

LOCATION: Site of the former 'White Bear' Public House, 56 The Burroughs, London, NW4 4AN

REFERENCE: H/02331/12 **Received:** 15 June 2012
Accepted: 25 June 2012

WARD: Hendon **Expiry:** 20 August 2012

Final Revisions:

APPLICANT: Platinum Riverside Ltd

PROPOSAL: Demolition of the existing building and construction of a new development at 3 storeys plus rooms in pitched roof providing 8 residential apartments and basement car parking.

Approve Subject to S106

Subject to a Section 106 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) £57,753.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £328.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £11,944.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £3,501.25**
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: H/02331/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2(02)00, 2(03)00, 2(05)00, 2(05)01, 2(06)00, 2(10)00 Revision A, 2(12)00 Revision E, 2(12)-01 Revision A (proposed basement plan), 2(12)01 Revision D (proposed first floor plan), 2(12)02 Revision G, 2(12)03 Revision G, 2(13)00 Revision F, 2(13)01 Revision C, 2(13)02 Revision G, 2(14)00 Revision G, 2(14)01 Revision G, 2(14)02 Revision F, 2(14)03 Revision F, 2(14)04 Revision F, 2(14)05 Revision G, 2(15)00 Revision G, 2(51)00 Revision B.

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/garages shown on Plan 2(12)-01 Revision A 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 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.

- 5 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.

- 6 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).

- 7 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).

- 8 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).

- 9 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:

To enable archaeological investigation of the site in accordance with policies DM06 of the Adopted Barnet Development Management Policies DPD (2012) and 7.8 of the London Plan 2011.

- 11 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the building shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason:

To ensure adequate access levels within the development in accordance with policies DM03 of the Adopted Barnet Development Management Policies DPD (2012) and 7.2 of the London Plan 2011.

- 12 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).

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 No development or other operations shall commence on site in connection with the demolition and 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.

- 19 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.

- 20 The dwelling(s) shall achieve a Code Level 4 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 4 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 Strategic and Local Policies in accordance 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).

- 21 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.

- 22 No development shall take place until a 'Demolition, Construction and Traffic Management Plan' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 23 No residential unit within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting cycling as a mode of transport in accordance with Policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 24 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

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

- 25 Before the development hereby permitted is commences, details at a scale of 1:10 of the following shall be submitted to and approved in writing by the Local Planning Authority:

Doors and windows

Dormer windows

Facing brickwork

Timber gates

Rainwater goods

The development shall be implemented in accordance with such details as approved.

Reason:

To protect the character of the house and the Burroughs Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

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 polices are relevant:

Core Strategy (Adopted) 2012: CS1, CS5, CS10, CS11, CS15

Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM06, DM08, DM17

ii) The proposal is acceptable for the following reason(s): - It is considered that the proposed replacement of high quality design and high quality environmental performance. It is considered that the loss of the existing building is justified in these circumstances. The proposals would not harm highway safety or the

amenities of neighbouring occupiers. The proposals would enhance the character and appearance of The Burroughs Conservation Area.

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.

iv) In this case formal pre-application advice was sought prior to submission of the application.

- 2 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.

- 3 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Planning & Regenerations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The gradient for the proposed ramp leading to the underground 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.

Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site

preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided. The parking layout should include provision of electric charging points for all elements of the development.

The applicant is advised that The Burroughs is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Friday.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 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 £31,750.

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.

RECOMMENDATION III

That if an agreement has not been completed by 22/04/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/02331/12 under delegated powers for the following reason/s:

1. The development would require planning obligations towards education, libraries and health facilities and no formal undertaking is given to provide this, contrary to Policy CS10, CS11, CS15 of the London Borough of Barnet Adopted Development Management Policies 2012, and Supplementary Planning Document: Contributions to Education, Supplementary Planning Document: Contributions to Libraries, and Supplementary Planning Document: Contributions to Health Facilities.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Policies 3.5, 6.1, 7.4 and 7.6 in particular.

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, CS3, CS4, CS5, CS9, CS10, CS11, CS15.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM08, DM13, DM17

Supplementary Planning Documents and Guidance

Supplementary Planning Document: Contributions to Education
Supplementary Planning Document: Contributions to Libraries
Supplementary Planning Document: Contributions to Health Facilities.
Supplementary Planning Document: Planning Obligations
The Burroughs Conservation Area Character Appraisal Statement

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:

Site Address: The White Bear PH The Burroughs LONDON NW4
Application Number: W05401H
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 30/01/1996
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Floodlit post sign and lettering to front elevation.**
Case Officer:

Site Address: ARENA PUB/WHITE BEAR 56 THE BURROUGHS LONDON NW4
Application Number: W05401J/01
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 05/09/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advertising consent for 1 x Totem sign, 1 x Pole sign and 3 x Fascia signs.**
Case Officer:

Site Address: THE WHITE BEAR PUBLIC HOUSE The Burroughs LONDON NW4
Application Number: W05401B
Application Type: Full Application
Decision: Approve with conditions

Decision Date: 27/08/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of new wrought iron fence, brick arches, free- standing canopy and new front entrance canopy**

Case Officer:

Site Address: THE WHITE BEAR PUBLIC HOUSE The Burroughs LONDON NW4
Application Number: W05401C
Application Type: Advertisement
Decision: Approve with conditions
Decision Date: 27/08/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of four lamp standards; illuminated free- standing public house sign; illuminated projecting sign,illuminated fascia sign and lantern on front elevation; and illuminated fascia sign on side elevation**

Case Officer:

Site Address: THE WHITE BEAR PUBLIC HOUSE The Burroughs LONDON NW4
Application Number: W05401D
Application Type: Listed Building Consent
Decision: Approve with conditions
Decision Date: 27/08/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of entrance lobby, toilet facilities and off-licence at front of building**

Case Officer:

Site Address: THE WHITE BEAR PUBLIC HOUSE The Burroughs LONDON NW4
Application Number: W05401F
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/02/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single-storey side extension**

Case Officer:

Site Address: The White Bear PH The Burroughs LONDON NW4
Application Number: W05401G
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/02/1996
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Metal fire escape stairs to side and rearelevation.**

Case Officer:

Site Address: The Former White Bear Public House, 56 The Burroughs, London, NW4 4AN
Application Number: 02981/10
Application Type: Full Application
Decision: Refuse
Decision Date: 05/11/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Demolition of existing building and erection of a part 3, part 4 and part 5 storey mixed-use building (plus two basement levels) comprising; a retail unit, 14 self-contained dwellings, landscaping and car parking.

Case Officer: Graham Robinson

Site Address: The Former White Bear Public House, 56 The Burroughs, London, NW4 4AN

Application Number: 02982/10

Application Type: Conservation Area Consent

Decision: Refuse

Decision Date: 12/10/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Demolition of existing former public house building. CONSERVATION AREA CONSENT

Case Officer: Graham Robinson

Site Address: 56 The Burroughs, London, NW4 4AN

Application Number: 00980/11

Application Type: Full Application

Decision: Refuse

Decision Date: 11/30/2011

Appeal Decision: Dismissed

Appeal Decision Date: 11/30/2011

Proposal: Change of use from car park associated with restaurant to car sales including erection of a portakabin.

Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 217

Replies: 33

Neighbours Wishing To 1

Speak

The objections raised may be summarised as follows:

- Building is a positive building and heritage asset and should not be demolished
- Building gives spacious and rural feel to the area.
- Question Heritage Impact Assessment and the possibility of archaeological remains being found
- Structural impact from basement
- New accesses will be dangerous
- Existing building could be brought back into use.
- No provision for affordable housing
- Development is oversized
- Noise and pollution
- No obvious location for refuse or recycling
- Proposed flats will put pressure on local infrastructure
- Development is of excessive density
- Development would harm conservation area
- Elevations are bland and lacking in detail
- Loss of trees
- Flats are single aspect

Matthew Offord MP has objected to the proposals on the following grounds

- The new building would be a modern flat complex that would destroy the character and appearance of this historic area.
- There has been an inn on this site since the Middle Ages and the proposal would erode what remains of old Hendon.
- Development is high density and out of keeping with neighbouring buildings in scale and design
- Would exacerbate the already high level of traffic and congestion in The Burroughs and surrounding roads.

Middlesex University initially objected to the scheme. On the amended proposals, they consider that:

'We note that the revised scheme has reduced the residential content by one flat, reduced the height and massing of the development, and changed architectural detailing to provide a better scale and design relationship to adjacent buildings along The Burroughs and in Brampton Grove. Clearly attempts have been made to positively address the design concerns previously raised by officers. The University has no further comment it wishes to make on the design of the scheme, and is content for the Council's officers to determine the acceptability or otherwise of the amended proposals.

We note also that the revised heritage impact statement now explicitly refers to the Council's recently adopted Character Appraisal of The Burroughs Conservation Area. The applicant's consultants appear to disagree with the Council's assessment that the White Bear makes a positive contribution to the character and appearance of the Conservation Area, and the applicant's revised impact assessment sets out the reasons why. The University has previously set out its position on the heritage protection issues and we have nothing further to add. The University is content for the Council's planning and conservation officers to use their judgement on whether the reasons for the proposed building demolition, and the replacement scheme have been sufficiently justified in the light of recently adopted heritage policies and our previous comments.'

Neighbours have been consulted on amended plans and any further comments received will be reported at the meeting.

Internal /Other Consultations:

- Traffic & Development - No objection, comments contained within main report

Date of Site Notice: 12 July 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is located on the east side of The Burroughs. The site is located within The Burroughs Conservation Area. On site currently is a two storey building formerly used as a public house, now incorporating a restaurant (A4 use class). The site is located adjacent to the corner with Brampton Grove. To the east is Raffles House, a six-storey block of residential flats. Further to the east are two storey dwellings on Brampton Grove. The Conservation area extends to the south and west of the site. To the south is a row of Georgian Terraced buildings, the majority of which are Grade 2 Listed except that immediately adjacent. Opposite the site are two grade 2 Listed buildings at 47 and 55 The Burroughs.

The site itself contains 1 tree under tree preservation order to the north. Trees are protected by virtue of their location within a conservation area and there are other trees to the north- west of the site that are considered to contribute to the character of the area.

Proposal:

The proposals have undergone significant changes following discussion with the case officer.

The proposals are for a new two storey block with rooms in the roofspace, housing eight flats.

The units would consist of 2 x 4 bed, 4 x 3 bed and 2 x 2 beds flats.

The proposed design is a contemporary interpretation of a traditional design with pitched roof and dormer windows behind a parapet roof. The roof would be higher on the side of the property facing Brampton Grove, and lower to The Burroughs.

Parking would be located within a basement, with access from The Burroughs.

Planning Considerations:

- Whether the principle of the demolition of the existing building is acceptable
- Whether the proposal would preserve or enhance the character and appearance of The Burroughs Conservation Area.
- Whether the proposal would have a satisfactory impact on trees of special amenity value
- Whether the proposal would have an acceptable impact on highway and pedestrian safety
- Whether the proposal would have a satisfactory impact on neighbouring visual and residential amenity
- Whether the proposal would makes acceptable provision for archaeological remains that could be found on the site.
- Whether the proposed development would be acceptable in sustainability terms
- Whether the proposal would make acceptable provision for education, libraries and health facilities within the borough

Policy Context

The National Planning Policy Framework states that

Whether the principle of the demolition of the existing building is acceptable

Over the course of the application the Burroughs Character Appraisal Statement has been adopted and is a material planning consideration.

The proposals involve the demolition of the former public house building. The use of the public house ceased some time ago and it has more recently been occupied as a restaurant.

The building is considered to be unique within the conservation area, being re-built from its original form in 1931-1932. It is set back from the road and built in a neo-Tudor style with yellow stonework and half timbering. It is believed that an inn has been located on this site since Tudor times, with the name the "White Bear" in use since the late 1730s. The current building was built in 1932. At present the existing building stands vacant, although it is considered to make a positive contribution to the character and appearance of the Conservation Area.

The Burroughs Conservation Area Appraisal notes that the building has fallen into a state that detracts from the character and appearance of the conservation area. The National Planning Policy Framework states that Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. However, there is no evidence to show that the building has been left in its current state deliberately.

English Heritage has set out guidance to assist in the process of identifying buildings which make a positive contribution to the special interest of a conservation area (Appendix 2, English Heritage; Guidance on Conservation Area Appraisals - 2006). The council will ensure that planning applications for extensions and alterations to these buildings are particularly carefully considered and proposed demolition will normally be resisted.

The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Given that the building is a positive contributor to the conservation area it is considered to be a heritage asset of significant, though not highest significance.

In this case it is considered that the demolition of the building should only be entertained if the replacement development is of suitable quality and/or has wider public benefits.

Whether the proposal would preserve or enhance the character and appearance of The Burroughs Conservation Area.

The proposed development has been reduced substantially in scale following discussions with the case officer.

The proposals consist of two building elements, one facing The Burroughs and one facing Brampton Grove. The Burroughs block would relate to the terrace of properties within the conservation area at two storeys. It would reflect the design and rhythm of these buildings, providing a building that would integrate well into the conservation area.

The height of all areas of the building have been reduced from the original proposals. The current proposals would have two storeys with rooms within the roofspace.

The two blocks would be joined by a link element. This would be two storeys and set back behind the main facade of the building.

Chimneys and dormers are included on the roof and these are considered appropriate features. The entrance to the building has been located where the two main buildings join.

Proposed materials include London Stock brick, timber windows and clay roof tiles and the principle of these materials is considered appropriate within the conservation area.

Timber gates would conceal the entrance to the basement ramp from The Burroughs. Previous proposals involved vehicular access from Brampton Grove but this was difficult to accommodate without damaging trees on the site. This form of access would not be the only such feature within the conservation area, for example there is a similar timber entrance at Burroughs House.

Private amenity space is incorporated in the form of terraces to some units and a communal garden to the rear. The siting of the proposed building provides space for substantial soft landscaping along the Brampton Grove frontage and around the corner which will provide an appropriate and attractive setting for the building.

It is considered that the new building would respect the scale of neighbouring buildings within and outside the conservation area. It would enhance the character and appearance of this part of The Burroughs conservation area.

Whether the proposal would have a satisfactory impact on trees of special amenity value

An arboricultural assessment has been provided in support of the application. Additional information has been provided, namely:

- Confirmation that construction space and material storage would be outside root protection areas of trees
- Ground level planting beds have replaced raised beds

Subject to the imposition of appropriate conditions it is considered that the proposals can be accommodated without harm to trees of special amenity value.

Whether the proposal would have an acceptable impact on highway and pedestrian safety

The proposal is to demolish the existing building and construct a new development to provide 8 residential units comprising 2 x 4 bed, 4 x 3 bed, 2 x 2 bed units. 14 car parking spaces and 20 cycle parking spaces are being provided in the basement. A Transport Statement accompanies the application.

The parking provision meets the parking standards as set out in the Adopted Barnet Development Management policies.

The proposed ramp will need to be constructed in accordance with the guidelines in Institute of Structural Engineers Design recommendations for multi-storey and underground car parks 3rd Edition.

It is considered that the proposals would have an acceptable impact on highway and pedestrian safety.

Whether the proposal would have a satisfactory impact on neighbouring visual and residential amenity

A daylight and sunlight report has been provided which advises that the proposals should not cause undue loss of light.

The proposed building has been amended so that it has been reduced to a more acceptable scale. The neighbouring property at no.54 The Burroughs is in commercial use, so the nearest residential property is at no.52. There are also residential properties to the rear at Raffles House, opposite on The Burroughs and at Brampton Court.

The rear facing windows facing Raffles House would be obscure glazed. As a result it is not considered that there would be a harmful level of overlooking to these flats. The south facing windows would face across the rear gardens of properties on The Burroughs, but these are located sufficient distance away to prevent overlooking.

Given the distance from the nearest residential properties, it is not considered that there would be undue loss of light or outlook to neighbouring occupiers.

The proposed flats would all meet London Plan standards on floor space for new development.

Proposed communal amenity space would comply with the requirements of the Councils Supplementary Planning Document on Sustainable Design and Construction.

The proposals would provide an acceptable level of amenity for future residents.

Whether the proposal would makes acceptable provision for archaeological remains that could be found on the site.

The site is located within an area of special archaeological significance.

The applicant has submitted a Heritage Asset Impact Assessment in support of the application, that concludes that the site has moderate potential for having archaeological remains.

English Heritage have previously confirmed that the development would be acceptable in this respect subject to conditions.

Whether the proposed development would be acceptable in sustainability terms

A sustainability statement accompanies the application.

The proposals would need to comply with the requirements of the London Plan and the Barnet Development Management Policies 2012. The London Plan states that new developments should aspire to meet Level 4 of the Code for Sustainable Homes.

The sustainability statement suggests that the scheme would be able to meet level 4 of the Code for Sustainable Homes, which exceeds the policy requirement.

Whether the proposal would make acceptable provision for education, libraries and health facilities within the borough

In line with the relevant supplementary planning documents, the following planning obligations would be required:

- £57,753 towards educational facilities
- £328 towards libraries
- £11,944 towards health facilities
- £3,501.25 for associated monitoring

The applicant has agreed to enter into a legal agreement to provide these planning obligations.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Development is high density and out of keeping with neighbouring buildings in scale and design - *The density is considered appropriate*

Structural impact from basement - *This is principally a matter that would be addressed under the building regulations*

No provision for affordable housing - *This would not be required for a development of this size.*

Noise and pollution - *Noise and pollution during construction is not a planning consideration. It is not considered that the proposals would cause undue noise or pollution.*

No obvious location for refuse or recycling - *The siting of refuse is shown on the plans and is secured by condition.*

Flats are single aspect - *The majority of flats are dual aspect, a small number have*

obscure windows to one of two elevations.

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. SECTION 106 ISSUES

The contributions 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.

6. CONCLUSION

Taking all the above matters into consideration it is considered that the proposed replacement building is of high quality design with high environmental performance and as such it will make a positive contribution to the conservation area. It is considered that the loss of the existing building is justified in these circumstances. The size and design of the building are such that it can be accommodated on site without adversely affecting the amenities of neighbouring residents and without damaging the existing trees.

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: **Site of the former `White Bear` Public House, 56
The Burroughs, London, NW4 4AN**

REFERENCE: **H/02331/12**



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