site contains a detached bungalow. The neighbouring plots contain two storey detached or semi-detached properties, and are

generally of a lesser width than the application site. This application proposes the subdivision of the site, and the erection of a pair of semi-detached properties. In terms of appearance, the proposed building would have front gables with overhanging eaves. The building would include front bay windows, with small front porches. The proposed dwellings would reflect the design features found in older properties along King Edward Road, and the design of the building would sit comfortably between the conventional semi-detached properties, and the taller, more modern three storey town houses.

The proposed building would not occupy the entire width of its plot, but would be set in approximately 1 metre from each side boundary. It is noted that each neighbouring property is set away from its site boundary at and above first floor level, and as a result spacing would remain between the properties such that the building would not appear cramped within its plot. The proposed subdivision of the plot would result in the formation of two plots of widths similar to those of other nearby properties, and as such the resultant plots would reflect the character of the area.

Overall, the proposed building would reflect the character of this part of the street scene. Its height and levels would reflect the sloping nature of King Edward Road in this location, and the proposal is not considered to be detrimental to the character or appearance of the plot, the street scene or the wider area.

The proposed building would have a greater depth than each of the neighbouring properties at and above first floor level. However, given its positioning within its plot and the relationship between the neighbouring properties, it is not considered that the proposal would appear overbearing or visually intrusive when viewed from any neighbouring property. The proposal would include rear facing windows commensurate with a residential area, and would not include flank windows which would overlook the private amenity areas of neighbouring properties. As such, it is not considered that the proposal would adversely affect the privacy or amenities of the occupants of any neighbouring property.

The size of the proposed units, and the rooms within their units, comply with the minimum unit and room sizes contained within the London Plan and the Council's consultation draft Sustainable Design and Construction SPD. The submitted plans show a garden that could be subdivided to create a private amenity space of adequate size for the unit it would serve, and the subdivision of the plot would not be detrimental to the character and appearance of the locality. One parking space is provided and this is considered to provide adequate parking spaces in accordance with the Council's parking requirements. Each of the proposed dwellings would contain four double bedrooms. The provision of units of this size is supported by Policy DM08 which states that for market housing homes with 4 bedrooms are the highest priority.

This application proposes an increase in the number of dwellings within the site, and an increase in the number of bedrooms within the site. It is necessary for financial contributions to be secured toward the additional costs of health, education and library facilities that would result from the proposed development.

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 an additional residential unit, resulting in a total of two larger units, which 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.

To accord with policy and the SPD the proposed scheme of one residential unit would require a contribution of £21239 plus a monitoring fee of 5%.

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. To accord with policy and the SPD the proposed scheme would require a contribution of £244 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide an additional residential unit which 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. To accord with policy and the SPD the proposed scheme would require a contribution of £2848 and a monitoring fee of 5%.

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

3. COMMENTS ON GROUNDS OF OBJECTIONS

Issues regarding construction methods for the proposed basement are not a material planning matter. The proposal complies with the Council's parking standards. All other comments 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:
EN5 5AW**

Steepways, King Edward Road, Barnet, Herts,

REFERENCE:

B/03377/12



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