

LOCATION: Land Between 30 Alexandra Road & 32/34 Alexandra Road,
Muswell Hill, London, N10 2RT
REFERENCE: B/02981/12
WARD(S): Coppetts

Received: 03 August 2012
Accepted: 03 August 2012
Expiry: 28 September 2012

**Final
Revisions:**

APPLICANT: Barnet Homes

PROPOSAL: Redevelopment of existing car park to provide terrace of 3no. two-storey houses with off street parking spaces

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 201206 011a (received 3 August 2012) and 201206 008j (received 21 January 2013).

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 the development hereby permitted is occupied the parking spaces shown on Drawing 008j (received 21 January 2013) 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 in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 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 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.

6. No development shall take place until details of the arrangements to mitigate against the impact of the proposed development on education, health and library facilities and the associated monitoring have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10, CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012) and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

7. 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 the details shown on drawing No. 008j (received 21 January 2013).

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).

8. Before the building hereby permitted is occupied the proposed windows at first floor level in the flank elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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).

9. 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 at first floor level or above in the flank elevations of the dwellings hereby approved.

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).

10. A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development 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. 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 curtilage of the dwellings hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

14. 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).

15. 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.

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 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 £12005.

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. 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's streets and pavements are improved.
4. 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.
5. If the development is carried out it will be necessary for the existing crossover to be widened and for new crossovers to be constructed by the Highway Authority. Any new crossovers or amendments to existing

crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to the London Borough of Barnet, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

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:

No relevant history.

Consultations and Views Expressed:

Neighbours Consulted: 153 Replies: 2
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Issue of easement of rights of freeholders has not been solved.
- Concern regarding loss of light to neighbouring properties to the north.

Internal /Other Consultations:

Traffic and Development: Site visits at times of peak residential parking demand indicated that there is on-street parking availability in the vicinity of the site. Taking into consideration the location of the site the proposed parking provision is acceptable on highways grounds.

Date of Site Notice: 16 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site contains a large area of hardstanding. It appears that this area was previously used as a carpark serving the adjacent residential development. However, the applicant's Design and Access Statement explains that the car park has not been used for at least 10 years, with concrete bollards installed to restrict access. The neighbouring property to the south is within a row of two storey maisonettes. The properties to the north are within a row of two storey terraced houses. To the east of the site, on the opposite side of Alexandra Road, are three storey blocks of flats.

Proposal:

This application proposes the redevelopment of the site, to provide a terrace of three 2-storey houses. The terrace would measure a maximum of 14.9 metres in width by 13 metres in depth. The northernmost dwelling has a first floor depth of 10.1 metres, whilst the remaining dwellings have first floor depths of 12 metres. Given the slight slope of the land, the pitched roofs of the dwellings would step down slightly, with the dwellings each having a ridge height of approximately 8 metres. The dwellings would each include a garden area to the rear, and space to the front for refuse and recycling bins to be stored, and a parking space for one vehicle.

Planning Considerations:

As noted, at present the application site is a vacant car park. The area is wholly residential, and therefore the principle of the redevelopment of this carpark for residential purposes is not objectionable. It is clear from the submitted information and the site visit that the car park has not been accessible for a number of years,

and as such it is not considered that the proposal would result in a substantial loss of off-street parking, to the detriment of the character of the area or the safety of highway users.

The proposal for a terrace of two storey dwellings would sit comfortably adjacent to the existing two storey developments in this part of Alexandra Road. The proposal would retain spacing between the neighbouring buildings such that it would not appear cramped within its plot. It is considered that the erection of a two storey terrace of three properties is acceptable in this location, and would not be detrimental to the character and appearance of the street scene or the wider locality.

Impact on neighbours

The proposal would project approximately 1.2 metres beyond the rear of Nos 32/34 Alexandra Road, to the south of the site, and as a result is not considered to appear overbearing or visually intrusive when viewed from these neighbouring properties. The proposal would be set approximately 1.6 metres away from No. 30 Alexandra Road to the north of the site, and the first floor element of the dwelling closest to No. 30 has been reduced in depth, to reduce the extent it would project rear of No. 30. It would project approximately 2.4 metres rear of No. 30. Given this design, and the resultant relationship, 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 at first floor levels, however these would provide an outlook toward the rear gardens of the relevant plots and are not considered to adversely affect the privacy of the occupants of any neighbouring property.

Amenity of future occupants

Rear garden areas are proposed, ranging from 80 to 105 square metres in area. These exceed the minimum 70 square metre requirement for a house of six habitable rooms and comply with the minimum amenity space requirements set out in the Sustainable Design and Construction SPD. The sizes of the proposed units, and the rooms within those units would comply with the relevant minimum requirements, and the rooms would have sufficient window area to floor space ratio. As such, it is considered that the proposal would result in a sufficient level of amenity for future occupants of the proposed units.

Parking

One parking space is proposed to be provided per dwelling. This complies with the relevant adopted policy. No objections are raised by the Traffic and Development Team.

Other Matters

Given the increase in residential properties in the Borough as a result of this development, it is considered necessary for financial contributions to be secured toward the additional costs to health, education and library facilities in the borough that would result from the proposed development. The contributions required in connection with this proposal 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. 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:

The proposal would provide three additional residential 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. To accord with policy and the SPD the proposed scheme would require a contribution of £20617 plus a monitoring fee of 5%.

Contributions to library services:

The increase in population resulting from this 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. To accord with policy and the SPD the proposed scheme would require a contribution of £930 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide three additional residential units 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. To accord with policy and the SPD the proposed scheme would require a contribution of £5714 and a monitoring fee of 5%.

As the applicant in this case is part of the Council, a S106 agreement/Unilateral Agreement is not appropriate. In these circumstances the necessary transfer of the contribution to meet the obligation will be undertaken internally within the Council. A suitably worded condition has been recommended to ensure that this policy requirement is met.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The easement of rights of freeholders is not a material planning consideration, but is a civil matter.

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

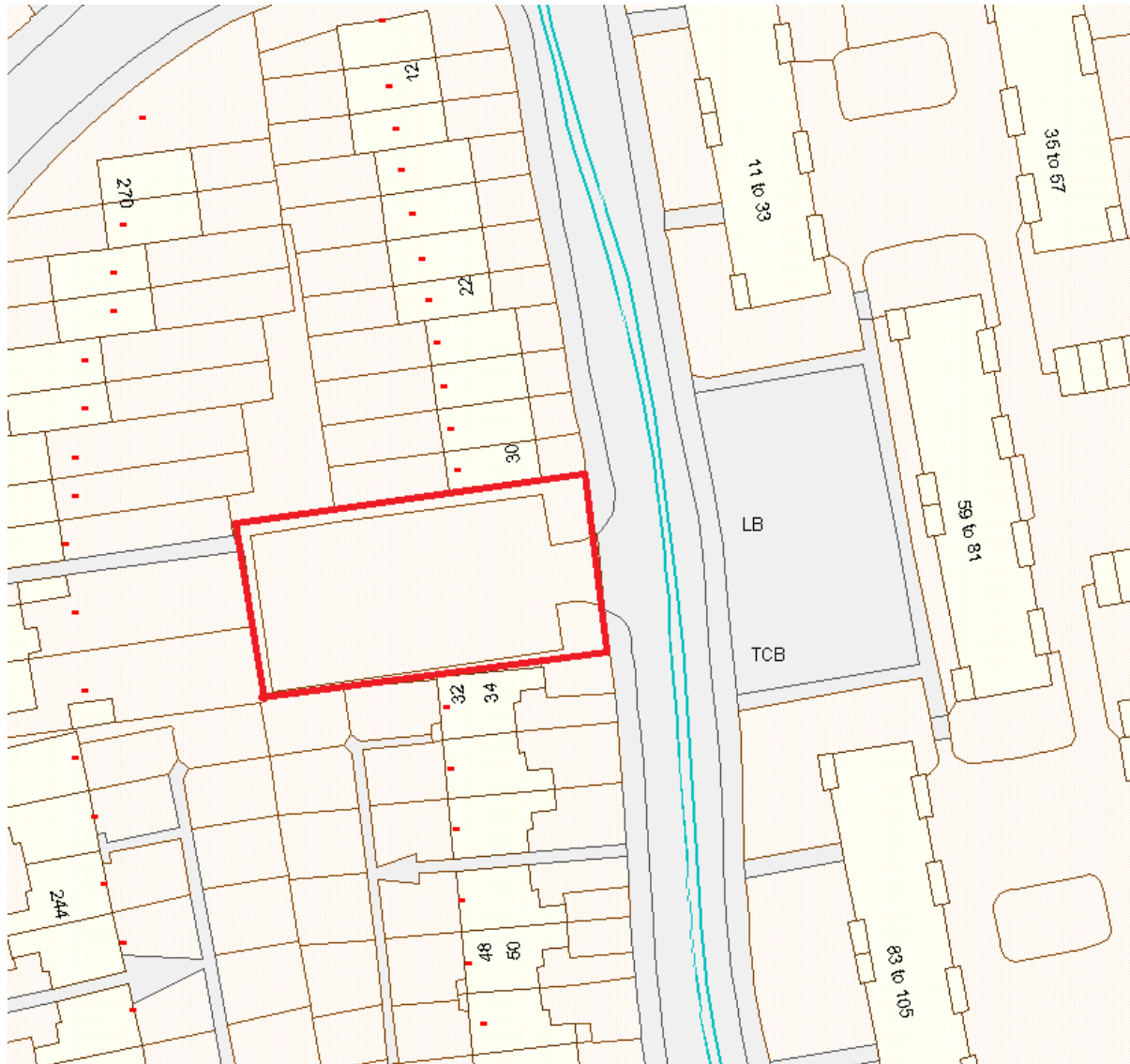
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

SITE LOCATION PLAN:

**Land Between 30 Alexandra Road & 32/34
Alexandra Road, Muswell Hill, London, N10 2RT**

REFERENCE:

B/02981/12



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