

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 19TH JANUARY, 2017**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Wendy Prentice  
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius  
Reema Patel

Laurie Williams  
Kathy Levine

Tim Roberts

**Substitute Members**

Philip Cohen  
David Longstaff  
Andreas Ioannidis

Paul Edwards  
Caroline Stock

Pauline Coakley Webb  
Brian Salinger

Please note that the below agenda may not reflect the order in which items will be heard at the meeting

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Services contact: Jan Natynczyk 020 8359 5129 Jan.Natynczyk@Barnet.gov.uk  
governanceservice@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of members (if any)	
3.	Declaration of Members' disclosable pecuniary interests and non-pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Checknet and Durkan House 153-155 East Barnet Road Barnet (East Barnet Ward)	9 - 22
7.	Fairlawn 11 Capel Road Barnet (East Barnet Ward)	23 - 36
8.	58 Hadley Highstone Barnet EN5 (High Barnet Ward)	37 - 42
9.	44 Holden Road London N12 (Totteridge Ward)	43 - 62
10.	Tenfold Woodside Grange Road London N12 (Totteridge Ward)	63 - 82
11.	Planning Enforcement Quarterly Update October 2016 to December 2016	83 - 90
12.	Any item(s) the chairman decides are urgent	

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# Decisions of the Chipping Barnet Area Planning Committee

7 December 2016

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)  
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius      Councillor Phil Cohen  
Councillor Andreas Ionnides      Councillor Tim Roberts

## 1. MINUTES OF LAST MEETING

**RESOLVED** – That the minutes of the meeting held on 2<sup>nd</sup> November 2016 be agreed as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Laurie Williams sent his apologies and was substituted by Councillor Philip Cohen. Councillor Reema Patel also sent her apologies.

## 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor	Item	Nature of Interest	Details
Alison Cornelius	9 and 10	Non-Pecuniary	That she knows Dr Richard Stock and Councillor Caroline Stock who have registered to speak on items 9 and 10 (item 8 and 9 below).
Wendy Prentice Tim Roberts Andreas Ionnides Phil Cohen	9 and 10	Non-Pecuniary	That they all know Councillor Caroline Stock who registered to speak on item 9 (item 8 below).

## 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 5. 64 HASLEMERE AVENUE BARNET EN4 - BRUNSWICK PARK WARD

The Chairman advised the committee that the planning application has been withdrawn from the agenda pending resolution of some discrepancies.

## 6. LAND AT 21-27 RASPER ROAD, LONDON N20 (TREE PRESERVATION ORDER) - TOTTERIDGE WARD

The Committee received the report and officer presentation.

The Committee **RESOLVED**:

To authorise confirmation of the Tree Preservation Order as per the recommendations in the officer's report.

Votes were as follows:

For	5
Against	0
Abstained	0

Councillor Stephen Sowerby joined the committee before item 7 started and fully participated in the proceedings.

**7. FAIRLIGHT COTTAGE, 7 HORSESHOE LANE, LONDON, N20 (LANDSCAPING) - TOTTERIDGE WARD**

The Committee received the officer's reports for applications 16/5440/CON dealing with Condition 11 (relating to Landscaping) and application 16/6918/CON dealing with Condition 6 (relating to Means of Enclosure) which also had an addendum reporting of additional objections. Committee discussed both applications' together.

Committee heard representations from Dr Richard Stock, a neighbour to the application site, and Mrs Lorraine Robinson, the applicant.

Following discussion, the Chairman invited the Committee to make a decision.

In the matter relating to application 16/5440/CON dealing with Condition 11 on Landscaping:

It was **RESOLVED** that Committee **APPROVED** the submission of details for condition 11 (Landscaping), as outlined in the officer report.

Votes were as follows:

For	6
Against	0
Abstained	0

**8. FAIRLIGHT COTTAGE 7 HORSESHOE LANE LONDON N20 (MEANS OF ENCLOSURE) - TOTTERIDGE WARD**

Further to the presentation, addendum and discussion, and as reported in item 7 above, in the matter relating to application 16/6918/CON dealing with Condition 6 (Means of Enclosure):

The officer's recommendation to approve the details submitted for condition 6 (means of Enclosure) was overturned by Committee following majority agreement to vote against the officer's recommendation of approval.

The reasons for refusal given were:

The proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and the Totteridge Conservation Area Character Appraisal.

It was **RESOLVED** that Committee **REFUSED** the Means of Enclosure proposals

Votes taken for the revised recommendation of refusal were as follows:

For	5
Against	1
Abstained	0

**9. 10 WILLOW DRIVE BARNET EN5 - UNDERHILL WARD**

The Committee received the officer's report and heard an oral representation from Mr Steve Taylor, the applicant.

It was **RESOLVED** that Committee **APPROVED** the application in accordance with the officer report and amendment to the text of the condition as follows: Remove "condition 1: [insert plan numbers]."

Votes were as follows:

For	6
Against	0
Abstained	0

**10. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None

The meeting finished at 8.05 pm

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**Location**                      **Checknet And Durkan House 153-155 East Barnet Road Barnet  
EN4 8QZ**

**AGENDA ITEM 6**

**Reference:**                      **16/2425/FUL**                      Received: 13th April 2016

Accepted: 22nd April 2016

Ward:                              East Barnet                              Expiry 17th June 2016

Applicant:                      Mr Costas Christou

Proposal:                              Ground floor rear extension with parking provisions at roof level,  
formation of a 475sqm commercial unit (Class D2 use) at ground floor  
level with associated shop front installation., reconfiguration of parking,  
refuse and bicycle stores

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Sequential site assessment October 2016; road safety audit August 2016; alpha parking - parking survey report; multi modal TRICS; P172/15/002 RevA; 928/59 RevA; 928/51 RevA; 928/54 RevA; 928/58 RevA; 928/53 RevA; 928/56 RevB; 928/55 RevA; 928/57 RevA; 928/52 RevA; 928/56 RevA; 928/50; Tony Dolye planning - transport statement.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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     The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4     Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the podium car parking area and vertical clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts [ and shutters] must be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Agreement thereafter.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including fencing, planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 10 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 11 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities and 20% passive for future use for residential spaces and 10% active and 10% passive for the gym use. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 12 Prior to the commencement of the development hereby approved, details of any highways within each sub-phase to be stopped under Section 247 of the Town and Country Planning Act shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure that adequate public access is provided throughout the development.

13 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

15 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

16 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

17 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the gym use as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

18 a) Development shall not begin until a scheme for protecting the proposed development from vibration, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings.

- 19 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 8 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 20 The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 21 No music shall be played in association with the gym use hereby approved before 8 am or after 10 p.m. on any day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 22 The premises shall be used for a gym and for no other purpose (including any other purpose in Class D2 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.

- 23 Prior to occupation the applicant must submit highway works required on the public highway necessitated by development proposals for approval and works must be implemented to substantial completion.

#### **Informative(s):**

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

- 2 The applicant is advised that the East Barnet Road is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 3 The gradient for the proposed ramp leading to the podium 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.
- 4 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
- 5 Works to facilitate the access will be included within a separate agreement with the Highways Authority under the Highways Act 1980.
- 6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £16625.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £0 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.



## **Officer's Assessment**

### **1. Site Description**

The application site comprises an 'L' shaped 6 storey building. The building is located to the east of East Barnet Road and there are no special restrictions on site. The building has been subject to a prior notification for the conversion of the previous office space over the upper 5 storeys into residential accommodation comprising 30 self contained flats, works to implement this are significantly underway.

The site is bordered in the north by a health centre, to the south by residential dwellings, to the east by garages owned by the residents of nearby dwellings and to the west by East Barnet Road.

### **2. Site History**

Reference: 15/01355/LIC

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Exempt

Decision Date: 23 March 2015

Description: Removal and replacement of 6no existing antennas, the installation of 1 no new 300 mm dish and ancillary works thereto

Reference: 15/02019/FUL

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved subject to conditions

Decision Date: 21 August 2015

Description: Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2no. new entrance doors and canopies following removal of 2no. existing glass entrance foyers

Reference: 15/05447/NMA

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved

Decision Date: 17 September 2015

Description: Non material amendment pursuant to planning permission 15/02019/FUL dated 27.07.2015 for 'Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2 no. new entrance doors and canopies following removal of 2 no. existing glass entrance foyers'. Amendments include 'Reconfiguration of balconies and kitchens to flats'.

Reference: B/03924/11

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Withdrawn

Decision Date: 20 September 2013

Description: Retention of change of use from sole B1 offices to mixed B1 and D1 use at first floor level.

### **3. Proposal**

The application relates to a ground floor rear extension with parking provisions at roof level of the extension, formation of a 475sqm commercial unit (Class D2 use) at ground floor level with associated shop front installation., reconfiguration of parking, refuse and bicycle stores.

The proposal will involve the creation of a single storey rear extension which will occupy the full extent of the rear of the existing site. An existing electricity sub-station will be retained and as such the extension will have a depth of 12.7m on the side with the substation and 17m to the rear boundary. The proposal will have a width of 31.2m with a flat roof to facilitate the podium parking above. The solid brick wall height of the extension will be a maximum of 3.8m, this varies due to the slight level change across the site. The proposal also incorporates metal railings around the perimeter of the parking area, this will give the development including railings a maximum height of approximately 4.5m.

The D2 gym use will have a a floor area of approximately 475sqm.

The proposal will comprises as follows:

Existing Site Area = 1425m<sup>2</sup>

Proposed commercial unit = 475m<sup>2</sup>

Existing car parking spaces = 37 spaces

Proposed car parking spaces = 33 spaces

Existing bicycle storage capacity = 30 bicycles

Proposed bicycle storage capacity = 32 bicycles

### **4. Public Consultation**

Consultation letters were sent to 47 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

Increased parking strain

Traffic and highways concerns.

No parking for customers

No restriction on opening hours for commercial unit.

Already a gym in the local area

Over-development of the site.

There should be time restrictions on commercial traffic

Large vehicles will not be able to deliver at the front of the site.

Design and Access statement lists the proposal as a retail unit but application indicated D2 usage.

Over-development by stealth by submission of multiple applications.

Return to a parking area would better serve the local residents.

To the rear of the site is a quiet residential area which would be impacted by the non-restricted use

Garages may be used for storage rather than parking.

No need for more retail unit as there are a number of empty shops in the area.

Parking across the neighbours drives

Increase noise/light pollution/litter

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of use
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Traffic and Parking
- Noise and disturbance

## 5.3 Assessment of proposals

### Principle of use

The ground floor level of the block is proposed for D2 use in particular a gym. The Framework (paragraph 24) states that a sequential assessment needs to accompany planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan.

The application has been accompanied by a sequential test. The scope of the sequential approach was agreed by the Council's policy officers taking into account the proposed floor area and the proposed use. 3 town centre sites have been considered and following an assessment of the documentation the policy team are satisfied with the information submitted and consider a D2 use but in particular a gym in this location to be acceptable.

### Impact on the character of the area

The proposal involves the the creation of a rear extension to provide new commercial floorspace to facilitate the use as a gym. The proposed extension is considered to be acceptable and would not be harmful to the host building or surrounding area. It should be noted that the neighbouring medical centre also has a rearwards rear projection that occupies the full depth of the site. The proposal will not appear at odds with the surrounding area.

The proposed development includes a new podium level of parking which involves creating a new brick wall and metal railing to facilitate an additional level of parking. This is sited to the rear of the building and is not considered to result in any detrimental harm to the host property, the site of which it forms a part and the wider surrounding area.

Works to upgrade the main building have already been undertaken as part of the previous permissions at the site 15/02019/FUL and 15/05447/NMA.

### Impact on the amenities of neighbours

The proposed extension is not considered to result in harm to the neighbouring residential occupiers. There are no residential units that directly back on to the site with the properties being set at an angle to the application site. As a result of the siting, height, rearward projection and design of the extension the proposal is not considered to result in harm to the neighbouring residential occupiers.

The impact on noise and disturbance as a result of the proposed use is covered under the environmental health considerations of this report.

### Traffic and parking

The proposed alterations involve using the ground floor and undercroft parking area and converting it to D2 gym use. The loss of the car parking area will be mitigated through the increase in car parking area above the D2 gym use, which will be accessed via a car lift from the podium car parking area adjacent, and the additional 6 car parking spaces located to the rear which will be accessible from Crescent Rise.

The current application will provide 33 (25 for residents and 8 for the D2 gym) car parking spaces and 56 cycle parking spaces. In addition a new vehicle crossover point which will serve as access to the Durkan House side of the development. This has been assessed by highway officers and considered appropriate for the site. Concerns were initially raised that there may be some overspill of parking on to the street and it was asked that a parking survey be carried out within the evening between 18:00pm and 21:00pm where there is a peak demand of residential and gym parking. The parking survey showed that there was adequate capacity to cater for any additional car parking.

50 cycle spaces will be provided for residents and 6 cycle spaces for the gym in accordance with London Plan standards.

Highways officers have commented as follows:

"The works will include a new vehicle access point to accommodate the proposed new development resulting in vehicle movements onto East Barnet Road. The proposed access is in the form of a vehicular crossover into the development site and limited vehicle movements in and out of the site are expected due to the small size of the development that will provide 22 car parking spaces to the rear. To facilitate the new vehicular access crossover, it is proposed to relocate an informal crossing point adjacent to the access to aid pedestrians using the footway and crossing East Barnet Road. Existing tactile paving surfacing is in place to assist visually impaired pedestrians. Due to the proximity of Brookhill Road the applicant was asked to undertake a Stage 1 Road Safety Audit and this showed that the access would meet road safety requirements. The vehicle crossover and relocation of the informal crossing points will be progressed under a S278 Highway Agreement with the highway authority.

There is no highway objection to the development subject to conditions and informatives."

### Environmental Health considerations

The Environmental Health team have considered the application and consider the proposal to be acceptable subject to conditions. In addition to a condition requiring the building to be sound insulated against internally and external lygenerated noise, it is also considered necessary to limit the hours of music being played from the gym to take into consideration the neighbouring residential occupiers. It is considered that the matters raised can be suitably addressed and mitigated through the use of conditions.

### **5.4 Response to Public Consultation**

All planning related matters are considered to cover in the above appraisal.

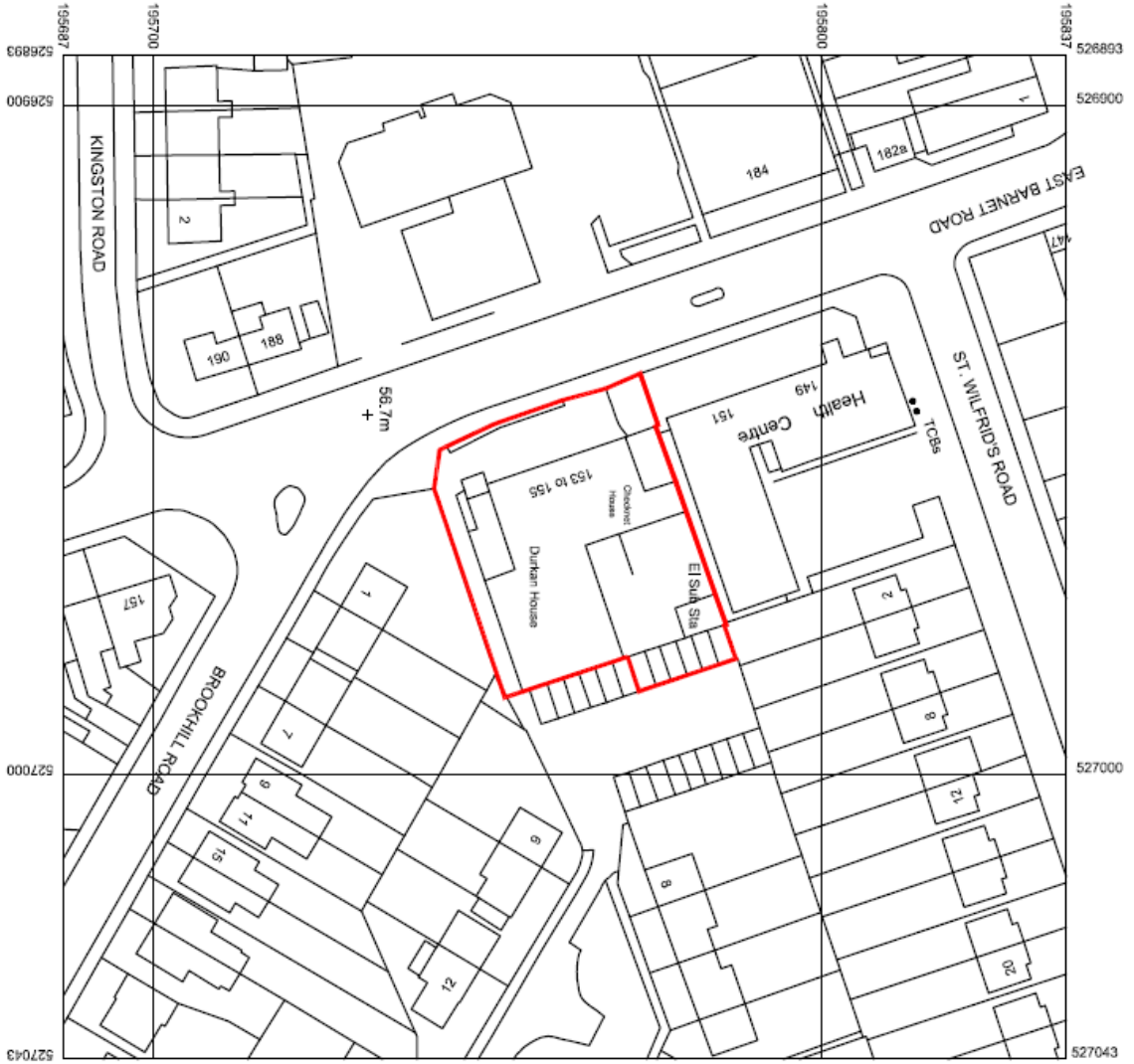
### **6. Equality and Diversity Issues**

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

## 7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

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**Location**                      **Fairlawn 11 Capel Road Barnet EN4 8JD**

AGENDA ITEM 7

**Reference:**                      **16/0955/RCU**                      Received: 15th February 2016  
Accepted: 16th February 2016

Ward:                              East Barnet                              Expiry 12th April 2016

Applicant:                      Mr Ray Gabriele

Proposal:                              New two storey detached building with rooms in roof space containing 5 self-contained flats, associated car parking, amenity space, cycling storage, refuse & recycle storage area (Retrospective Application) (Amended Plans)

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: PL A 1; PL A 3; PL A 5 ; PL A 6 ; PL A 7 ; PL A 9 ; PL A 11 ; PL A 13; PL A 15; PL A 17; 3011-48/P001; 3011-48/P003; TH 1322; OMC/1254/15 RevC; 3011-48/P001; 3011-48/P002; maintenance programme TH 1322.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2     All work comprised in the approved scheme of landscaping drawing 3011-48/P001 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.

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.

The site will be maintained in accordance with the landscape management plan reference TH 1322.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 3 Before the development is first occupied parking spaces should be provided in accordance with submitted drawings OMC/1254/15 RevC. The parking spaces should be retained thereafter and used only for parking in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing number 11 Capel Road 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 5 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 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.

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm 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 Development Management Policies DPD (adopted September 2012).

- 7 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.

- 8 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.



Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015)

- 9 The development shall be implemented in full accordance with the details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins as shown on drawing prior to the first occupation and retained as such thereafter.

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).

- 10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent the ground floor units shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £13597.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £52447.50 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment by the Highways Authority as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense and will require submission of a vehicle crossover application to London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP. Any street furniture affected by the proposed crossover would be relocated at the applicant's expense.

## **Officer's Assessment**

### **1. Site Description**

The development site is a corner location on the southern side of Capel Road in the ward of East Barnet. The site fronts both Capel Road and Rosslyn Avenue. There is a gradient difference between the location of the new building and the existing property at no. 11, and the slope falls towards the east of the site, towards Rosslyn Avenue. The area around Capel Road is characterised predominately by semi-detached and terraced properties, which are Edwardian in style, whilst the area in the wider area, particularly along Rosslyn Avenue is more mixed and includes detached buildings and flats. The site is not within a conservation area and is not a listed building.

Building works have been commenced and as such a two storey building with rooms in the roof space has been developed on the site on the corner with Rosslyn Avenue and Capel Road. The front entrance to the building is sited on Rosslyn Avenue. Final landscaping works are yet to be completed. The building is not currently occupied.

### **2. Site History**

Reference: 15/02102/FUL

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved subject to conditions

Decision Date: 2 July 2015

Description: Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area

Reference: 15/04902/RCU

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved subject to conditions

Decision Date: 2 October 2015

Description: Retention of blocked up 3 ground floor windows to east elevation (retrospective application)

Reference: 15/05713/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 2 November 2015

Description: Submission of details for condition 3 (Levels) pursuant to planning permission 15/02102/FUL dated 16/6/15

Reference: 15/05879/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 2 November 2015

Description: Submission of details of condition 15 (refuse) pursuant to planning permission 15/02102/FUL dated 16/05/15

Reference: 15/06622/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 10 December 2015

Description: Submission of details for condition 5(landscaping) and 9(means of enclosure) pursuant to planning permission 15/02102/FUL dated 16.06.2015

Reference: B/04942/14

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 15 October 2014

Description: Submission of details of condition 6 (Refuse) pursuant to planning permission B/02649/14 dated 10/07/14.

Reference: B/03912/14

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Refused

Decision Date: 15 September 2014

Description: Erection of new two storey building with rooms in roof space containing 5 self-contained flats., Single storey rear extension and insertion of side and rear dormer windows to existing building to form new studio flat., Associated car parking, amenity space, cycling storage, refuse & recycle storage area.

Appeal dismissed 31 December 2014.

Reference: B/03222/13

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Refused

Decision Date: 24 September 2013

Description: Erection of a detached two-storey building with rooms in roof space to provide 6 self-contained units. Extension to existing house including single storey rear extension to extend existing self-contained unit. Extension to roof including hip to gable end and roof lights to front and rear elevation to provide 1 extra self-contained unit. Demolition of existing garage and erection of cycle storage unit and refuse unit with associated parking and access works.

Appeal dismissed 22 April 2014.

### **3. Proposal**

The current application relates to the retention of a two storey detached building with rooms in roof space containing 5 self-contained flats, associated car parking, amenity space, cycle storage, refuse & recycle storage area (Retrospective Application). Significant works have already been carried out and the building is now complete, however, the building is not yet occupied and landscaping works to the site still need to be carried out.

Planning permission was granted at committee June 2015 under application 15/02102/FUL for the "Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area." This followed the refusal of 2 previous applications , both dismissed at appeal.

Whilst planning permission was granted, the development has not been implemented in accordance with the approved plans. The building has not been built in compliance with the previously approved plans as approved under 15/02102/FUL. As such permission is now sought for the retention of the building as built. The difference between the previously approved scheme and the current building is that the building is set further forward on Rosslyn Avenue by approximately 1.1m.

The building is two storeys in height with accommodation in the roofspace.

The building has a maximum width of 19.5m and a depth of 8.6m. The building has a height of 10.7m. Bay windows are incorporated in the north, south and east elevations. Dormer windows are sited on the east elevation.

2 parking spaces are to be provided off Rosslyn Avenue and 1 parking space off Capel Road, as per the previously approved scheme. This element of the works has not been implemented yet.

As previously approved the building comprises of 5 self contained flats - 3 x 2 bedroom units and 2 x 1 bedroom units. This is made up of 2 x ground floor units, 2 x first floor units and a loft floor unit with dormers facilitating light and outlook to this unit.

The application has been amended since its initial submission to re-site the pedestrian access to the building. The initial proposal saw a separate pedestrain access being provided directly in front of the front entrance to the building off Rosslyn Avenue. The application has now been amended and the plans revised to show the pedestrain access to be shared with the vehicular access and will revert to the access that was previously shown on the plans provided at the appeal stage and to which the inspector raised no objections, this same parking arrangement was also shown on the previously approved plans as part of the later planning application 15/02102/FUL.

### **4. Public Consultation**

Consultation letters were sent to 123 neighbouring properties.

15 responses have been received, comprising 21 letters of objection.

Two rounds of consultation were carried out as the plans were amended during the life of the application to provide more detailed information on the landscaping, accurate position of the building and details of the cycle and refuse enclosures. The second round of consultation largely re-iterated the objections already raised during the intial round of consultation.

The objections received can be summarised as follows:

### **First round of consultation**

Objected at the start of process.

Construction of property in contravention of consent conditions make it unacceptable.

Trust and integrity is put into question.

Cavalier attitude of developer,

No space for parking. Increased traffic and parking demand.

Building is too large. Out of scale. Appearance, scale, mass and height are out of keeping.

Too close to neighbouring property.

Previous application was over ambitious.

Last application should not have been approved.

Previous concerns have been ignored.

Farce to allow retrospective application.

Insufficient space for parking of 3 vehicles.

Why are we back at the start of the process again

Inconsiderate workers during works.

Loss of amenity - privacy, outlook, light, blocking out of winter sun.

Out of character.

New estate in garden area.

Overdevelopment.

Impossible to retain trees along boundary. Loss of trees and vegetation has already occurred.

Looks too urban.

Not in compliance with national and local policies.

### **Second round of consultation - new issues not already summarised above**

Parking space from Capel Road is not large enough to accommodate vehicle.

Lack of space for bins for a development this size.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Amenities of future residents;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

Planning permission has previously been approved at committee 16 Jun 2015 for the "Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area" under application reference 15/02102/FUL. This application was approved subject to conditions. Various applications have subsequently been approved for the discharge of conditions under references 15/06622/CON, 15/05879/CON,

15/05713/CON, 15/04706/CON and 15/04565/CON. As such all the pre-commencement conditions were approved but that planning permission has not been implemented and as such permission is now sought for its retention. Details which would have been covered in the previous conditions applications are provided as part of the current submission details.

The property is built approximately 1.1m further forward towards Rosslyn Avenue than the approved plans. As such a new application has been submitted for the retention of the building as built. The previously approved plans had a common access from the car parking area with pedestrian footpath leading to the main entrance of the building. The revisions to the application since its initial submission show this common access to be maintained. Given that this access has previously been accepted there are no objections to this revision. In addition, the revision allows the existing trees along Rosslyn Avenue to be retained and will provide a suitable level of screening between the new building and the streetscene.

Other than the re-positioning of the whole building and the creation of a separate pedestrian access the building remains the same as the previously approved plans in regards to scale, bulk and height. The building provides the same internal layout of the building facilitating the creation of 5 self- contained flats.

The main considerations in this case are the position of the building within the site and the forward projection of approximately 1.1m from the previously approved front building line and whether or not this results in harm to the streetscene, established building lines and the appearance of the site of which it forms a part. In addition, due consideration is given to any potential impact on the neighbouring residents as a result of the position of the building as now developed.

The siting forward closer to the boundary with Rosslyn Avenue is not considered to disrupt the established building line of this street. A set back from the boundary will be maintained of between 3.3m and 4m, this is considered a sufficient set back to ensure that the proposal does not appear overbearing on the street.

Although the building sits closer to the properties 1-7 Rosslyn Avenue than the building previously consented it is considered that there is still a satisfactory distance maintained between the new windows and the existing windows in the neighbouring buildings at approximately 21m. Barnet's Residential Design Guidance SPD recommends in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. The development is consistent with this requirement. The development is considered to be appropriate in terms of the impact on the properties facing Rosslyn Avenue.

#### Principle of self-contained flats

As described above planning permission has previously been granted at the site for 5 self contained flats. The current application seeks to retain 5 flats as per the previous permission. Previous applications for development at the site (ref B/03912/14 and B/03222/13), were appealed to the Inspectorate (ref: APP/N5090/A/14/2226158 and APP/N5090/A/13/2207101 respectively), and were both dismissed. It was advised by the inspector of the latter appeal that the principal of flats on the site was considered to be acceptable. The decision states: "The proposed development would see the provision of new flats within the area, and I acknowledge that this would lead to the more effective use of land for housing. I also note that the Inspector determining a previous appeal on this site



(ref. APP/N5090/A/13/220701) commented that the character of the area is mixed and her letter raised no 'in principle' objection to flats on the site. I concur with this observation."

The principle of self-contained flats in this location is therefore considered to be acceptable as confirmed by the grant of planning permission reference 15/02102/FUL.

### Amenity of future residents

The amended footprint is not considered to affect the amenities of the future occupiers and as such the previous assessment is considered to remain valid.

The size of the units are considered to meet the requirements residential space standards outlined in Table 2.1 in the councils Sustainable Design and Construction SPD. The minimum room dimensions and floor areas for living rooms are considered to meet the recommended guidelines outlined in Table 2.2 within the aforementioned SPD.

The development results in the loss of part of the existing garden, and in accordance with Table 2.3 in the aforementioned SPD, flats require 5sqm of amenity space per habitable room. (The SPD defines habitable room as 'A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two.'). The development provides spaces for outdoor amenity within the curtilage of the building. As described previously by the inspector, "although the garden spaces would not be large, in my view they would provide adequate communal spaces for normal domestic activities such as hanging washing outside to dry or to sit and enjoy the outdoor environment.. I am satisfied that acceptable outdoor amenity space would be provided" . It is considered that the development aligns with the objectives of councils outdoor amenity space policy.

Part 2.4 in the councils aforementioned SPD advocates that residential units have suitable access to outlook, daylight and privacy. It is considered that the development will provide sufficient aspect and outlook for all habitable rooms, and the proportion of glazing in each room will enable good levels of daylight for future residents. In addition, the siting and position of the building is considered to be distant enough from adjoining dwellings to ensure that overlooking and loss of privacy will not harm the amenity of future residents.

### Character and appearance

It is considered that the overall design, including the height, width, length of the building, the roof form and overall fenestration which takes references in terms of bay windows and the pitch of the roof, from nearby buildings in Capel Road, would appear sympathetic to the character of the area and is in accordance with the scheme previously granted planning permission. Officers consider that no character and appearance issues are raised as a result of the amended building footprint closer to Rosslyn Avenue.

The materials used are considered to be acceptable comprising of rendered walls, red tile roof and white upvc double glazed windows. As seen on site the building is considered to be acceptable and relates well to the surrounding buildings in terms of the materials used.

The levels across the site and the levels of the building on site are considered to be acceptable and the building is in keeping with the established levels and heights of surrounding buildings.

### Whether harm would be caused to the living conditions of neighbouring residents

As addressed above the amended scheme is not considered to give rise to any new amenity issues. There is still considered to be a sufficient distance between the new building in particular the facing windows towards Rosslyn Avenue.

### Parking

The parking arrangement has not changed since the previous approval, 3 parking spaces are to be provided.

Due consideration was made of the parking arrangements as part of the previously approved scheme. There are no material matters which have arisen since the previous decision that would change the consideration of the parking arrangements. As per the previous report:

"The development includes 3 off street parking spaces, two spaces provided off Rosslyn Avenue, and one space provided off Capel Road. As per the most recent appeal statement (APP/N5090/A/14/2226158), in which the scheme included 3 off street parking spaces (provided off Rosslyn Avenue), the planning inspector advised "the previous appeal would have seen flats on the site with similar parking provision, and my colleague Inspector concluded there would be sufficient on street parking and that no harm to highway safety would occur. Based on the information before me, I concur that there would be sufficient on-street parking provision and no harm to highway safety". Therefore, based on these comments by the Inspector, the Local Planning Authority accepts the proposed 3 off street parking spaces at this site to be satisfactory."

Concerns have been raised by neighbouring occupiers that the parking space off Capel Road is not big enough to accommodate a car. From the measurements provided and a judgement made on site it is considered that the parking space is feasible and usable once changes are made to the access point. Based on the current set of plans for the retention of the building and the plans submitted as part of the previous appeal the car parking space is sufficient for the parking of a vehicle and no previous concerns have been raised by either the planning officer or the appeal inspector. The new position of the building as now on site is not considered to make this parking space unviable for use.

### Landscaping

The application has been assessed by the Council's tree officer who has visited the site to assess the works already undertaken and the impact on the landscaping to the site, in particular any impact on the existing trees. The officer is satisfied that the building works have not resulted in harm to the trees on site and the trees remain in good health. In addition, the landscaping proposals have been considered and the officer is satisfied that there is sufficient and appropriate landscaping. The revised landscape plan 3011-48/P001 showing three trees; 1 Cercis (Judas tree) and 2 prunus (fruit tree) to be planted along the flank wall and along with the other specified landscaping will suitably soften the new development into the existing streetscape. An ongoing maintenance plan is provided as part of the submission, this has been reviewed and is considered acceptable, this is to be secured by way of condition to ensure the management of the site complies with the details as specified within the report.

The as built structure is located outside the RPA of the retained London plane trees along Rosslyn Ave. These are managed as pollards at around 3 to 4m high.

The landscaping scheme provides for adequate soft landscaping around the building, species selected are suitable for the position. A grass area is proposed between the building and the boundary hedge.

#### Refuse and cycle parking

The siting of the refuse/recycling bins and cycle parking have been provided adjacent to Rosslyn Court. The enclosures and provision is considered to be suitable and sufficient.

#### Accessibility

The proposal is accompanied by details of how the development has been designed to be wheelchair accessible to the ground floor flats with ramped access from the vehicle parking spaces and pedestrian access. Measures such as provision of turning circles free from obstruction, provision of suitable stair rises and railings have been incorporated. The development also includes accessible fixtures and fittings including switches, sockets and ventilation and service controls.

The Council's building control team have reviewed the application and consider it would be unreasonable to expect a lift shaft to be provided taking into account the number of units provided and the fact that other measures are incorporated to make the upper units suitable for those with ambulant disabilities.

### **5.4 Response to Public Consultation**

All planning related matters are considered to be covered in the above appraisal.

It is acknowledged that the development did not accord with the previously approved plans. The purpose of this retrospective application is to formalise the development as built on the current footprint.

Planning legislation does not prevent the submission of retrospective applications. There is nothing to prevent the current retrospective application from being considered. The purpose of the retrospective application is to rectify the breach of the previous permission.

Inconsiderate workers would not fall under planning legislation but would need to be reported to the environmental health team.

The application has been amended since its initial submission to remove the separate pedestrian access and provide a common entrance as per the previously approved plans. The access will be wheelchair friendly and will ensure the ground floor units are wheelchair accessible.

The application has also been amended to provide additional planting along the frontage with Capel Road to provide additional screening and provide an enhanced landscaping scheme for the site. A 5 year maintenance plan has also been provided.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



**Location**                      **58 Hadley Highstone Barnet EN5 4PU**

**AGENDA ITEM 8**

**Reference:**                      **16/7133/HSE**                      Received: 9th November 2016  
Accepted: 10th November 2016

Ward:                              High Barnet                              Expiry 5th January 2017

Applicant:                      Mr NEIL FRANKLIN

Proposal:                      Roof extension involving rear dormer window, 1no. rooflights to rear elevation to facilitate a loft conversion (Amended Description)

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:

459416-1  
459416-2 rev C  
Site Location Plan

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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     The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4     Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

## **Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

This application relates to a two storey end of terrace Georgian dwellinghouse located in the middle of Hadley Highstone, slightly towards the north, and on the east side of the road, opposite to the junction with Taylor's Lane. The site is located within Area 1 of the Monken Hadley conservation area, an article 4 area, but is not locally or statutory listed. The site is adjoined to a terrace of 3 properties, which also includes 60 and 62 Hadley Highstone, there is a 1.3 metre gap separating the site from 56 Hadley Highstone which serves as an access route to the rear of the property. 60 and 62 Hadley Highstone both contain rear dormers, with 60 Hadley Highstone's dormer of a very similar size and style to that proposed. There is a wooded area to the rear, therefore there are no properties directly behind the rear boundary wall.

### **2. Site History**

Reference: N12262/99

Address: 58 Hadley Highstone, Barnet, EN5 4PU

Decision: Approved subject to conditions

Decision Date: 24 January 2000

Description: Creation of vehicular access and two-off-street car parking spaces to front garden. First floor rear extension and loft conversion incorporating rear dormer window extension and rooflight.

### **3. Proposal**

This application seeks consent for:

- A roof extension involving a rear dormer window, which measures 1.5 metres in width, 2.1 metres in depth, and with a maximum height of 1.5 metres.
- The installation of a conservation type rooflight to the left side of the rear roof slope.

### **4. Public Consultation**

A site notice was erected on 17.11.2016

A press notice was published on 17.11.2016

5 consultation letters were sent to neighbouring properties.  
No letters have been received.

Councillor Prentice has requested that the application be considered by committee due to the site's location within the conservation area.

#### **4.1 Internal Consultation**

N/A

### **5. Planning Considerations**

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

##### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

- With regard to development within conservation areas it is noted that that the council will have special regard to the desirability of preserving or enhancing their character or appearance. Conservation areas which are subject to Article 4 Directions require that planning permission is obtained for development that would otherwise constitute permitted development.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Monken Hadley Conservation Area Character Appraisal Statement - Adopted January 2007

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene, the Monken Hadley Conservation Area, and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

### Impact on the character of the area

With regards to the building styles and appropriate building materials, the Monken Hadley Conservation Area Character Appraisal Statement notes that there are no consistent styles or sets of materials that have repeatedly been used or could said to be



representative of what may be found on an estate development therefore it is advised to examine the individual character analysis of Area One - Hadley Highstone Kitts End Road. The character analysis of Area One notes that on the northern end of the east side the properties are larger and later. There is greater variation of roof heights with some properties up to three storeys high. Most of the properties are noted for their group value as are several other groups along the road. The houses fall into natural groups of four to six in terms of their style, and are built in a variety of traditional styles and materials.

Regarding the rear dormer roof extension, it is considered to be of a suitable size and design, and sympathetic to the nature of the conservation area. The Monken Hadley Conservation Area Character Appraisal Statement emphasises the importance of the 'group value' of properties along Hadley Highstone, the rear dormer could be judged to enhance the group of terraces, adding symmetry to the rear elevation of the group, as the other 2 properties already have rear dormer roof extensions.

The size of the rear dormer roof extension will be very similar to that of 60 Hadley Highstone, furthermore, the dimensions of the dormer are largely modelled on a rear dormer approved on a previous application on 58 Hadley Highstone in 1999 (N12262/99) which had a width of 1.5 metres, a depth of 2.2 metres, and a maximum height of 1.8 metres, equating to a similar volume.

The building style and choice of materials for the proposed rear dormer are considered to be appropriate for the conservation area. The inclusion of a single sash window, the narrow dormer cheeks and generous set back from the eaves ensure that the dormer does not have adverse impacts on the character of the area.

The proposed installation of a conservation type rear rooflight is not considered to have a detrimental impact on the character of the area given that it is of an appropriate size, and flush, therefore it will not protrude from the rear of the roof slope. Furthermore, 62 Hadley Highstone also has a similar conservation type rooflight installed on its rear roof slope, therefore improved symmetry will enhance the 'group value' of 58-62 Hadley Highstone.

#### Impact on the amenities of neighbours

The proposed rear dormer extension is fairly small, and would be well set back from neighbouring properties at 56 and 60 Hadley Highstone, therefore it is not anticipated that this would result in any significant adverse impacts concerning overbearing appearance, loss of privacy and loss of sunlight. Given the fact that there are no properties directly behind the rear boundary, any overlooking from the rear dormer will not be an issue.

The proposed installation of a conservation type rooflight to the rear slope will not result in a loss of privacy as 56 and 60 Hadley Highstone would not be visible from the window. Again, there are no properties directly behind the rear boundary; therefore any overlooking from the rear rooflight will not be an issue.

## **5.4 Response to Public Consultation**

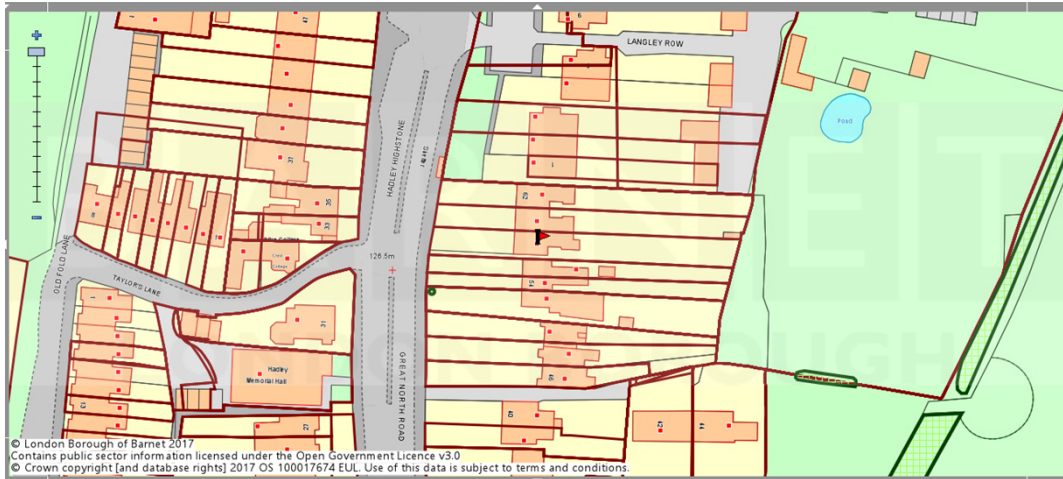
N/A.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, the proposals, as amended would not detrimentally impact on the qualities of the positive building and would protect the character of this part of the Monken Hadley Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



**Location**                    **44 Holden Road London N12 7DN**

AGENDA ITEM 9

**Reference:**                **16/6324/FUL**                    Received: 29th September 2016  
Accepted: 4th October 2016  
Ward:                        Totteridge                        Expiry 29th November 2016

Applicant:                Mr Andy Tomaso

Proposal:                Demolition of existing building and erection of part three, part four storey building containing 9no. self-contained flats. Associated private and communal amenity space, refuse and recycling storage and associated landscaping, 9 parking spaces (including 1 disabled space), 20 cycle parking spaces

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:

A1000 Rev.5 (Location Plan)  
A1001 Rev.5 (Existing Block Plan and Proposed Block Plan)  
A1002 Rev.5 (Context Elevation and Context Section)  
A1003 Rev.5 (Context Elevation and Street Analysis)  
A1020 Rev.5 (Existing Elevations)  
A1110 Rev.5 (Proposed Ground Floor Plan and Proposed First Floor Plan)  
A1111 Rev. 5 (Proposed Second Floor Plan and Proposed Third Floor Plan)  
A1112 Rev.5 (Proposed Floor Plans and Gross Internal Areas)  
A1120 Rev.5 (Proposed Front and South Elevations)  
A1121 Rev.5 (Proposed Rear and North Elevations)  
A1130 Rev.5 (Proposed Sections)  
A1200 Rev. 5 (Proposed Revision Amendment Comparison)

Arboricultural Report (dated Septmeber 2016)  
Daylight and Sunlight Report (dated November 2016)  
Design and Access Statement (dated 29/09/2016)  
Integrated tree and stormwater system (dated 29/09/2016)  
Planning Statement (dated 05/12/2016)  
Soil Technical Sheet (dated 29/09/2016)

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 5 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 6 a) Before the development hereby permitted is first occupied, 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.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 8 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to

minimise damage to trees and details regarding the installation of the proposed structural root cell for the replacement protected tree, in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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 Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

10 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. A1001 Rev. 5 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

11 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 Before the development hereby permitted is occupied 20% active and 20% passive parking spaces shall be installed with electric vehicle charging points. Such spaces shall be permanently retained and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan

- 13 Notwithstanding the plans submitted, before development commences, details of the revised vehicular access including car access warning (signal control) system, the management of the system, details of where vehicles will wait and the maintenance contract details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 15 Before the building hereby permitted is first occupied the proposed windows in the north elevation facing No.46 Holden Road 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 16 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 17 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 18 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 20 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.



- 21 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 pm 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 Development Management Policies DPD (adopted September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £13,100.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £50,530.50 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

3 The applicant is advised that 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 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 [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 6 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 7 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and 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 DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 8 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

## **Officer's Assessment**

### **1. Site Description**

The application site consists of a three storey detached property set within a plot of approximately 0.12ha, located on the eastern side of Holden Road, within the ward of Totteridge. The existing property is currently occupied as 3no. self-contained flats.

The area of Woodside Park is residential in character with a mix of property styles and a variety of single family dwellings, conversions and newer flatted developments.

The site is not listed and is not located within a designated conservation area.

### **2. Site History**

There is no relevant planning history for the site despite the building's current use as self-contained flats.

It is worth noting that there is an application (16/5352/FUL) currently being considered by the Local Planning Authority at the adjacent site at no.42 (and St Barnabus Church) for the "Conversion of the existing St Barnabus Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors, along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works."

### **3. Proposal**

The application seeks consent to demolish the existing building on site and redevelop the site for the erection of a part three, part four storey building containing 9no. self contained flats. The proposal also includes the provision of private and communal amenity space, refuse and recycling storage, 9 parking spaces (including 1 disabled space) and 20 cycle parking spaces.

The proposal has been amended as follows:

- o 1m step in of the plan on all floors on the south side facing no.42;
- o Removal of the stepped terracing at the rear and 3.0m shortening of the overall building depth towards the garden;
- o Change to the overall mix of units - 4 x 1 bed, 3 x 2 bed and 2 x 3 bed;
- o 0.3m step in of the bathrooms on the north side facing no.46 to break up the side elevation; and
- o Bathroom window sizes changed on both side elevations which breaks up the elevations.

### **4. Public Consultation**

Consultation letters were sent to 100 neighbouring properties. Following the submission of amended plans and new documents, the application was re-consulted.

8 responses have been received, comprising 7 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Loss of family house
- Loss of building of character;
- Addition of further flats will have an adverse impact on the character of the street;
- Overlooking;
- Insufficient parking proposed;
- Increase in traffic congestion;
- Impact of loss of trees and wildlife; and
- Noise and disturbance during construction;

The letter of support received can be summarised as follows:

- Site is located within an area of good transport links; and
- Plenty of parking provided.

#### Internal and External Consultations

Arboricultural Officer - No objections

Traffic and Development - No objections subject to conditions

London Fire Brigade - No response received

### **5. Planning Considerations**

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

## Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Part two sets out the general guidelines for new residential development as well as amenity and space standards. The document provides advice on privacy and overlooking, minimum room sizes, good building layout and provision of gardens.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of redeveloping the site for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate accommodation is provided for future occupiers of the units;
- Highways Safety and parking provision; and
- Any other relevant planning considerations.

## **5.3 Assessment of proposals**

### Principle of development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of the area that is defined by the type and size of dwellings, the layout, intensity and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land; however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street for example, through the provision of car parking and refuse facilities, this can have an unacceptable impact on the established character of an area.

Policy DM01 seeks to resist the introduction of flatted schemes in streets where the character is made up of family housing. In addition, development should also respond to the context of its surroundings in respect of its spatial character and layout.

The application site consists of a building containing 3no self-contained flats and the wider area is of mixed character incorporating detached and semi-detached dwellings and both small and large scale flatted developments. The mix of residential typology is evident along the whole street. As a result, it is considered that a proposal to redevelop for a flatted development would broadly follow the general pattern and typology of development within the street.

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 3. The proposal would provide 9 units with a total of approximately 25 habitable rooms. The site measures 0.12ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 208 hr per ha and 75 units per ha, which would be within the density ranges for a PTAL 2-3 (Suburban) location. As such this density is considered to be acceptable.

The proposed development would provide a mix of dwelling types, comprising 4 x 1 bedroom units, 3 x 2 bedroom units and 2 x 3 bedroom units. Policy DM08 states that homes with 3 bedrooms are a medium priority and therefore the proposal would help contribute towards this provision.

#### Impact on the character of the area

Policy DM01 states that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The existing building on site is not nationally or locally listed and the site is not located within a designated conservation area. However, officers note that the building consists of traditional character. The proposal seeks to demolish the existing and construct a part three storey and part four storey building within the site. The proposed building would consist of a front gable to reflect elements from the existing buildings on the street, would continue the existing building line along the street and respect the existing separation distances between buildings. The proposed building would be below the height of the existing building. The proposed building would be constructed predominately out of brick, with a zinc roof and aluminium framed fenestration and balustrades. A number of

amendments have been made to the proposal in order to reduce its overall depth within the plot and reduce the proposal's overall bulk. It is acknowledged that the adjoining bungalow is much smaller than most if not all buildings within the area, however, given the height of the existing building and its relationship with the single storey bungalow it is the view of the Local Planning Authority that the proposal would have no appreciable adverse impact on the bungalow and should not form a constraint against future development on this site by virtue of its single storey height. Taking into account the above, officers consider that the proposal takes into account a number of localised characteristics that make a positive contribution to the character and appearance of the area and the streetscene. As the proposal is of a high design, officers consider that this offsets the loss of the existing building.

#### Impact on neighbouring buildings

While officers acknowledge that a separate planning application is being considered at the adjoining site, the main assessment of the proposal has been against the current site conditions, which in the case of no.42 is the bungalow. However, officers have also taken into account and assessed the proposed new development and whether both developments could co-exist.

In respect of no.42 Holden Road, the bungalow, this building appears to be on a lower land level compared to the application site. At present, nos 42 and 44 have a similar building footprint and their building lines come to approximately similar points, while no.46 extends further beyond. The proposed development would represent an increase in the depth as it extends towards the back of the site however, however, the proposed building would be set in approximately 6.5m away from the flank wall of the bungalow and 4.5m from the flank wall of no.46.

The proposal involves a number of windows on the side elevations facing no.42 and no.46. To the north which lies no.46, the proposed windows are small in size and are located to the front/middle of the building. Analysing the floorplans, officers note, that the majority of windows serve bathrooms, with the exception of three, a bedroom on the ground floor and a kitchen window on the first and second floor. Given their proposed location within the rooms, officers consider that these three windows would only serve as secondary windows and would not lead to a detrimental impact on the residential amenity of no.46 in terms of overlooking. In addition, to remove the issue of overlooking, a condition will be applied to ensure that the windows along the northern elevation are fitted within obscure glazing. On the south elevation, facing no.42, the windows are larger in scale and are mainly floor to ceiling in form. The floorplans illustrate that the windows on this elevation would serve a variety of living spaces. Officers note that the windows are positioned towards the corners of the rooms and as such would help limit any potential overlooking as less activity is likely to occur in the area where the proposed windows are positioned. Due to the nature of the building at no.42, it is unlikely that it would suffer detrimentally in terms of overlooking.

The majority of the proposed flats would have a private balcony/terrace area. However, the design of these areas are such that they are in-set within the building and officers are satisfied that they will not lead to adverse impact of overlooking.

The applicant has submitted a daylight/sunlight report to assess any potential impacts of the proposed development on the neighbouring properties. In terms of the impacts of nos.42 and 46, the report details that the great majority of windows to the front, rear and flank elevations will retain daylight levels very close to or at the same level as existing and would therefore satisfy BRE criteria. Officers are accepting these results and are satisfied



that the development would not adversely affect the daylight/sunlight of neighbouring residents.

In terms of overshadowing, the application site lies to the north of no. 42 and would not cause further overshadowing. The properties along this side of the street benefit from long gardens with good views of the sky from the east and south. The proposed development maintains a 42 degree angle from the neighbouring windows on the rear elevation of no.46 and as such officers are of the opinion that no detrimental amenity impacts would occur to the occupiers of this property.

The amendments to both side elevations which have involved the stepping back of the certain areas are considered to successfully help break up the building's bulk and depth on these elevations.

#### Quality of accommodation for future occupants

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Each of the proposed nine units would exceed the required standard for internal floorspace.

The majority of units with the exception of two, would have a private balcony with all units having access to a large communal garden (200sqm) to the rear. The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. With 25 habitable rooms within the development, the scheme should provide for at least 125sqm and it is considered that combined with the proposed private amenity space, the development more than satisfies this requirement.

All flats are dual aspect and have either an easterly or westerly main outlook with an additional secondary window on the northern and southern flank elevations. On the northern elevation, the majority of these secondary windows serve a bathroom, with the exception of 1 bedroom on the ground floor (unit 1) and a kitchen window on the first floor (unit 5) and second floor (unit 8). Given the nature of these windows and their positioning, officers consider that these are acceptable. On the southern elevation, all of the habitable rooms would have a window facing no.42. At present, this site is a bungalow and there is no impact on the proposed development. Furthermore, the windows are all secondary and are positioned on the corners of each of the rooms in order to reduce their impact. Officers are satisfied with the proposal in this respect. The submitted Daylight/Sunlight Report confirms that all the proposed habitable rooms would receive daylight amenity values above the minimum values recommended by BRE.

As mentioned previously, the application on the adjacent site seeks to demolish the existing bungalow and erect a new building of approximately the same scale, depth and height. Officers have assessed the current scheme against the proposed development on the neighbouring site. In terms of their potential relationship with other, officers are satisfied with the design, scale, siting, layout, density and height of both proposals and that they have an acceptable relationship with other. Officers are also satisfied with the associated amenity impacts that could be achieved in both developments and have considered the window arrangements and are satisfied that overlooking will not be a significant issue. At its closest point, the separation distance between the developments would be approximately 5m, with this increasing at the developments step back.

## Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 - 1.0 space per unit
For 2 and 3 bedroom units	1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

4 x 1b = a range of (0.0 - 1.0) = 0.0 - 4.0 parking spaces required  
3 x 2b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required  
2 x 3b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required

This equates to a range of parking provision of between 5 to 11.5 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

9 parking spaces including 1 disabled space are being provided. The Council's Traffic and Development service has assessed the proposal and taking into account the site's PTAL rating, are satisfied that the proposed parking provision is in accordance with the DM17 residential parking standards.

20 cycle parking spaces are proposed and are in accordance with London Plan Cycle Parking Standards.

The Traffic and Development team note that the proposed vehicular access to the car parking area at the rear, measures only 2.5m wide. This means it will only be able to serve one vehicle at a time. They note that the safety implications of this can be overcome by installing a signalised access to ensure that there is no conflict between the vehicles entering and egressing the site. A condition is attached to this permission that this is implemented in accordance with the recommendation of the highways officers to ensure that no undue impacts would result on the highways. The London Fire Brigade were contacted several times as advised in the consultation response, however did not respond to any of the requests and are assumed to have no objection to the proposal.

## Other relevant considerations

### Trees and landscaping

The application site includes one tree to the front within its curtilage which is subject of a Tree Preservation Order (TPO), sited at the south-western corner of the site (right side as viewed from the front). There are a number of trees at the rear of the site which are not subject to TPO.

The applicant has submitted an Arboricultural Assessment which advises that the proposal incorporates the removal of the protected ash tree due to the need to reduce the ground

level and also a number of other trees throughout the site. The proposal seeks the removal of 17 category C trees, including 1 category U tree and also would retain a number of trees at the front, side and rear.

The proposal and the submitted arboricultural report have been subject to consultation with the Council's Arboricultural officer. Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. The officer is in agreement with the valuation of the trees and that the retention of the trees along the back boundary will help to screen the proposed parking area. The most significant loss would be an Ash tree on the right hand side of property to facilitate a new vehicle access road to rear. The proposal seeks to replant a new ash tree and construct a protected area under the ground to allow for a viable rooting area. It is acknowledged that the removal of the tree will result in a loss of amenity value and the new tree has been established, however given the tree's close proximity to the public highway and the high quality of development being submitted, officers consider that the loss can be mitigated through the submission of a detailed arboricultural method statement and supporting tree protection plan.

The Arboricultural Officer has noted that there may be bats present around the building. With no assessment having been carried out, officers consider that it would be appropriate that a survey should be carried out to assess whether the development would have any impact on bats. This will be sought via condition.

#### Accessibility and sustainability

The proposed development has an internal lift within the development from a level access from the car park and the street. It is therefore considered that the proposed development would be able to comply with the mandatory requirements of M4(2) of the Building Regulations.

It is written within the Planning Statement and Design and Access Statement, that the proposed development is committed to meet the objective of 40% improvement beyond Part L of the Building Regulations.

#### **5.4 Response to Public Consultation**

The majority of comments raised relating to the principle of development, design, impact on character and residential amenity and highways have been addressed within the report.

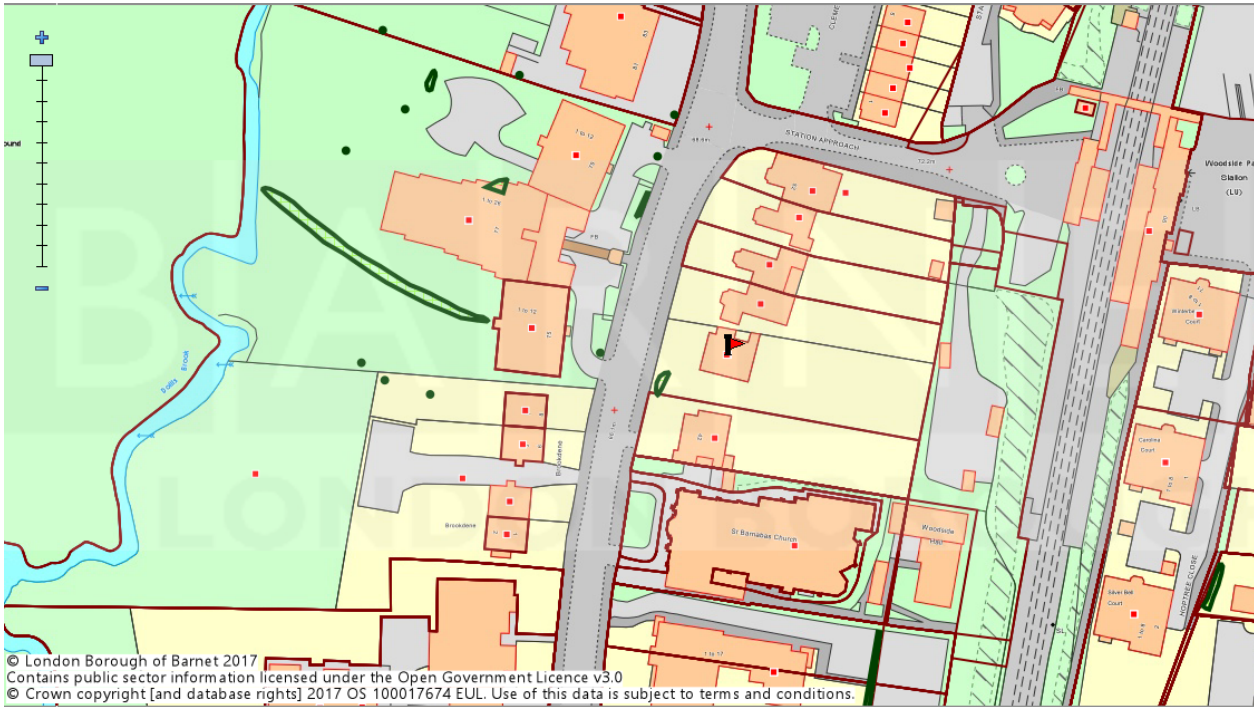
In terms of noise and disturbance during construction period, the Local Planning Authority can restrict the hours of operation through applying appropriate conditions. Out of hours noise and disturbance issues are dealt separately through Environmental Health Legislation. Any damaged caused to neighbouring properties as a result of the proposed development is a civil matter.

#### **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material planning 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, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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**Location**                      **Tenfold Woodside Grange Road London N12 8SP**

**AGENDA ITEM 10**

**Reference:**                      **16/6445/FUL**                      Received: 5th October 2016  
Accepted: 6th October 2016

**Ward:**                              Totteridge                              Expiry 1st December 2016

**Applicant:**                      Mr Adam Lipman

**Proposal:**                              Demolition of the existing dwellinghouse and erection of a three-storey plus rooms in roofspace detached building to provide 6 no. self-contained flats with associated car and cycle parking, refuse storage, amenity space and landscaping

**Recommendation:** Approve following legal agreement

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement by RPS CgMs Ref: BC/22231; Tree Survey, Arboricultural Impact Assessment and Tree Protection plan by Martin Dobson Associates; Transport Technical Note by RPS; Daylight and Sunlight Report by Malcolm Holils Ref 53194/IM/SJP; Indicative Existing Drawings; Drawing no. 4848\_02D Drawing no. 4848\_03E; Drawing no. 4848\_04D; Drawing no. 4848\_05D; Drawing no. 4848\_06D; Drawing no. 4848\_07D; Drawing no. 4848\_08; Drawing no. 4848\_10; Drawing no. 4848\_11; Drawing no. 4848\_Ex Elevations, Signed Unilateral Undertaking dated 12.12.16.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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     a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 5 a) Before the development hereby permitted is first occupied, 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. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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).

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;



- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 Before the development hereby permitted is occupied the cycle parking and car parking spaces as shown on Drawing No. 4848\_02D shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Prior to the commencement of the development, details of any works proposed on public highway shall be submitted to and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. 4848\_02D before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 11 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and rear garden, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, proposed shrubbery around parking areas and refuse areas has been submitted to and agreed in writing by the Local Planning Authority.
- b) 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.
- c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 12 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and arboricultural method statement by Martin Dobson Associates hereby approved.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 13 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing Falcon Court and Villa Verdi 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 14 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

- 15 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 16 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 19.2% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 18 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent the ground floor units shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £6,956.25 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £33,179.72 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that 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 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 [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Please note that the maximum width of crossover allowed is 4.8m.

- 8 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 9 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 10 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 11 The landscaping scheme should provide for two landscape scale tree species in the front garden; for example scots pine (*Pinus sylvestris*), and silver birch (*Betula pendula*) with additional shrub/small tree planting around parking areas and refuse stores. In the rear garden additional trees and shrubs should enhance the overall appearance for residents.
- 12 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 13 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

## **Officer's Assessment**

A Unilateral Undertaking accompanies this application which was signed on the 12th December 2016 and restricts future occupiers of the development from obtaining residents parking permits.

### **1. Site Description**

The application site is a two storey single family dwelling located on the eastern side of Woodside Grange Road within the Totteridge Ward. The site is not listed nor does it lie within a Conservation Area.

To the north of the site lies a Falcon Court, a three storey block of seven flats. To the east, the site abuts the rear gardens of a group of two storey terrace dwellings. To the south of the site lies a two storey semi-detached single family dwelling. Adjacent to the site, on the other side of the road (west of the site) lie a pair of semi-detached dwellings. The area is predominantly residential in character with a mixture of both single family dwellings and purpose built flats.

At the rear of the site, there are trees covered by a Tree Preservation Order.

### **2. Site History**

None relevant on the site.

Adjacent to the site, Falcon Court was approved consent in 1989 under reference N03695G.

### **3. Proposal**

The applicant seeks planning consent for the demolition of the existing building and erection of a three storey plus rooms in roofspace detached building to provide 6 no. self-contained flats with associated car and cycle parking, refuse storage, amenity space and landscaping.

The units would be comprised of 4 x 1bed (2 occupiers), 1 x 2bed (4 occupiers) and 1 x 3bed (5 occupiers).

The building would be sited approximately 1m from the boundary with Falcon Court, retaining a distance of between 1.9m and 2.5m from this building. On the other side, the building would be sited along the common boundary with Villa Verdi, with a distance of 0.9m between flank elevations at lower ground floor and at least 5m at upper levels.

The proposed building would have eaves 1m higher than the existing building measured at the side adjacent to Falcon Court. At the other side, the side wing would have a cat slide roof and partial gable end which would have a lower eaves height than the existing. The main ridge height of the building would be lower than Falcon Court, and would be an additional 2m above the ridge height of the existing building.



The proposed building line at the front would project 0.1m from the outermost front elevation of Falcon Court and would be at the same level as Villa Verdi at the boundary before projecting further forward to create a flush elevation.

At the rear, the building at ground floor would project approximately 2.9m from the rear elevation of Falcon Court and would be in line with the existing rear elevation of the existing ground floor rear wing of Villa Verdi for a distance of 2.7m. At upper and first floor levels, the rear elevation would be set in 1.5m from the flank elevations fronting Falcon Court and Villa Verdi and would project 2m over these two floors.

#### **4. Public Consultation**

Consultation letters were sent to 69 neighbouring properties. 22 responses have been received, comprising 21 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Harmful impact on light to and outlook from windows to kitchens on Falcon Court
- Overbearing on neighbouring buildings
- Insufficient parking and associated competition for on street parking
- Poor mix of dwellings
- Non-provision of accessible dwellings/ Non-compliance with M4(2)
- Overdevelopment/ other flatted development on larger plots
- Irregularities in the daylight and sunlight report
- Building line at front results in loss of light/ outlook/ overlooking
- Number of future residents
- Overlooking/ loss of privacy to neighbouring properties
- Impact on protected habitats
- Loss of trees
- Access for emergency services
- Affordable housing provision
- Excessive cycling stands but this shouldn't justify insufficient vehicle parking
- Bins in close proximity to neighbouring patios and subsequent smells.
- Use of kitchens at Fallow Court are not used as galley style but as somewhere to cook and eat (kitchen diners)
- Impact on nearby foundations and building structures, and could result in subsidence; would need protection against damage for neighbours

The representations received can be summarised as follows:

- Impact on newts should be explored more before development is considered to be acceptable.

A site notice was erected on the 13th October 2016.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 2050. 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.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of flatted development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Impact on future occupiers

- Impact on Trees and Ecology
- Highways
- Sustainability Measures

### **5.3 Assessment of proposals**

#### Principle of Flatted Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Given the variety of dwelling typologies in the immediate vicinity, the principle of a flatted accommodation on this section of the road is considered to be acceptable.

In addition, whilst the Council's DM08 policy stipulates that for market housing the highest priority is for family homes of 4 bedrooms and the development would provide a greater mix of 1 bed units, the scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable.

#### Impact on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

The road is varied both in the design of buildings and the typologies of dwellings on the road. It is considered that the existing building which dates to the 1970s does not have any particular architectural merit. In terms of the impact of the replacement building on the character of Woodside Grange Road, the design of the building draws from features on the road and the building would sit well on the streetscene. The building is considered to be sympathetic to its context and responds well to the height difference between the flatted development at Falcon Court and the single family unit at Villa Verdi. The ridge height sits in between the two and the inclusion of the catslide at the side adjacent to Villa Verdi allows the roof to appear less prominent than originally intended when viewed against Villa Verdi. The pitch of the roof has been amended in the course of the application to appear shallower, thus reducing the bulk and prominence particularly when viewed in the context of the streetscene. On balance, the building is not considered overly dominant, particularly against the smaller building to the south.

Due to the variety of properties on the road, there is an irregular building line on this section of the road. Whilst the building line would project further than the existing due to the building siting parallel to the road rather than the existing splayed layout, it is considered to respond well to the building lines of immediate neighbouring properties particularly as the proposed building at the front would be recessed at all levels above lower ground floor level.

At the rear, due to the siting of the building, distances between flank elevations of neighbouring properties and modest rearward projections, the depth of the building would be in keeping with the general pattern of development. It is not considered that the proposed building results in overdevelopment of the site.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site benefits from a PTAL of 2 and is considered to fall within an urban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.06ha, the proposal for 6 flats (22 habitable rooms) would equate to a density of 100 units per hectare (366.67 habitable room per ha). Although this is marginally in excess of the recommended density, this is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. The development is considered acceptable in other regards and officer would consider that the density alone would not warrant refusal given that that the development is considered acceptable in other regards.

#### Impact on the amenities of neighbours

New development should have due regard to the amenity of existing occupiers in neighbouring buildings.

As part of the submission, the applicant has included the approved plans for Falcon Court, which are attached within the Planning Statement, in addition to a Daylight and Sunlight Assessment. Daylight and Sunlight report accepts that there would be some impact on windows on the flank elevation by virtue of the proposed building, however the proposed building retains the same distance from the boundary, albeit with an increase in height. Whilst it is incorrect to assume that these windows are not protected whatsoever, the Local Planning Authority is required to make a balanced assessment and the impact on outlook and light to these windows is a material consideration in the determination of the application. The kitchens of Falcon Court are 10m<sup>2</sup> and each flat enjoys a separate dining area according to the approved plans for the scheme. Within the Residential Design Guidance SPD, a habitable room is defined as a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup>. As has been evidenced by photographs provided by objectors, many of the occupiers at Falcon Court use their respective kitchens for dining as well as cooking, and whilst it is accepted that there would be some loss of light, on balance it is not considered that this impact is sufficient to warrant refusal of the application. It is

acknowledged that the report was carried out on the site itself which objectors have raised concern about, however the officers are satisfied that the assessment is suitable.

All flank windows would be conditioned to be obscured glazed to prevent direct overlooking into the private spaces of neighbouring occupiers.

In addition, the shallower pitch amended as part of discussions during the course of this application would improve the outlook compared to the original submission for the top flat of Falcon Court in particular and the outlook to other units is not considered to be any worse than currently experienced due to the siting of the proposed building being the same as the existing.

The building at the front would not obstruct the outlook to the angled windows of Falcon Court and due to the siting of the balconies of this building would also not result in loss of light due to the siting of the building.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the length of the garden and the siting of the building, the scheme would meet both standards and it is therefore not considered that the proposed building would result in direct overlooking in the properties at the rear on Green Bank.

On balance, the impact on neighbouring occupiers is considered to be acceptable.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The units would comply with the minimum space standards relative to the size of the unit.

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The room labelled as a study for flat 6 is not considered to be a habitable room

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The stacking of the flats is considered to be suitable.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would involve the provision of outdoor amenity space for the ground floor units through private gardens which meet the requirements. In addition, the other units would have access to a communal garden with an area of 210sqm which exceeds the minimum requirement for outdoor space provision.

Finally, the scheme proposes two new refuse stores located at the front of the site which complies with the Council's Recycling and Refuse Scheme. Whilst these would be located at the front of the site, they are directly abutting the highway and would be housed in refuse stores. It is therefore not considered that these would have an unacceptable impact on the streetscene or on neighbouring occupiers, whilst meeting the standards.

### Impact on Trees and Ecology

Although not on the site itself, there is a protected tree located to the rear of the site (TPO reference TRE/F1/15). In addition, there are protected trees on both neighbouring plots covered under the same TPO; the site formally known as Spelbrook (Falcon Court) and Villa Verdi.

The proposed development requires the loss of 2 low value trees at the front of the property and a small apple tree in the rear garden. The Council's Tree Consultant has reviewed the submitted Tree Survey and Arboricultural Impact Assessment and considered that the loss of these trees would be acceptable given that these are both in poor condition and provide a low level of visual tree amenity.

The information submitted indicates that there are slight incursions into the root protection areas of three trees; however the measures set out in the arboricultural method statement provide sufficient provision to prevent harm to the retained trees within the garden and third party trees. The tree consultant therefore recommended that subject to conditions, the proposal would be acceptable.

The site is not considered as an area of importance for Nature Conservation. A condition has been added to request that an ecology survey is carried out to review whether there would be an impact on existing wild habitats on the site and if there are, requiring details of mitigation measures. It is considered that this would address the comments raised by objectors.

### Highways

The proposal is a demolition of the existing dwellinghouse and erection of 3 storey building to provide residential units comprising of 6 units with 2 car parking spaces proposed.

The site is located in an area with a Public Transport Accessibility (PTAL) score of 2 which is considered as poor accessibility.

For the proposed development a parking provision of between 2 to 8 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policies approved in September 2012.

The Council's Highways officers have reviewed the information provided and have commented on the scheme. Considering the close proximity to the town centre and associated local amenities, and the site being located within a Controlled Parking Zone (CPZ) of varying times, whilst the proposed development would not meet the parking standards as set out in Policy DM17 of Development Management Policies (Adopted) September 2012, the applicant has agreed to enter into an agreement to restrict the provision of parking permits. Highways officer therefore considered that the proposal is acceptable subject to the aforementioned legal agreement to mitigate the likely detrimental impact of the development on public highway and the highways conditions.

At the time of writing, the applicant had agreed to and signed the legal agreement with a required contribution of £2000 towards the amendment of the Traffic Management Order to enable limiting the purchase of parking permits by the new occupants of the development.

In addition, in accordance with Policy 6.9 of the London Plan, the development would require the provision of cycle parking; the proposal is acceptable in this regard.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement at ground floor, and a condition is attached to ensure compliance with these Policies. The upper floors would not comply with M4(2). In accordance with the Housing SPG (2016), "LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents." The applicant has demonstrated that the inclusion of a lift in order to comply with this standard will cause practical difficulties, make the development unviable and have significant implications on service charges for the intended residents. The Mayor's Housing SPG states that "where necessary, for developments of four stories or less, the requirements of Policy 3.8Bc should be applied flexibly to ensure that residential or mixed use development is deliverable". This would include small-scale infill developments where the depth and width of the plot would restrict the provision of a lift. The viability case has been assessed by the Council's surveyors and the Local Planning Authority is satisfied that due to site specific and viability reasons, the proposal would be unable to fully meet part M4(2) however this is considered to be acceptable in this case.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 19.2% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £33,179.72 of Barnet CIL and £6,956.25 of Mayor's CIL.

#### **5.4 Response to Public Consultation**

It is considered that all planning related comments have been addressed in the relevant sections of the assessment above.

With regards to affordable housing provision, due to the small scale nature of the scheme, there would not be a requirement for affordable housing; the threshold for affordable housing is 10 or more units in accordance with Policy DM10.

Comments regarding the impact on the structural integrity of the neighbouring buildings are not planning considerations and would fall under Building Regulations and Party Wall Agreements.

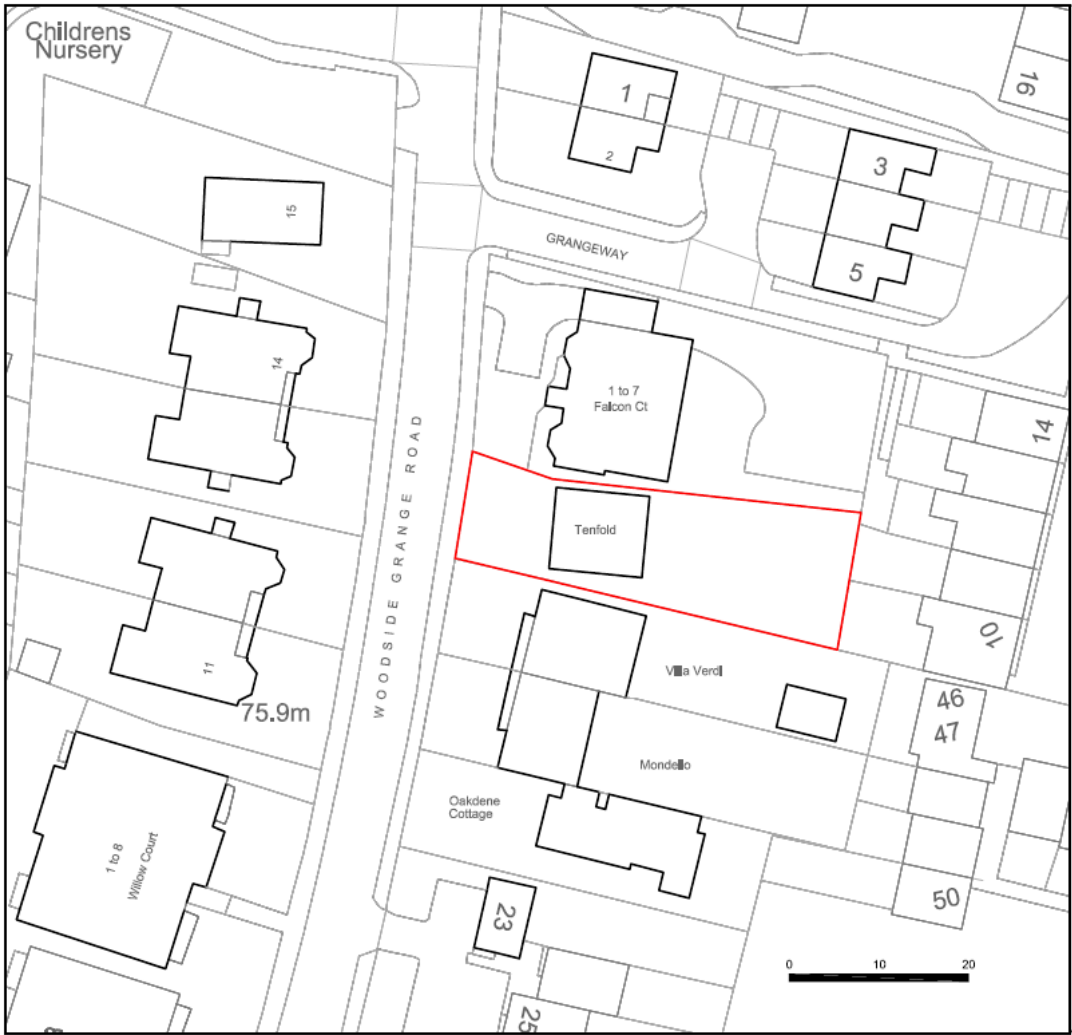
#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.





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	<p><b>Chipping Barnet Area Planning Committee</b></p> <p><b>19<sup>th</sup> January 2017</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Planning Enforcement Quarterly Update October 2016 to December 2016</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Interim Head of Development Management</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>No</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Fabien Gaudin, <a href="mailto:fabien.gaudin@barnet.gov.uk">fabien.gaudin@barnet.gov.uk</a>, 020 8359 4258</p>

### Summary

The report provides an overview of the planning enforcement function in the period between October and December 2016.

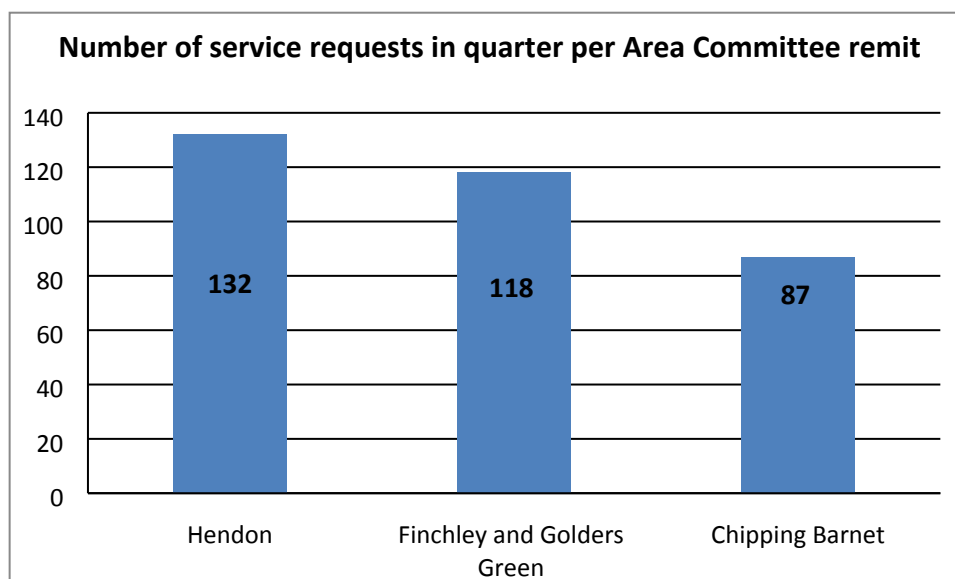
### Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of October to December 2016.

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issued which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of October to December 2016.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

In the period between October and December 2016, 317 service requests were received, alleging potential breaches of planning control. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Hendon	
Ward	Number of service requests Oct-Dec 2016
Burnt Oak	12
Colindale	8
Edgware	18
Hale	15
Hendon	27
Mill Hill	25
West Hendon	27

Finchley and Golders Green	
Ward	Number of service requests Oct-Dec 2016

Childs Hill	36
East Finchley	9
Finchley Church End	10
Golders Green	20
Garden Suburb	11
West Finchley	13
Woodhouse	19

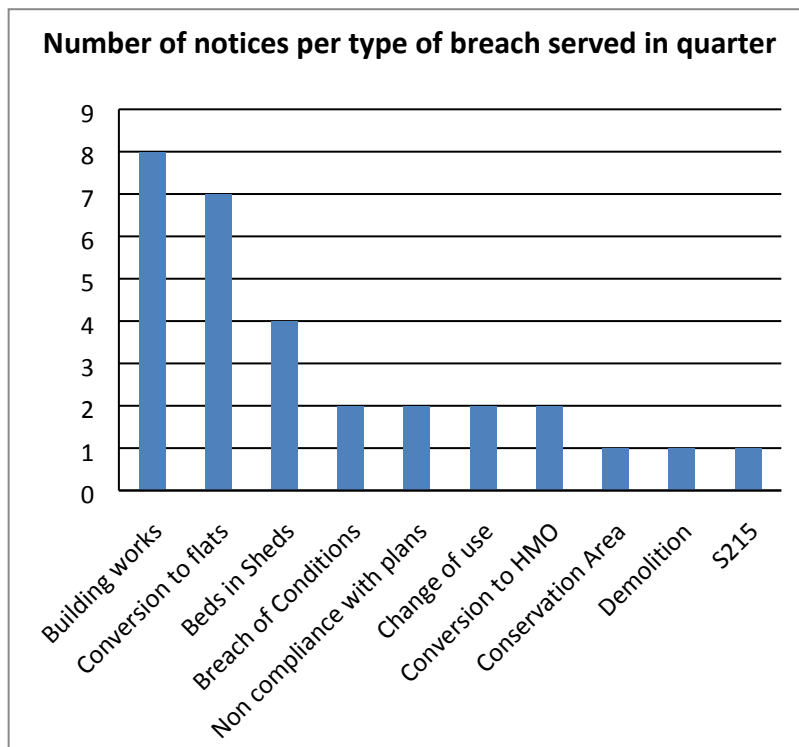
Chipping Barnet	
Ward	Number of service requests Oct-Dec 2016
Brunswick Park	17
Coppetts	12
East Barnet	8
High Barnet	14
Oakleigh	15
Totteridge	13
Underhill	8

Future quarterly updates will show the evolution of number of requests quarter on quarter.

#### 1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve on, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.3 shows details of such cases resolved in the period between October and December 2016

In the period between October and December 2016, 30 Enforcement Notices of all types were served. Whilst the majority of cases related to building works, a significant proportion related to unlawful residential uses (flats, beds in sheds and HMOs).



## 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2016

	Number of cases closed
<b>Full compliance</b> following serving of enforcement notice	19
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	76
<b>Lawful development</b> No breach of planning control was identified following investigation	130
<b>Breach detected</b> but harm insufficient to justify enforcement action	51
<b>Total</b>	276

Future quarterly updates will show the evolution of number of requests quarter on quarter.

## 1.6 Prosecution updates

### Finchley and Golders Green

Two prosecutions in the Golders Green ward reached judgment in December – 279 Golders Green Road and 90 The Drive. Both cases concerned the sub-division of a property into multiple flats. However, in both instances the convictions are being challenged, with sentencing and the ‘Proceeds of Crime’ implications of the convictions being held in abeyance subject to the outcome.

The first hearing in the 42 Clifton Gardens deception case was heard in Willesden Magistrates’ Court on 20 December 2016. The council is applying for a ‘Planning Enforcement Order’ after evidence came to light that suggested the householder had actively deceived the Council as to the true nature of his use of the property during an earlier investigation. The case continues.

Discussions regarding the payment of £555,954.49 owed to the state following the judgment in 11 Quantock Gardens continue. The defendant had been ordered to pay the sum under the ‘Proceeds of Crime’ Procedure following his conviction for illegally sub-dividing his semi-detached property and his unsuccessful challenge in the Court of Appeal.

Sentencing in the case of 24 Llanvanor is expected to take place in early 2017 following the exchange of financial information between Council and defendant during the last quarter. The defendant’s conviction for failing to

comply with a planning enforcement notice was upheld at Harrow Crown Court in August 2016

### Hendon

On 6 December 2016 Kelly communications pleaded guilty to the charge of damaging the roots of 4 protected trees during the course of digging a trench for communications cables. The company was fined £3000 and ordered to pay the Council's costs of £4398 and a victim surcharge of £120.

### Chipping Barnet

In December a date of 10 January 2017 was been set for the hearing of the Stanryk House advertisement prosecution. The developer Relic Homes is charged with unlawfully displaying large advertisements on the hoarding which surrounds the site of their development at 38 Totteridge Village. Relic Homes had previously partially complied with officer requests to remove advertisements but officers' considered that those that remained continued to cause significant detriment to the amenity of the conservation area.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 Not Applicable

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Not Applicable

## **4. POST DECISION IMPLEMENTATION**

4.1 Not Applicable

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 Not applicable

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Not applicable

### **5.3 Social Value**

5.3.1 Not applicable

### **5.4 Legal and Constitutional References**

5.4.1 Not applicable

### **5.5 Risk Management**

5.5.1 Not applicable



**5.6 Equalities and Diversity**

5.6.1 Not applicable

**5.7 Consultation and Engagement**

5.7.1 Not applicable

**5.8 Insight**

5.8.1 Not applicable

**6. BACKGROUND PAPERS**

6.1 None

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