

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 9TH FEBRUARY, 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	Laurie Williams	Caroline Stock
Tim Roberts	Reema Patel	

Substitute Members

Philip Cohen	Kathy Levine	Paul Edwards
David Longstaff	Pauline Coakley Webb	Brian Salinger
Andreas Ioannidis		

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

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Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

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.	FAIRLAWN 11 CAPEL ROAD BARNET EN4 8JD (EAST BARNET)	9 - 32
7.	PHREDELLA HOUSE LODGE HYVER HILL LONDON NW7 4HU (UNDERHILL)	33 - 42
8.	116 HOLDEN ROAD LONDON N12 7EA (TOTTERIDGE)	43 - 60
9.	49 GREENWAY LONDON N20 8ET (TOTTERIDGE)	61 - 76
10.	HAYLOFT COTTAGE TOTTERIDGE GREEN LONDON N20 8PE (TOTTERIDGE)	77 - 86
11.	54-66 SUTTON ROAD LONDON N10 1HG (COPPETTS)	87 - 112
12.	64 HASLEMERE AVENUE BARNET EN4 8EU (BRUNSWICK PARK)	113 - 120
13.	ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	

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Decisions of the Chipping Barnet Area Planning Committee

19 January 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Alison Cornelius Councillor Laurie Williams
Councillor Tim Roberts Councillor Kathy Levine
Councillor Pauline Coakley
Webb (sub for Councillor
Reema Patel)

Apologies for Absence

Councillor Reema Patel

REVISED ORDER OF BUSINESS

The Chairman revised the running order, as reflected in these minutes.

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 7 December 2016, be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Patel, with Councillor Coakley Webb as her substitute.

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

Councillor	Item	Interest
Sowerby	44 Holden Road	Councillor Sowerby used to live opposite the location

4. REPORT OF THE MONITORING OFFICER (IF ANY)

NONE.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were considered under individual agenda items.

6. FAIRLAWN 11 CAPEL ROAD BARNET (EAST BARNET WARD)

The Committee considered the report.

Representations were heard from John Ireton, Janet Daley and the applicant.

Members were concerned that accurate measurements were not available.

It was moved by Councillor Sowerby and seconded by Councillor Roberts that the application be deferred, so that accurate measurements can be reported back to the Committee in respect of the distance between the habitable rooms in the block and the existing residential properties opposite the site in Rosslyn Avenue, prior to a decision being taken.

RESOLVED that the application be deferred for the reason detailed above.

For (deferral):	7
Against (deferral):	0
Abstained:	0

7. TENFOLD WOODSIDE GRANGE ROAD LONDON N12 (TOTTERIDGE WARD)

The Committee received the report.

Representations were heard from Jeffrey Cronick, Marese Walmsley and the applicant's agent.

A vote was taken with regard to approving the application:

For (approval)	0
Against (approval)	7
Abstained	0

It was moved by Councillor Cornelius and seconded by Councillor Sowerby that the application be refused for the following reasons:

1. The proposed development by reason of its size, siting, height, design and number of units proposed would represent an over intensification of use and overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016)
2. The proposed development would result in the loss of a 4 bedroom dwelling house, contrary to policy DM08 of the Development Management Policies DPD (adopted September 2012) and CS5 of the Local Plan Core Strategy (adopted September 2012)
3. The proposed development by reason of its size, siting, height, depth and relationship with adjoining neighbouring properties would have an overbearing appearance and would adversely affect the light received to the top floor kitchens

of neighbouring Falcon Court flats, contrary to CS5 of the Local Plan Core Strategy (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).

For (refusal)	7
Against (refusal)	0
Abstained	0

RESOLVED that the application be REFUSED for the reasons detailed above.

8. 44 HOLDEN ROAD LONDON N12 (TOTTERIDGE WARD)

The Committee received the report.

Representations were heard from Olivia Ellah and the applicant's agent.

A vote was taken on approving the application:

For (approval)	0
Against (approval)	5
Abstained	2

It was moved by Councillor Cornelius and seconded by Councillor Sowerby that the application be refused for the following reasons:

1. The proposed development by reason of its size, siting, design, massing, bulk, height and depth would have an overbearing appearance when viewed from the adjoining properties, nos. 42 and 46 Holden Road which would adversely affect the outlook from these properties and loss of light, detrimental to the residential amenity of the neighbouring occupiers contrary to CS5 of the Local Plan Core Strategy (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).

2. The proposed development would also result in the loss of the existing building which contributes to the overall character of the area without a suitable replacement building contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016)

For (refusal)	5
Against (refusal)	0
Abstained	2

RESOLVED that the application be REFUSED for the reasons detailed above.

9. CHECKNET AND DURKAN HOUSE 153-155 EAST BARNET ROAD BARNET (EAST BARNET WARD)

The Committee received the report.

A representation was heard from the applicant's agent.

RESOLVED that the application be approved, subject to the conditions detailed in the report and subject to the addendum.

For	6
Against	0
Abstained	1

10. 58 HADLEY HIGHSTONE BARNET EN5 (HIGH BARNET WARD)

The Committee received the report.

RESOLVED that the application be approved, subject to the conditions detailed in the report and subject to the addendum.

For	7
Against	0
Abstained	0

11. PLANNING ENFORCEMENT QUARTERLY UPDATE OCTOBER 2016 TO DECEMBER 2016

The Committee received the report.

RESOLVED that the Planning Enforcement Quarterly Update for the period October to December 2016 be noted.

12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.15pm

Location Fairlawn 11 Capel Road Barnet EN4 8JD

Reference: 16/0955/RCU

Received: 15th February 2016

Accepted: 16th February 2016

Ward: East Barnet

Expiry 12th April 2016

AGENDA ITEM 6

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: 3011-48/P004 RevA; 3011-48/P005 RevA; 3011-48/P006 RevA; PL A 13; PL A 15; PL A 17; PL A 1; 3011-48/P001; 3011-48/P001 RevA; 3011-48/P002; 3011-48; 3011- 48/P003; landscape management plan TH1322.

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 3011-48/P001. 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.

- 11 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 25 % 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.

- 12 a) Notwithstanding details already submitted, 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).

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.

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.

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.

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

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

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

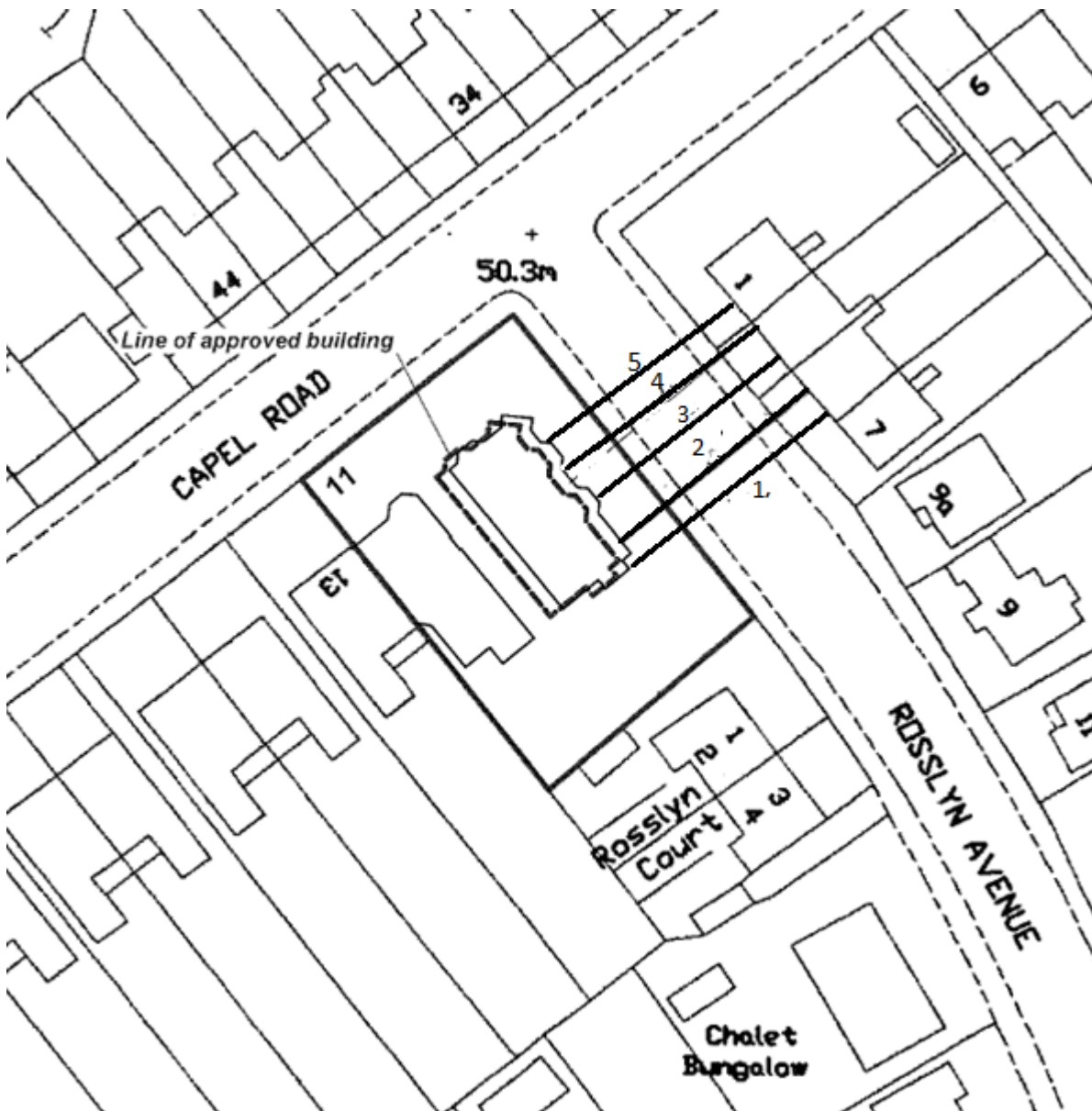
3 Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment by the Highways Authority as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense and will require submission of a vehicle crossover 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

Member's will recall that the application was deferred at the last committee meeting :

“so that accurate measurements can be reported back to the Committee in respect of the distance between the habitable rooms in the block and the existing residential properties opposite the site in Rosslyn Avenue, prior to a decision being taken.”

The measurements have been undertaken as instructed and are shown below:



FIRST FLOOR

- 1 – Recessed window to main wall window of no.5 Rosslyn Ave = 21.95m
- 2 – Window to bay window of no.5 = 20.2m
- 3 – Bay window to bay window no.3 Rosslyn Avenue = 19.2m
- 4 – Recessed window to main wall window of no.3 = 20.7m
- 5 – Bay window to bay window of no.1 = 19.06m

LOFT FLOOR

- Dormer window to bay window of no.3 = 21.2m
- Dormer window to main wall window = 21.6m

As can be seen from the above plan the neighbouring properties opposite the site and the application building splay away from each other which results in a variation of distances between the buildings. Whilst not shown on the OS base plan the properties at 1-7 Rosslyn Avenue benefit from original front bay windows. As can be seen "pinch points" arise in the bay to bay distances at ground and first floor level.

It is acknowledged that the ground and first floor bay window distances are less than the 21m as recommended in Barnet's Residential Design Guidance SPD 2016 which states that " In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications."

To this end it is considered that although the 21m separation distance is not achieved in all the windows facing towards Rosslyn Avenue, this measurement is guidance only and as the document indicates there may be material justifications where shorter distances are acceptable.

The minimum distances are predominately those between the bay windows in the new block and the bay windows of no.s 1 and 3 Rosslyn Avenue, opposite and measure 19m and 19.2m respectively. Whilst less than the recommended distance it is considered that the potential overlooking is mitigated by the retention of the existing tree screen along the sites boundary with Rosslyn Avenue. It is not considered that the relationship between the fronts of the buildings in question is such that the neighbouring residents privacy is prejudiced to an unacceptable degree such as to warrant the refusal of the permission sought especially as these frontages form part of the wider public domain. The privacy of the rear gardens of the neighbouring properties 1-7 Rosslyn Avenue remain unaffected. In addition, it is not uncommon for frontage distances between properties to be less than 21m. The building as it exists has been constructed at a distance of 3.7m from the east flank wall of no.11 Capel Road as opposed to 2.5m approved under the previous application 15/02102/FUL. A difference of 1.2m. Whilst this has resulted in the building being closer to the Rosslyn Avenue boundary leaving a gap of between 3.7m and 4.5m (due to the splay) and consequently the neighbouring properties opposite, it is not considered that this results in the building detracting from the character and appearance of the area.

It is not considered the development results in overlooking or loss of privacy such as to warrant refusal and does not outweigh the benefits arising from the development which results in an additional five units to the boroughs housing supply.

Accordingly, approval is recommended.

The previous report is attached as an appendix.

Appendix:

Location	Fairlawn 11 Capel Road Barnet EN4 8JD	
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.

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.

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.

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

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

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 pedestrian 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 pedestrian 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 initial 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 principle 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 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² 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.

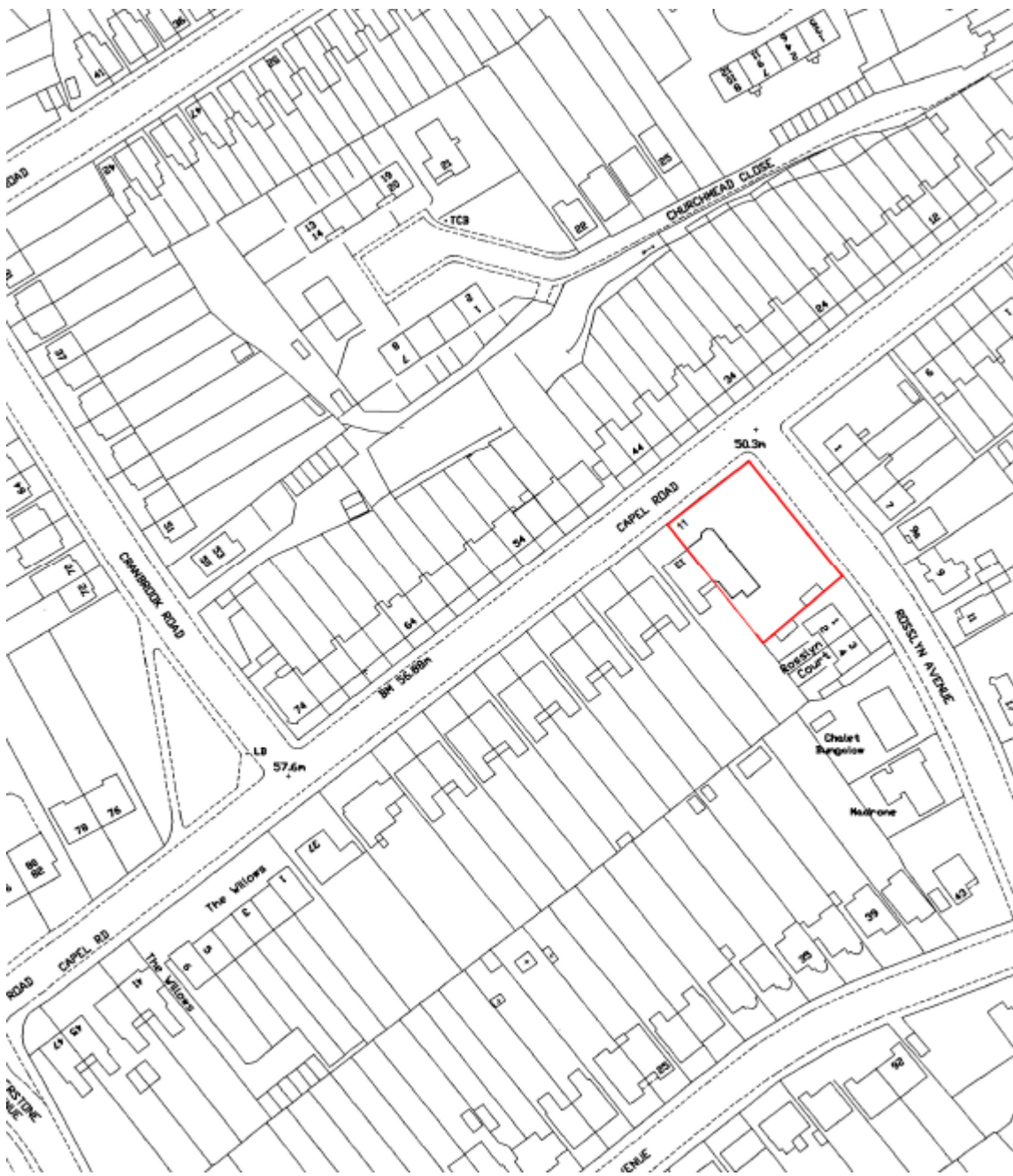
The application has also been amended to provide additional planting along the frontage with Capel Road to provide additional screening and provide an enhanced landscaping scheme for the site. A 5 year maintenance plan has also been provided.

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.



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Location **Phredella House Lodge Hyver Hill London NW7 4HU**

Reference: **16/7731/HSE**

Received: 6th December 2016

Accepted: 6th December 2016

Ward: Underhill

Expiry 31st January 2017

Applicant: Mr & Mrs P

Proposal: Conversion of garage into habitable room to extend the existing first floor flat and form dwelling. Associated insertion of window and door to replace existing garage door

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 1448.P.OS Rev B; Drawing no. 1448.P.01 Rev 0 ; Drawing no. 1448.PD.02 Rev A.

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 provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A,B,C,D,and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Phredella Lodge as shown on plan 1448.PD.02 Rev A.

Reason: To safeguard the amenities of neighbouring occupiers, the openness of the Green Belt and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or boundary treatment shall be erected between Phredella Lodge and Phredella House without the prior consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers, the openness of the Green Belt and the general locality in accordance with policies DM01 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. 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

The application site is known as Phredella Lodge and is sited within the grounds of a two storey detached dwelling known as Phredella House on the western side of Hyver Hill within the Underhill Ward. The building is a two storey detached building to the north west of Phredella House, used as a garage on the ground floor and a self-contained flat on the first floor.

Hyver Hill is a private single track road accessed from the southbound carriageway of Barnet Way (A1). The road contains 8 detached properties (nine including Phredella Lodge). Phredella Lodge was historically an annexe to the main dwelling however a certificate of lawfulness (reference B/05587/14) was granted as Lawful for the 'retention of the first floor of detached garage building as a separate self-contained residential unit'. Thus, it was the determination of the council that sufficient evidence was provided to determine on the balance of probability that the use of the first floor of the building was lawful as a separate, self-contained dwelling on the date of determination.

Neither the host building nor the adjacent main dwelling on the site, are listed nor does the site lie within an area designated as a Conservation Area. The property is situated on land designated as 'Green Belt' however evidence has been previously submitted that no conditions have been imposed on this property; the original dwellinghouse is a property which benefits from permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Given that the residential unit at Phredella Lodge is lawful at first floor level only and therefore considered as a flat, this unit does not benefit from permitted development rights.

A certificate of lawfulness was considered unlawful for the conversion of the garage into a habitable room in 2015 under reference 14/07953/192 as the first floor flat does not benefitted from permitted development rights.

Several applications have been submitted under permitted development rights for the extensions and alterations to the main building (Phredella House) including an 8m extension to the main dwelling (14/07988/PNH); roof extensions with an additional volume of 31 cubic metres, new front porch and a side extension (15/00736/192). The site (Phredella House) was granted a certificate of lawfulness (reference 15/02067/192) for three separate outbuildings with a cumulative floor area of approximately 355sqm. Finally, the entire site (including Phredella House and Phredella Lodge) were refused planning permission for the demolition of the buildings and erection of 2no detached dwellings under planning reference 16/4780/FUL.

2. Site History

Reference: 16/4780/FUL

Address: Phredella House And Phredella Lodge Hyver Hill London NW7 4HU

Decision: Refused

Decision Date: 11 October 2016

Description: Demolition of existing dwellings and erection of 2no two-storey dwellings with rooms in roof space. Associated car parking, amenity space and refuse and recycling storage

Reasons for refusal:

Reasons 1- The proposed replacement dwellings would, by reason of their size, bulk and massing be materially larger than the dwellings they would respectively replace. The proposal would therefore represent inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt and would harm the open character or appearance of this part of Hyver Hill. The proposal would be contrary to Policies 7.6, 7.8 and 7.16 of The London Plan (2016), Policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM15 of the Local Plan Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

Reason 2- The proposed development by virtue of subdivision of the plot, siting, layout, scale, bulk, height and mass would fail to reflect the spatial pattern of development in the surrounding area, spacing between the proposed buildings themselves and would appear alien with other dwellings on Hyver Hill. The proposal would therefore be detrimental to the character and appearance of the application site and surrounding area, contrary to the National Planning Policy Framework 2012, London Plan 2015 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD 2016.

Reference: B/05587/14

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 11 December 2014

Description: Retention of first floor of detached garage building as a separate self-contained residential unit

Reference: 14/07953/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Unlawful

Decision Date: 14 January 2015

Description: Conversion of garage to habitable accommodation with associated internal alterations, replacement of garage door with windows, removal of external staircase and alterations to first floor rear opening

Reference: 14/07988/PNH

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Prior Approval Not Required

Decision Date: 20 January 2015

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 2.8 metres and maximum height of 3.6 metres

Reference: 15/00736/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 9 March 2015

Description: Enlargement of existing dormer windows on both side roof slopes and rear roof slope. Single storey side and rear extension. Front porch

Reference: 15/02067/192

Address: Phredella House, Hyver Hill, London, NW7 4HU

Decision: Lawful

Decision Date: 20 May 2015

Description: Construction of one outbuilding containing gym, home office, snooker room and storage, one outbuilding comprising a detached triple garage and one outbuilding containing swimming pool and associated facilities. Associated hardstanding

3. Proposal

Planning permission is sought for the conversion of garage at Phredella Lodge into habitable room with new window and entrance door to replace garage door.

The converted garage will host a living and dining room and as a result would create a two storey dwelling to Phredella Lodge. No other alterations and no extensions are proposed.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

6 responses have been received, comprising 5 letters of objections and 1 letters of support.

The objections received can be summarised as follows:

- Current application seeks to widen possibility of 2 larger individual dwellings being created.
- Overall objective is to get two larger dwellings
- Conditions should be imposed for the Lodge to be used only as ancillary accommodation with Phredella House
- Would facilitate development that would have detrimental impact on the Green Belt.
- Should not result in a standalone building that would result in urban sprawl

The representations received can be summarised as follows:

- No objection to the planning application.

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, CS15.
- Relevant Development Management Policies: DM01, DM02, DM15, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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:

- Impact on the Green Belt
- 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.

5.3 Assessment of proposals

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 80 that the Green belt serves the following principles: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where the replacement or re-use of buildings will only be permitted where they would not have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL. The Residential Design Guidance SPD sets out that within Barnet's Green

Belt, development should not result in disproportionate addition over and above the size of the original house.

In terms of the impact of the proposal on the openness of the area, the NPPF makes it clear that an essential characteristic of Green Belts is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. The proposal would not result in any additional built form on the site and therefore the conversion would not result in a building that is materially larger than the existing building.

The applicant has advised that the garage is used as storage for both Phredella Lodge and Phredella House. As the proposed conversion would result in a two storey dwelling with access to the garden, the property would benefit from permitted development rights, which could involve extensions to the Lodge itself and additional outbuildings, which in turn would result in additional built form on the site. Officers consider that if permitted development rights are implemented, the extensions could not only be disproportionate to the Lodge, but could also cause demonstrable harm to the openness of the Green Belt. Therefore whilst the conversion of the garage itself would not be detrimental to the Green Belt, a condition has been added to remove permitted development rights to the Lodge to prevent additional built form which would not require planning consent.

Furthermore, as mentioned above, the Lodge at present reads as an ancillary building to the main dwelling. It is therefore considered necessary to also add a condition to prevent the erection of boundary fencing in the future between the two buildings, which otherwise would be allowed without planning consent. The formal subdivision of the site would not only be considered to be detrimental to both the character of the area, which is comprised of large plots, but also the openness of the Green Belt. This would ensure that the Lodge still reads as an ancillary building to the main dwelling despite the lawful use being a self-contained unit.

It is therefore considered that the proposal, subject to the conditions recommended, would represent an appropriate development within the Green Belt.

The conversion of the existing garage into habitable space is considered to comply with Barnet's Residential Design Guidance SPD; the design of the original building is reflected, adequate parking space remains and it is not considered to cause undue harm to the streetscene. The proposed fenestration is in keeping with the existing windows and the siting of these at the front would not result in any detrimental overlooking to neighbouring properties.

The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and is not considered to detract from the established character and appearance of the property and surrounding area.

5.4 Response to Public Consultation

"Current application seeks to widen possibility of 2 larger individual dwellings being created" , "Overall objective is to get two larger dwellings" & "Would facilitate development that would have detrimental impact on the Green Belt"- The submitted application relates solely to the conversion of the garage into a habitable room. It is not considered justified to refuse the current application on any future development proposed on the site. A suitable

condition has been added to prevent Phredella Lodge being extended under permitted development rights due to concerns on the Green Belt discussed in the report above.

"Conditions should be imposed for the Lodge to be used only as ancillary accommodation with Phredella House". The first floor at Phredella Lodge has been considered to have a lawful use as a self-contained unit, therefore is lawfully independent of the main dwelling. The same would apply to the converted garage hereby recommended for approval, which would result in a two storey dwelling. Notwithstanding this, a condition is recommended to prevent the formal subdivision of the plot.

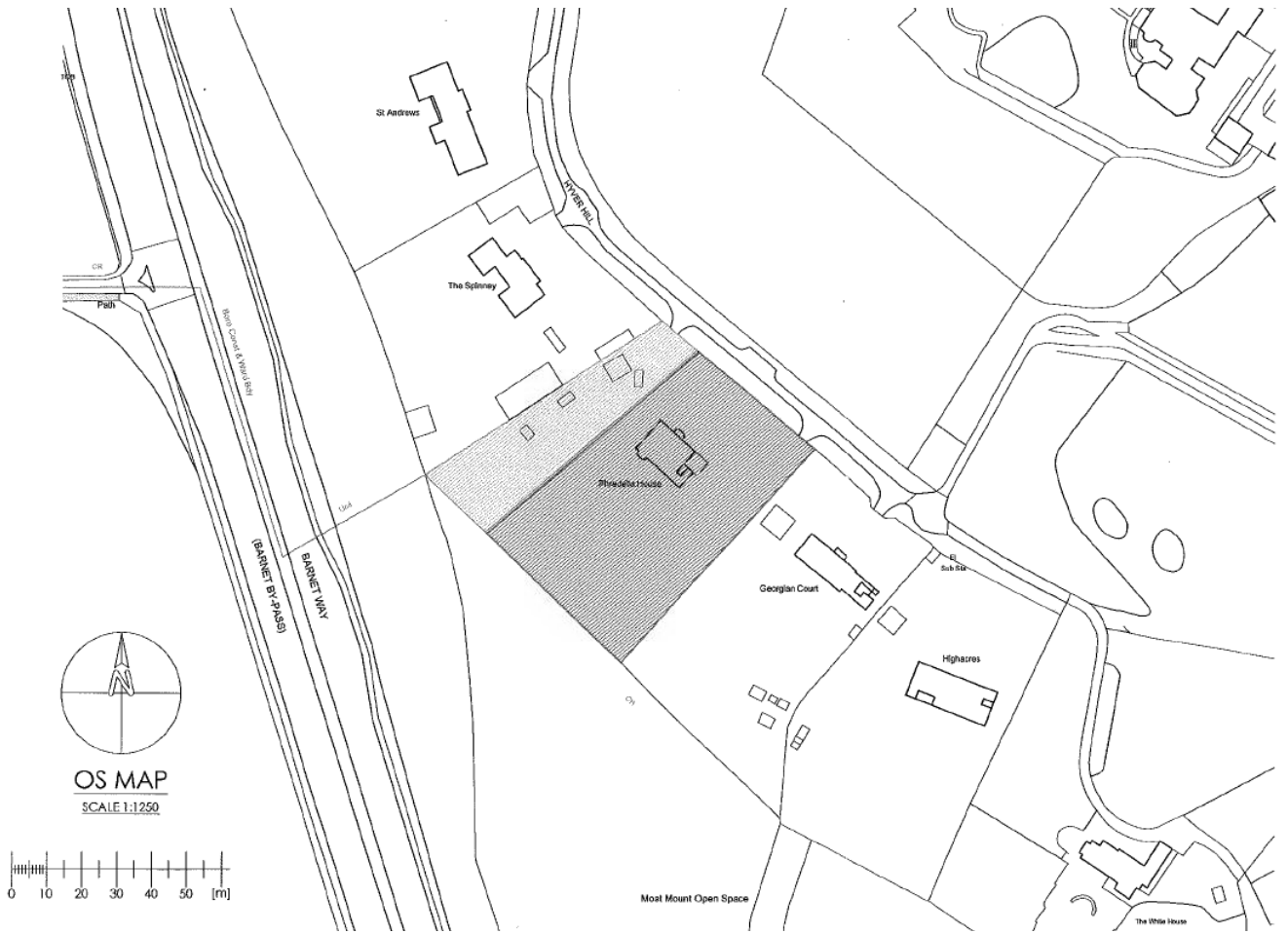
"Should not result in a standalone building that would result in urban sprawl"- As above. The proposal does not seek any additional built form on the site.

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 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, the Green Belt 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 **116 Holden Road London N12 7EA**

Reference: **16/8220/FUL**

Received: 28th December 2016

Accepted: 29th December 2016

Ward: Totteridge

Expiry 23rd February 2017

Applicant: Mr Seliger

Proposal: Conversion of building from 4no self-contained units to create 6no self-contained units following demolition of existing garage and erection of two-storey side extension. Part single, part two-storey rear extension to existing building and enlargement of existing basement including associated excavation and fenestration to provide accommodation. Associated access, car parking and landscaping. Addition of photovoltaic panels to the rear roofslope

AGENDA ITEM 8

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement by WAMM Consulting Ltd; Parking Survey by Kronen Ltd daetd December 2016; Planning Statement by Wamm Consulting dated December 2016; Drawing no. 1617-PL3/01; Drawing no. TS15-459S; Drawing no. TS15-459S Drawing no. 1617-PL3/11; Drawing no. 1617-PL3/12; Drawing no. 1617-PL3/13; Drawing no. 1617-PL3/14; Drawing no. 1617-PL3/02 Rev A; Drawing no. 1617-PL3/03 Rev A; Drawing no. 1617-PL3/04 Rev A; Drawing no. 1617-PL3/05; Drawing no. 1617-PL3/06 Rev A; Drawing no. 1617-PL3/07 Rev A; Drawing no. 1617-PL3/08 Rev A; Drawing no. 1617-PL3/09 Rev A; Drawing no. 1617-PL3/10 Rev A.

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 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 2016.

- 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.

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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing no.114 and no.118 Holden Road.

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).

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.118 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).

- 8 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).

- 9 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the box hedge at the front of the site as indicated on Drawing no. 1617-PL3/03 Rev A.
- 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 (2016) and 7.21 of the London Plan 2016.

- 10 Before the development hereby permitted is first occupied turning space and parking spaces shall be marked out within the site in accordance with the details indicated on drawing no. 1617-PL3/02 Rev A and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development

Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 11 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 policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 12 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

- 13 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 Plan Policy 6.9 (2016), Barnet's Local Plan Policy CS9 of Core

Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 (2016).

- 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 (October 2016).

- 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 25 % 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 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).

19 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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. 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.

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 £4,830.00 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 £23,037.99 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.

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.

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
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

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 or by telephoning 0208 359 7294.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 5 If the development is carried out, it will be necessary for the existing vehicular crossover to be modified by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ
- 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 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.
- 8 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site is currently a detached two storey building with rooms in the roofspace located on the southern side of Holden Road within the Totteridge ward. The building accommodates 4 self-contained flats with no off-street parking spaces. The building is not listed nor does it lie within a conservation area and there are no protected trees on the site. At site abuts the London Underground train tracks at the rear.

There are a variety of architectural styles and tenures on Holden Road including purpose built flats and single family dwellings.

2. Site History

Reference: 16/3287/FUL

Address: 116 Holden Road London N12 7EA

Decision: Approved subject to conditions

Decision Date: 30.06.2016

Description: Demolition of existing buildings and erection of a three storey building with rooms in roofspace and basement to form 6 no self-contained flats with associated amenity space, refuse and recycling store, cycle store, 6no off street parking spaces

Reference: N03493

Address: 116 Holden Road London N12 7EA

Decision: Refused

Decision Date: 20.09.1972

Description: Proposed change of use from residential to medical group practice

Reference: N03493A

Address: 116 Holden Road London N12 7EA

Decision: Refused

Decision Date: 29.11.1972

Description: Change of use of ground and first floors from residential to surgery accommodation for two doctors, one dentist and one dentist's assistant.

Reference: N03493B

Address: 116 Holden Road London N12 7EA

Decision: Approved subject to conditions

Decision Date: 14.02.1973

Description: Change of use of ground and first floors to two Doctor' and one Dentist's surgeries and car park.

Reference: N03493C

Address: 116 Holden Road London N12 7EA

Decision: Refused

Decision Date: 19.01.1977

Description: Change of use of garage for storage of light nylon textile materials.

3. Proposal

The applicant seeks planning permission for the conversion of building from 4no self-contained units to create 6no self-contained units following demolition of existing garage. In addition, the proposal involves the erection of two-storey side extension, and part single, part two-storey rear extension to existing building and enlargement of existing basement including associated excavation and fenestration to provide accommodation. The scheme would involve associated access, car parking for 3no vehicles and landscaping, and the addition of photovoltaic panels to the rear roofslope.

The proposed flats would be comprised of:

- 2 x 2 bed (4p) flats
- 1 x 2 bed (3p) flat
- 1 x 1 bed (2p) flat
- 2 x studio (1p) flat

Planning consent has previously been granted on the site for the demolition of the existing building and erection of a three storey building with rooms in roofspace and basement to form 6 no self-contained flats with 6no off street parking spaces under planning reference 16/3287/FUL. This application is extant and forms a material consideration in the determination of the application.

The proposed side extension would have a width of 2.2m at both first and second floors. At the rear, the extension would have a depth of 4.5m at ground floor near the boundary with no. 114 and 0.6m near the boundary with no. 118, creating a flush elevation. At first floor, the proposed rear elevation would have a depth of 2.5m and would connect to the proposed side extension.

The building including associated extensions would cover the same width and rearward projection as the previously approved scheme.

The proposal would involve the addition of PV cells on the rear roofslope and alterations to the rear fenestration.

4. Public Consultation

Consultation letters were sent to 55 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- Excessive parking and highways safety
- No speed restrictions
- Overlooking of gardens
- Noise and disturbance during construction
- Overcrowding / overdevelopment

A site notice was erected on the 5th January 2017.

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:

- 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 the scheme would provide suitable accommodation for future occupiers of the units
- Whether the development would result in additional parking pressures or highways safety
- Sustainability measures

5.3 Assessment of proposals

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.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the proposed alterations and extensions should respect the character of Holden Road.

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, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which 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. In this case, it would be considered that flatted development would be suitable on this site, particularly given that there are already 4no units on the site.

Consideration has been given to the approved building on the site which has approval to accommodate the same number of units as now proposed. Although it is acknowledged that the side extensions are not recessed as required by the Residential Design Guidance SPD, consideration has been given for the approved building on the site, and the width of the side extension is considered to be subordinate, with the resultant building having the same width as the approved building. It is not considered that the proposed side extensions would be detrimental to the character of the street or the appearance of the host property.

At the rear, the proposed extensions are considered to be subordinate additions, respectful of the proportions of the main building. The extensions would cover the same footprint as the approved building and in this regard, the extensions would not be considered to cause any further harm on the character of the area than previously considered to be acceptable.

The basement as proposed is substantially smaller than that previously approved as part of the previous application.

Subject to a suitable landscaping scheme which would be conditioned to soften the level of hardstanding, it is not considered that the hardstanding to provide off-street parking would be detrimental to the character of the area.

There is a tree located within close proximity to the rear elevation of the existing building, which would be removed to facilitate this development; this tree is not protected and although it is a large tree, on balance the loss of this tree is considered to be outweighed by the benefits of the proposed development.

The proposed extensions and alterations to the site are generally in keeping with the established character of the area, and have been found to be acceptable.

Insofar as the proposed density on the site, the proposed development would result in the same number of units as previously approved. In addition, based on the tenure, the development would accommodate up to 15 occupiers on site, compared to the extant consent which could be for up to 16 occupiers.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed. Officers do not consider that there would be an unacceptable level of overlooking into the gardens of adjacent occupiers. The windows on the flank elevation do not serve habitable rooms or they are secondary windows and therefore these will be conditioned to be obscured glazed.

Given the distance of the building to the site boundaries and the adjacent dwellings, the building would not appear imposing on the gardens of neighbouring occupiers and would have an acceptable impact on both no. 114 and no. 118.

In light of the considerations above, the proposal is recommended for approval.

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 2015. In addition, flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers.

The units all comply with the minimum space standards. In this regard the proposal would provide adequate accommodation for future occupiers. All habitable rooms would benefit from suitable outlook. The ground floor duplexes include the kitchen/ dining area at

basement level however the same units would have a separate living room at ground floor. The previously approved scheme also included a duplex with accommodation at basement level and this itself is established on the host site. It is therefore not considered that on balance, the siting of these rooms at basement level would provide inadequate visual amenity to future occupiers to justify refusal.

The flats would benefit from a large communal garden at the rear of the site which would be in excess of the minimum standards of outdoor amenity space required as stipulated in the Sustainable Design and Construction SPD.

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.

Highways

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site benefits from a PTAL level of 2 which is low. The existing four dwellings on the site benefit from no parking provision. The site is located 800m from the Totteridge High Street. Although the site itself is not in a CPZ, there is a CPZ in close proximity.

In accordance with policy DM17, the proposal would require between 3 to 7.5 spaces. Given the low PTAL value (2), Highways have advised that there would be the need for 6 parking spaces. As mentioned, there is currently no parking provided for the existing units, so the vehicles park on the road. As the applicant is proposing 3 spaces and there is the requirement for 6 spaces, the applicant has provided a survey to demonstrate that the surrounding roads can handle the overspill from the development. The Transport assessment, containing parking survey of the area, shows that the average parking stress in the area is 61%, with 60 free spaces overnight within 200m. Highways officers are satisfied based on the survey, that there is adequate on street parking to accommodate the overspill.

The applicant is proposing to use the existing access to serve two of the off street parking spaces - this crossover will have to be widened to accommodate this. The applicant is also proposing the creation of a new crossover to serve the single off street parking. Subject to conditions and submission to Highways for consent of the crossover, this is considered acceptable.

It is recommended that the application is approved in highway terms subject to conditions.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 25% 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 £23,037.99 of Barnet CIL and £4,830.00 of Mayor's CIL.

5.4 Response to Public Consultation

"Excessive parking and highways safety"- covered in the report above.

"No speed restrictions"- this is not a planning consideration

"Overlooking of gardens"- covered above; the proposal would not result in any additional overlooking than currently experienced on site.

"Noise and disturbance during construction"- a suitable condition has been added restricting the hours of working, however objections to noise and disturbance during construction alone are not considered justified reasons to refuse the application.

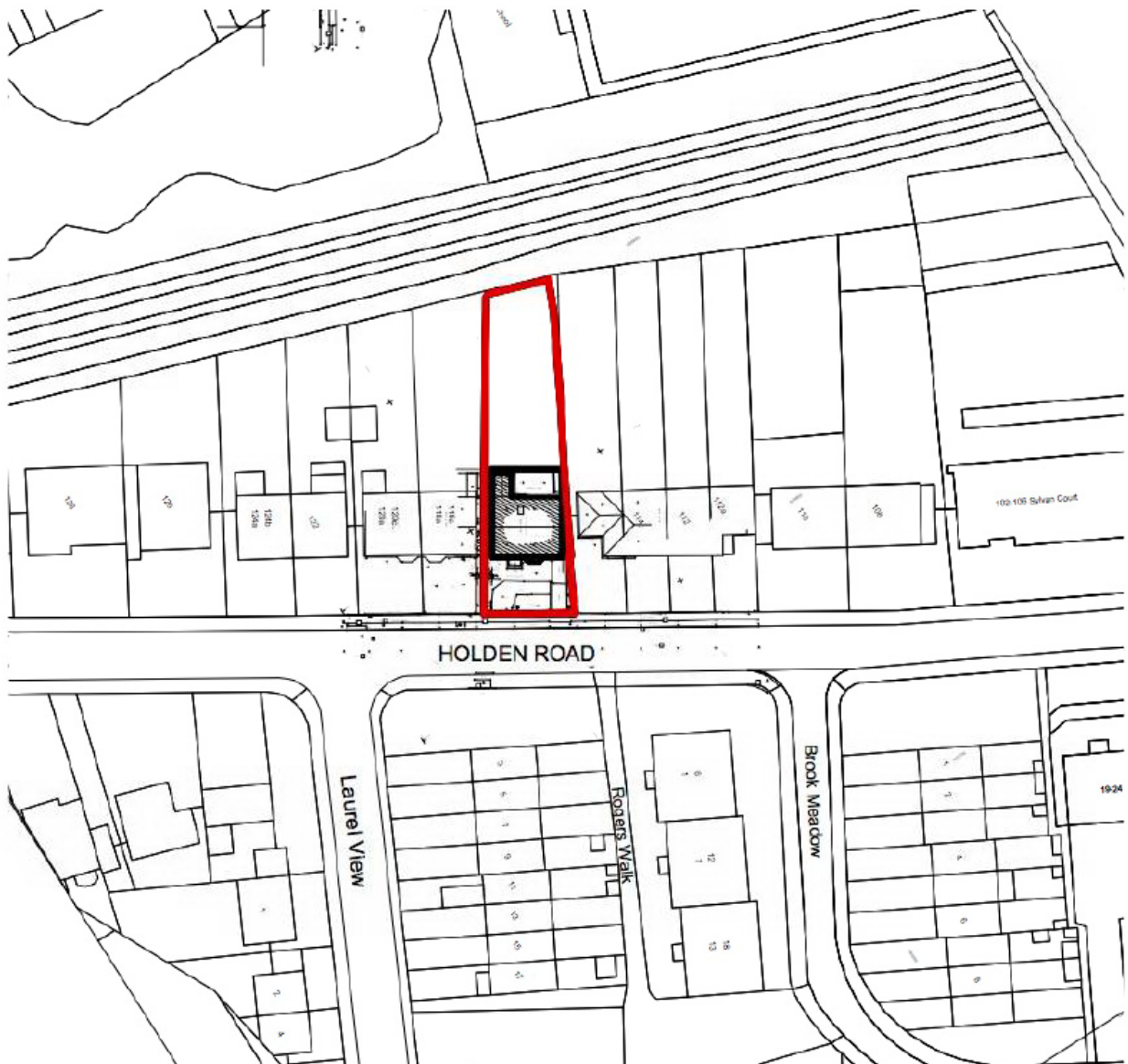
"Overcrowding / overdevelopment"- covered in the report above.

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: 49 Greenway London N20 8ET

Reference: 16/7118/FUL

Received: 8th November 2016

Accepted: 11th November 2016

Ward: Totteridge

Expiry: 6th January 2017

Applicant: Mr & Mrs J BAINS

Proposal: Demolition of existing dwelling and erection of new two storey dwelling with rooms in roofspace. Excavation of ground to enable lowering of ground level. Associated cycle store, refuse and recycling store.

Recommendation: Approve subject to conditions

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

Drawing No. 1507.P.OS
 Drawing No. 1507.P.01
 Drawing No. 1507.P1.02
 Drawing No. 1507.P1.03
 Drawing No. 1507.P1.04
 Drawing No. 1507.P1.05
 Drawing No. 1507.P.06
 Drawing No. 1507.P1.07
 Drawing No. 1507.P1.08
 Drawing No. 1507.P1.09
 Drawing No. 1507.P1.10

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 or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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.

- 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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the ground and first floor flank elevations facing numbers 47 and 51 Greenway 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).

- 6 The roof of the single storey rear projection 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).

- 7 Before the development hereby permitted is first occupied or the use first commences the cycle storage and parking spaces shown on Drawing No. 1507.P1.07; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing number 47 and 51 Greenway.

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).

- 9 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.

- 10 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 13% 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.

- 11 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.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B and C of Part 1 of Schedule 2 of that Order shall be carried out on the development hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 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.

- 14 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).

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.

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.

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.

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.

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.

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

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

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 property is a two storey, detached property situated on the south side of Greenway, N20 8ES, a pre-dominantly residential road.

The application site shares an adjoining boundary with nos.47 and 51 Greenway.

The property benefits from an existing two storey front extension; a single storey rear extension; and, a single storey side extension.

Greenway is characterised by a number of broadly similar architecturally designed dwellings which have undergone various extensions to their external appearance, some of which to an unsympathetic extent. No. 53 Greenway is a particular example of this, significantly altering its bulk and mass at two storey level and changing its roof pitch angle significantly to form an uncharacteristic mansard style roof.

2. Site History

N01610 - Retention of covered way - **Approved: 21.08.1968**

N01610A - Single storey rear extension. - **Approved: 12.08.1977**

N01610B - Two storey front / side extension. - **Approved: 07.12.1995**

N01610C - Two storey front/side extension (revised application to include additional window to side). - **Approved: 26.03.1996**

N06279 - Single-storey rear extension. - **Approved: 30.08.1979**

B/00324/13 - Extension to roof including raising of ridge height and side and rear dormer window to facilitate a loft conversion. - **Refused: 11.04.2013**

(i) The proposed raising of the highest part of the existing roof and the proposed side dormer window, by reason of its size, mass, bulk, design and siting, are considered to have an unacceptable impact on the character and appearance of the application site and on the visual amenity of the locality. It is considered to be a visually obtrusive form of development that is not in keeping with the established character of the surrounding locality, contrary to Design Guidance Note No.5: Extensions to Houses and policies DM01 and DM02.

B/04436/13 - Extension to roof including raised ridge level and 1no. rear dormer. - **Approved: 12.11.2013**

B/04433/13 - Roof extension involving a side dormer window, 2 roof lights to the side elevation and 2 roof lights to the rear elevation to facilitate a loft conversion. - **Lawful: 06.12.2013**

3. Proposal

This application seeks permission for the demolition of an existing 3 bedroom house, and in its place, the erection of a new two storey, 5 bedroom single family house with habitable rooms in the roof space. Associated cycle storage, refuse and recycling storage are also provided.

The existing property occupies a minimum footprint width of 8.2m; a maximum width of 9.7m; a minimum depth of 9.2m; and maximum depth of 14.2m (inclusive of forward and rear projections). The overall existing gross floor area of the property is 106sqm.

The proposed property will have a footprint width of 8.5m; a minimum depth of 13.95m; and maximum 15.4m (inclusive of its forward and rear projections at ground level). The overall proposed gross floor area of the dwelling will be 123sqm - 17sqm over the existing footprint.

4. Public Consultation

Consultation letters were sent to 35 neighbouring properties and a site notice was displayed on 17 November 2016.

6 responses have been received, comprising of 6 letters of objection:

- The proposals will have an adverse impact of the drainage system serving the application site and neighbouring properties creating a public health and sanitation concern.
- The proposals will have an adverse impact of the foundations of the adjacent neighbouring houses creating a stability risk.
- The increased height will result in a loss of light to the neighbouring property at No. 47 Greenway.
- The proposed ground floor windows will result in a loss of privacy to the neighbouring property at No. 47 Greenway.
- The design of the house is not in keeping with the established character and appearance of the road.
- There will be a loss of privacy and damage to the neighbouring property during the construction phase.
- The proposal will set a precedent for demolition of existing "period" houses, and in their place, the construction of new builds that do not fit the character and appearance of the street.
- The proposed house does not offer significantly more benefit than the existing house and is therefore not necessary.
- The raised roofline and lowered ground level are not in keeping with the existing pattern of development.
- The flat roof of the proposed crown element will be difficult to access and maintain.
- The house cannot be built without requiring access to neighbouring properties
- The proposed bin store location at the front of the site is not in keeping with the frontages at other neighbouring properties.
- Totteridge's development history has been carefully managed and the replacement of existing "period" houses with new houses is not in character with the area.
- The development is oversized for its intended plot; would result in a terracing effect; and does not relate to the existing houses surrounding it.

- The proposal will result in increased parking pressures on the street and the surrounding roads.
- The construction phase will create noise, dust and parking disruption.
- The proposals will reduce the space between the adjacent properties and impact the repair and maintenance arrangements between the No. 51 and the host property, contrary to the restrictive covenants of the title deeds of the property.

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, DM08, DM17.

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.

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 the principle of the development is acceptable.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would provide suitable residential amenities for future occupiers of the proposed dwellings.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide suitable parking arrangements.
- Whether the proposals would provide suitable refuse and recycling provisions.
- Whether the proposals would achieve the relevant sustainability requirements.

5.3 Assessment of proposals

Principle of Development

Given that a two storey, single family dwelling already exists at the application site and that the street is pre-dominantly characterised by residential dwellings, it is considered that the principle for a replacement single family dwelling at the application site is considered to be acceptable.

Potential impact on character and appearance of the existing building, the street scene and the wider locality

In terms of the overall architectural design of the proposal and its appearance at the front, it is considered that the scheme aesthetically would be broadly in keeping with the character and appearance of the street scene.

The elevation drawings indicate that the applicant intends to lower the ground level of the plot by 0.35m as well as increase the overall height of the proposal from 7.7m (existing) to 8.4m, a 0.7m difference. The lowering of the ground level, in combination with the increased height dimensions of the roof results in an eaves and ridgeline height approximately 0.15m higher than existing property. This increase is considered to be marginal and would not create a visual disparity between the roof heights of the application dwelling and the neighbouring property at No. 47 Greenway which currently has approximately 0.7m difference in eaves height which would be increased to 0.85m.

The relationship of the ridgeline heights are equally important to the property's fit within the street scene. Given the gradient of the road, sloping down from west to east, the roofscapes of the street are arranged accordingly in a stepped hierarchy. It is considered that the proposed heights of the development do preserve the identified staggered roofscape hierarchy of the street and would therefore not detract from either adjacent neighbouring property.

The proposed rear dormer window is considered to be a reasonable and proportionate form of development that will appear sympathetic to the design of the roof and would not harm the character and appearance of the host dwelling or its vicinity.

The spacing between the proposed development and the adjacent neighbouring properties (number 47 and 51 Greenway) will be approximately 1.65m, ensuring that there is sufficient spacing between the properties to not create a terracing effect. Whilst overall the development is marginally wider than the existing (0.3m), it is not considered that the difference, distributed over the two sides will result in an overdeveloped and cramped appearance.

The rear elevation of the development at first floor level would sit approximately 0.5m back from the rear elevation of property at No. 51 Greenway, and approximately 1m past the rear elevation at No. 47 Greenway. It is considered that the depth relationship at first floor level between the three properties at the rear will not appear unduly bulky or out of keeping with existing building lines to the detriment of the character and appearance of the host building and its vicinity.

The single storey rear projection element is considered to be a reasonable and proportionate element that will be no deeper than the footprint of the existing property's existing single storey rear extension. Extending the full width of the property, the projection is not considered to be out of proportion with the overall proposed dwelling or the character and appearance of the vicinity.

At the front of the property, the new dwelling will have 2no. two storey projecting bays. One will project forward of the principal elevation on the side neighbouring No. 51 by 2.3m; and, one will project forward of the principal elevation on the side neighbouring No. 47 by approximately 1m. The existing property has a front bay feature on the side neighbouring No. 51 that projects further forward of the proposed bay, thus, it is considered that this part

of the proposal will appear similar to the existing, being proportionate and congruent with the host property and this neighbouring property. On the side neighbouring No. 47 the forward projection at first floor level will be sufficiently minor (1m) so as not to appear visually obtrusive and overly dominant against the neighbouring property. The single storey forward projection on the side neighbouring No. 47 will also sit level with the front projection at this property, therefore conveying an acceptable, somewhat symmetrical relationship.

The patio area will be extended marginally by 0.8m in depth and 3.3m in width to create a rectangular infill. This alteration will not harm the character and appearance of the host property or its vicinity.

The impact on the amenity of future occupants

The new dwelling proposes the following Gross Internal Areas (GIA):

Ground Floor GIA: 104sqm
First Floor GIA: 78.2sqm
Second Floor GIA: 50sqm
Total Floor GIA: 232.2sqm

These meet the minimum residential space standard requirements of both the Council's adopted Sustainable Design and Construction SPD (2016) and the London Plan (Housing Standards - Minor Alterations, 2016). The ceiling heights of the development fall within an acceptable range (2.3m-2.4m) in accordance with the requirements of the London Plan 2015 and the adopted Sustainable Design and Construction SPD (2016).

All proposed residential development should provide suitable outlook and daylight, in addition to suitable levels of privacy. The outlook to any future occupiers in this scheme would be adequate, not demonstrably different from the existing residential dwelling.

The scheme would provide 208sqm of private outdoor amenity space which is adequate (minimum requirement: 85sqm) for the 13no. equivalent habitable rooms (as per pg.51 Sustainable Design and Construction SPD 2016 - definition of Habitable room) proposed in the development.

The impact on the amenity of neighbouring occupiers

It is not considered that the increase in bedroom numbers (from three to five) as a single family dwelling at this property will demonstrably alter the quality of the residential amenities of the neighbouring occupiers to an extent that would warrant the application's refusal.

The appropriate proportioning of the overall scale of the development, with the reasonable buffer distances either side is considered to provide the development with the appropriate mitigation against the potential adverse impact upon the neighbouring residential amenities. As such, the marginal height increases, similar building width and appropriately scaled front and rear projections ensure that the development will not appear visually obtrusive and physically overbearing to the adjacent neighbouring occupiers. Heights and projections are such that the LPA consider that there will not be a demonstrable loss of light or overshadowing to an extent that would warrant the application's refusal.

The rear dormer, single storey projection and patio elements of the proposal are not considered to present any greater harm from overlooking, loss of privacy, overshadowing or loss of light, beyond what currently exists.

Both the ground floor and first floor flank windows will be conditioned to be obscure glazed in order to limit the potential loss of privacy and overlooking of either adjacent neighbouring property.

The Local Planning Authority in recognition of the proposal's larger quantum form, recommend a condition to remove the Class A, B and C (Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015) Permitted Development rights for the avoidance of risk to future residential amenities of the neighbouring occupiers.

Parking and Cycle Storage

In accordance with Policy DM17, the proposal makes provision for 1.5 spaces and therefore provides a satisfactory level parking for a detached dwelling with 4 or more rooms. There is also unrestricted parking available on-street. It is therefore not anticipated that parking would be an issue for the development.

Cycle storage has been proposed in the existing shed within the garden. This is considered to be acceptable.

Refuse and Recycling

Details of the refuse storage arrangements have been provided however, further details will be required about the positioning and dimensions of the refuse store by means of a pre-commencement condition.

Sustainability

The applicant has provided a sustainability statement which indicates that the new development will achieve the required level of carbon dioxide emission improvements in line with Building Regulations; an accessibility standard in line with Part M4(2) of the Building Regulations; and, will incorporate water saving and efficiency measures that comply with Part G 2 of the Building Regulations, ensuring a maximum of 105 litres of water is consumed person per day.

5.4 Response to Public Consultation

The Local Planning Authority have considered and addressed a number of concerns raised during the public consultation process in the above Officer assessment of the proposal.

Concerns relating to disturbance and disruption from the construction phase; potential damage to neighbouring foundations, properties and drainage system; and, access rights on to neighbouring land during construction are not material planning considerations and are therefore outside the scope of consideration for this assessment.

The Local Planning Authority consider each planning application on its individual merits and do not rely solely on precedents when making determinations for such applications.

As such, the Local Planning Authority do not consider that the favourable determination of this application will exclusively influence the determination of future applications.

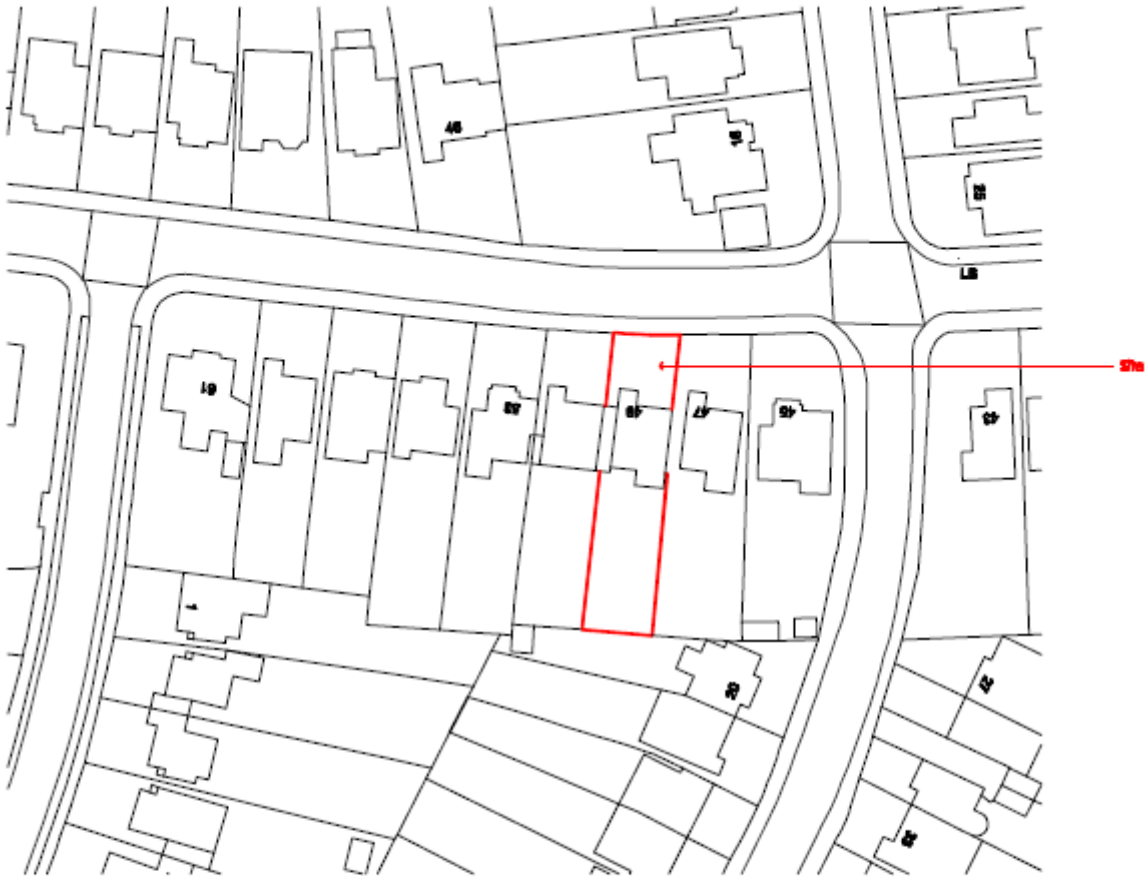
6. Equality and Diversity Issues

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.

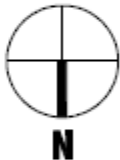
7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development, subject to conditions, 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.

Appendix 1: Site Location Plan



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OS MAP



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Location Hayloft Cottage Totteridge Green London N20 8PE

Reference: 16/7816/HSE

Received: 8th December 2016

Accepted: 21st December 2016

Ward: Totteridge

Expiry: 15th February 2017

Applicant: Mr Richard Collinge

Proposal: Single storey front/side extension including new front porch, lowering of ground floor level and raising of roof height to the front only to facilitate the creation of a first floor level and alterations to the fenestration

Recommendation: Approve subject to conditions

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

DRAWING no.0500
 DRAWING no. 0501
 DRAWING no. 2000
 DRAWING no. 2001A
 DRAWING no. 2002A.
 DRAWING no. 2100
 DRAWING no. 2101
 DRAWING no. 2102
 DRAWING no. 2103
 DRAWING no. 2200
 DRAWING no. 2201
 DRAWING no.0502
 DRAWING no.0503
 DRAWING no. 1000
 DRAWING no. 1001
 DRAWING no. 1002
 DRAWING no. 1100
 DRAWING no. 1101
 DRAWING no. 1102
 DRAWING no. 1103
 DRAWING no. 1104
 DRAWING no. 1200

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).

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 site relates to a two storey semi-detached dwelling located along Longland Drive. The dwelling is not listed but it is attached onto a listed building (Smithy House) and it does fall within the Totteridge conservation area.

The site is located within Area 2 ('Totteridge Green') of the Totteridge Conservation Area. This area is characterised by large detached, two-storey properties of high architectural quality, set within spacious plots and separated from the road by landscaped gardens. The general locality has a semi-rural character.

Unlike the spacious plots highlighted above, the application site is relatively small in comparison with little space separating it from the properties either side. The sites Southern boundary is flanked by a two storey dwelling 'Smithy House' and the Northern elevation neighbours Amberley a low rise bungalow.

The submitted Design and Access Statement shows the Smithy House first appeared on public maps c.1896. Since that time, the Hayloft (application house) was built and believed to be used as a workshop. Since its original use as a workshop it has been converted to residential use with an independent entrance and rear garden while retaining the original form and fenestration.

2. Site History

None relevant

3. Proposal

This proposal is for a single storey front/side extension including new front porch, lowering of ground floor level and raising of roof height by 0.3m to the front only to facilitate the creation of a first floor level and alterations to the fenestration.

The proposed side extension will measure 0.75m in width and 6.5m in depth and stand at 4.9m to the ridgeline with an eaves height of 2.5m. The existing front porch will be reduced in depth by 0.2m from 1.55m to 1.35m and increase the width to the North elevation by 1.6m from 2.3m to 3.9m towards Amberley.

The proposal will increase the number of bedrooms from 1 to 2.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties. 6 responses have been received, comprising of 6 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of site and site is already overdeveloped

- Appear prominent and out of scale in the street and detract from local listed buildings and the Totteridge conservation area
- Front elevation not in keeping with conservation area
- overlooking issues created by new rear first floor rear window to neighbouring properties
- New side window looking onto the Smithy impacting on privacy
- Concerns over basement size
- Creation of cramped accommodation
- Reduction in amenity space created which would unbalance the property
- Concerns about excavation works causing damage to the Smithy
- Subsidence concerns to Amberley
- Parking issues
- Water table issues
- Concerns about it being a four bedroom house and not a two bedroom house
- Noise
- Hayloft Cottage is attached to the Smithy
- Comments about previous withdrawn application
- Concern over consultation period being impacted by Christmas holidays

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 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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.

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 Totteridge Conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Character and Appearance

It is noted that existing dwelling is set back 2.4m from Smithy House's front building line and is slightly obscured from public view by a single storey side extension belonging to Smithy House.

In terms of increasing the ridge height, the existing property currently has 2 different ridge heights it is proposed that the front pitch would be 0.3m higher than existing to match the ridge height of 2.5m to the rear of the property and is considered that it remains subordinate to both neighbouring properties. It is noted that the Smithy benefits from a single storey side extension with mono-pitch roof which slightly overlaps the existing house. The proposed roof does not increase this overlap and it is considered that the relationship between these two properties would not be adversely affected.

The proposal will stand at 5.8m to the rear and is set down between 0.3-0.8m due to the change in levels.

The proposed front elevation has been simplified from the existing and will maintain the white rendered appearance which matches the neighbouring listed dwelling, Smithy House.

The proposed side extension will measure 0.75m in width and 6.5m in depth and stand at 4.9m to the ridgeline with an eaves height of 2.5m. The existing front porch will be reduced in depth by 0.2m from 1.55m to 1.35m and increase the width to the North elevation by 1.6m from 2.3m to 3.9m towards Amberley. This side extension is less than half the width of the existing house with a pitched roof which complies with Barent's residential design guidance (2016) it is therefore considered to be a subordinate feature with no appreciable adverse impact on the character of the dwelling, the neighbouring listed buildings or the setting of the conservation area.

It is considered that increasing the ridge height of the front to match the existing height to the rear and the set down to the rear that it would appear from the street as a single storey building while providing a sufficient amount of accommodation space for the proposed two bedroom property. It is considered that this increase would not cause harm to the streetscene not considered to impact detrimentally upon the host property and the locally listed building at Smithy House.

Impact on Neighbouring Residential Amenities

Concerns were raised regarding excavation works causing damage to the listed building Smithy House, issue of overlooking to Smithy House and Amberley from the first floor rear window, the new side window facing onto Smithy House and reduction in amenity space and parking.

In terms of the proposed excavation works, it is noted that the majority of the application dwelling is set away from Smithy House and it extends 6m further from the rear wall of this property. It is considered that as only part of the dwelling's front is connected to Smithy House that the lowering of the ground floor will not cause demonstrable harm to an extent that would warrant a refusal of this application.

The concerns about Smithy House and Amberley about being overlooked by the rear first floor rear window. It is noted that there is an existing window at this level and the window size is proposed to increase by 0.4sqm. This window will serve the proposed Master bedroom. It is noted that the dwelling significantly projects from the rear building line of Smithy House and therefore it is considered that the outlook would be into the small corner of their garden. In terms of the siting of the dwelling in relation to Amberley, it is set back slightly from their rear building and as the window is proposed in the centre of the elevation the views to their garden would be partially obscured. Therefore it is considered that the larger window at first floor would not cause demonstrable harm to the amenity of either neighbouring property to an extent that would warrant a reason for refusal.

A further concern was raised about a new side window proposed on the Southern elevation facing onto Smithy House. It is noted that the existing side window is at a higher level than the two proposed low level windows. It is considered that due to their siting at the low level they will not be visible over the existing boundary screening and therefore they will not impact on the privacy of Smithy House.

A concern was raised about the proposal reducing the amount of amenity space, it is noted that there is no rear extension proposed and therefore the existing usable amenity space is unchanged and there is no impact.

In terms of parking it is noted that there are two existing parking spaces in the front curtilage and this aspect remains unchanged. It is considered that this is an acceptable number of spaces for a two bed property.

This proposal will not increase the depth of the existing dwelling. The proposed extension will only increase the width by 0.75m along the side neighbouring with Amberley. In addition the ridge height will increase by 0.3m towards the front of the property and the floor level will be lowered by 0.8m. It is not considered that these increases will cause demonstrable harm to an extent that would warrant a reason for refusal.

5.4 Response to Public Consultation

The objections raised have been addressed in the report above.

Neighbours were given 28 days to comment on this application and this is in line with the Council's consultation procedure.

This proposal is for 2 bedrooms, an increase of 1 bedroom from the existing dwelling.

In relation to the new lower level creating watertable issues, it is noted that this site does not fall within a flood risk zone, and not considered that there will be any adverse impact on the watertable.

The concerns raised about increased noise and a previous withdrawn application are not planning considerations.

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 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, the Totteridge Conservation area and the adjacent listed building 'Smithy House'. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

Appendix 1: Site Location Plan



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Location **54-66 Sutton Road London N10 1HG**

Reference: **16/6610/FUL**

Received: 14th October 2016

Accepted: 28th October 2016

Ward: Coppetts

Expiry 23rd December 2016

Applicant: Mr Gary Hodes

Proposal: Demolition of existing house, motor repair workshop and lock up garages; Redevelopment to provide 5 No houses along the Sutton Road frontage and 6 No 2 storey commercial units at the rear with associated amenity, car, bicycle, refuse and recycling facilities

AGENDA ITEM 11

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. A financial contribution of £5000 toward street trees.

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

- 13/812 P01B
- 13/812 P02B,
- 13/812 P03A,
- 13/812 P04A
- 13/812 P05A,
- P1510/TS/06
- 13/812 P07A,
- 13/812 P08A

Design and Access Statement
Daylight Study
Environmental Statement
Land Contamination Assessment

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 or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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;
- xi. details of temporary enclosures or security hoardings;
- xii. confirmation that all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's SPD "Control of dust and emissions during construction and demolition" JULY 2014 or subsequent guidance. The developer shall keep an up to date list of all NRMM used on the online register at <https://nrmm.london>.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

4 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.

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 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.

7 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).

8 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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).

9 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.

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 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.

11 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 20% 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.

12 The office use hereby permitted shall only be in use between 8am and 6pm on weekdays, between 8am and 1pm on Saturdays and not at all on Sundays and Bank Holidays. No deliveries shall be taken at or dispatched from the premises outside these hours.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

13 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.

14 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for any biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014.

The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

c) 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 neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

15 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts.

The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for both buildings and transport shall be included in the report.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

c) 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 protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011

16 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

17 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected,

given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

18 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).

19 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.

20 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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 that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out within the area of each residential curtilage hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes D, PO, O of Part 3 of Schedule 2 of that Order shall be carried out within the area of the offices hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

23 The building shall not be occupied until parking spaces have been laid out within the site in accordance with the approved plans (drawings no. 13/812/P01B and 13/812/P02B) and shall not be used for any other purpose other than the 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.

24 Before the development hereby permitted is occupied, details of Cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

25 Before the development hereby permitted is occupied details of 20% active and 20% passive parking spaces with electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. 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.

26 Notwithstanding the ramp detailed on Drawing No.[P1510/TS/06] the gradient of the proposed ramp access to the underground parking area should not exceed 1:10 or it needs to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

Reason

To ensure 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.

27 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.

28 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

29 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise and vibration including from traffic/ mixed noise on the development and measures to be implemented to address its findings 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10 May 2017, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of replacement street trees. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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 submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site

hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

o An asbestos survey to be provided.

3 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;

3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;

4) Department of Transport: Calculation of road traffic noise (1988);

5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 7 The report submitted to the LPA should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance - Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007); 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

- The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 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.

- 10 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot pre-empt the outcome of the consultation process.

Works on public highways to facilitate the development will be carried out under the S278 Agreement of the Highways Act 1980 or can be charged under a rechargeable works agreement.

- 11 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 12 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.

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.

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.

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.

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.

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

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

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

- 13 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 or by telephoning 0208 359 7294.

Officer's Assessment

1. Site History

The site subject to this application constitutes of previously developed land which consists of vehicle workshop/garage (Trading Name: Sutton Road Garages) and a single family dwellinghouse, located at the Southern end of Sutton Road. The combined site area is 1660 sq. m. Apart from this site, Sutton Road is primarily a residential street running East - West between Colney Hatch Lane and Coppetts Road.

The majority of the site sits between the rear of properties along Halliwick Road, No 52b and an adjoining electricity sub-station. The gradient of the ground slopes from South to North (i.e. land located adjacent to the Sutton Road is higher than that of rear gardens of properties in Halliwick Road) and East to West (i.e. The sub-station is located on higher ground than that of No 52b). The property is not located within a Conservation Area nor is any part of the building a listed feature.

Sutton Road is defined by dwellings of varying density and design, ranging from purpose built flats, to semi-detached and terraced dwellings. Dwellings within Sutton Road largely follow the orientation of the street from Coppetts Road to Colney Hatch Lane. The garage and neighbouring sub-station are set further back from the street than all other properties on the street.

With the exception of one disabled bay and a double dropped kerb, there are no parking restrictions on Sutton Road.

2. Site History

None

3. Proposal

Planning permission is sought for the redevelopment of this site involving the erection of a five x 4-bedroom houses fronting the street and 6 commercial (B2) units located to the rear of the site. An access road adjacent to the boundary with No 52B leading to a terrace of B1 commercial units will also be constructed.

The three storey street fronting residential block will have a width of 30m and a depth of 11.9m. The block is set back from the edge of the highway by a distance of just over 5m. Owing to the gradient of the street, the height (to the ridge) of the building varies between 9.9m and 10m. The height of the terrace will decrease as one moves west to east along the frontage so as to accommodate the natural gradient. This block will be located 5.3m from the eastern boundary, 28m from the northern boundary and be built up to the western boundary (with the sub-station). The new residential terrace has mirrored a number of architectural features (e.g. gables ends and projecting bays) evident within the street.

Each unit, varying in size from between 147sqm and 169sqm, will accommodate a 4-bedroom self-contained dwellinghouse, benefit from one car parking space and a minimum of 67sqm of external amenity space located to the rear of the residential terrace. The site area is 1,660 sqm or 0.166 ha and the current proposal would provide 30 habitable rooms. The proposed density would therefore be 180.72 hr/ha

The rear office block will have a width of 32m and a depth of 6.3m. The site is set back from the street fronting block by a min distance of 18m. The height (to the ridge) of the building will be 5.4m. This block will be located 2m from the east and western boundaries. This block will accommodate 372sqm of B1 office space (i.e. 6 offices).

In order to facilitate the construction of the proposed offices, an excavation into the bank will be required. This will facilitate level access from the street, throughout the building and into the rear. The proposed offices will be serviced by six car parking spaces and 2 disabled spaces located at basement level.

3. Public Consultation

Consultation letters were sent to 80 neighbouring properties. The Council has received 10 objections and these are summarised as follows:

- The proposed units will attract multiple businesses which will increase traffic flow and increase noise
- The proposed office block will harm the open character of the area
- Loss of privacy
- Loss of light
- Increased pressure to on-street parking
- The provision of three storey buildings on a street characterised by two storey buildings will harm the character of the street.
- The overall scale of the development dwarfs neighbouring development
- The height of the street fronting building fails to respect the character of the street.
- Demolition and construction works will create health risks, noise, nuisance and disturbance to neighbouring residents.
- The design of the building fails to respect the character of Sutton Road.
- Offices in a residential area is not an appropriate use
- The quality of accommodation being proposed is poor by reason of limited light into habitable space.
- Neighbouring gardens will now be overlooked which will also restrict the enjoyment and use of the property.
- Side access will be restricted.
- The low boundary wall between the site and rear gardens of Halliwick Gardens will permit intruders.

Highways and transport: No objections subject to conditions

Environmental Health: No objections subject to conditions relating to contaminated land, air quality and noise pollution.

Street Trees: No objection subject to a financial contribution of £5000

5 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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, CS3, CS5, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM14

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2016)

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

Main issues for consideration

The main issues for consideration in this case are:

- Principle of 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.
- Highway implications

6 Assessment of proposals

Principle of Development

Office (B1) Space

The site, currently in use as Sutton Garages (799sqm), an employment use, is proposed for redevelopment. All proposals for redevelopment of employment uses to another employment use should consider their impact on local employment. Redevelopment should demonstrate it's contribution to local employment. The council expects proposals to provide a more intensive employment use by demonstrating the level of employment. Proposals which cannot do this will be resisted. It is noteworthy that policy DM14 requires new office space to be located within Town Centres. However as the existing site is in use as an employment use and replacement employment space is required to satisfy the policy, given the residential nature of the area, it is considered that an office use would be more appropriate than an alternative B1/ B2 use.

Notwithstanding the reduction in employment floorspace, the provision of some (372 sqm) B1 floorspace renders the current proposal acceptable in principle largely due to the increase in employment on the site. The existing business employs 6 people in total, whilst the proposed 6 office units will employ between 16-32 people. This calculation is based on the Mayor of London's 2014 'London Office Floorspace Projections' report (LOFP) which recommends that forecasts of available office space should assume an average of 1 person per 11.3 sqm of gross internal floor area. Therefore it would be reasonable to assume a proposed number of future employees on the site of a maximum of between 16 people and 32 people (i.e. 3-6 people per unit).

It is also noteworthy that some facilities within the site have become obsolete; reference is made specifically to the garages located to the rear of the property which are largely unusable.

In addition to the increase of potential employment proposed, it is considered that owing to the character of the street being predominantly residential, the provision of offices will be a better use of the space when compared to the existing Sutton Garages development.

Therefore on balance, the principle of offices within the site is accepted. The discussion now falls to the impact of that development on neighbouring amenity and the character of the wider area.

Principle of Housing

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the redevelopment of a site that has previously been used as garages but which will be demolished within a residential area.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing, including purpose built flats.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment for housing of the site is deemed acceptable

Design and character matters

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The residential element which will address the street will contain generous areas of private garden. The proposed development would be set back from the edge of the highway by just over 5m. This space in conjunction with parking on the forecourt would form defensible space for new dwellings.

The proposed development would be constructed from brick, would have a gable roof at each end and a two storey flat roof rear projection. There would be balconies to each dwelling which each would be bound by a privacy screen for the purposes of amenity protection.

Given that the pattern of development is already disrupted by the existing development, the proposal whilst not mimicking the established pattern of development, it does go some way to improve the situation by creating a residential terrace that addresses the street frontage in a traditional manner. Also found to be positive, were the creation of landscaped areas to the rear of the dwellings.

The modest two storey office block with a low hipped roof will not be visible from the street but rather only from neighbouring gardens. Its discreet architectural vernacular with chamfered edges and uniform fenestration is considered appropriate to the its use and indeed an improvement to the existing row of derelict garages insitu.

It is considered that the proposed development in the form and appearance of a short terrace would respect and respond to these positive characteristics of the area which correspond to the local character. The use of predominantly brick would combine the two most common building materials in the street. The use of hipped roofs would also accord with local character.

Within this residential area, the proposal retains a degree of spaciousness expressed by gardens and also through amenity spaces within the public realm. The proposed development occupies a similar footprint to the existing buildings and garages, enhances and improves the site and provides a generous area of communal garden within the red line site outline.

The architectural vernacular whilst more modern than the historic character of the street has gone a long way to respect the mixed character of the street.

The proposal will result in the loss of one street tree. The tree will be replaced at the expense of the applicant. Details of which will be secured by way of a legal agreement. On the basis of the street tree being replaced, it is considered that the proposed development would not harm the setting, viability and visual and landscape character of the street.

Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. All new dwellings would feature private terraces and rear amenity space which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to both front and rear. It would be functional space.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking from and to neighbouring properties. The new residential block will contain a minimum separation of 18m from the rear office block.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook with the main living areas being served by windows on two elevations. The main outlook for the living areas would be situated to the front and rear of the site.

Environmental Health have advised that owing to the existing use site contamination is considered to be an issue. The applicant has submitted an investigation report by Subadra Geo-environmental which concludes that the site is 'suitable for on-going commercial use'. Officers have noted Benzo(a)pyrene and asbestos fibres in shallow ground. As such further testing would need to be carried out, particularly in areas where excavation would take place or where gardens would be created so to ensure safety of future residential uses. If further testing identifies further contamination, mitigation measures may be required to ensure safety of future residents. Details of further testing and possible mitigation will be secured by condition(s).

Finally, Colleagues in Environmental Health have noted future residents could suffer from noise and disturbance resulting from the office use. If disturbance occurs mitigation measures will need to be employed. Details of testing and possible mitigation measures will therefore be secured by condition(s).

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The residential element of the property will contain rear balconies. Concern has been raised that these balconies will result in a loss of privacy by reason of overlooking. However, privacy screens for the depth of the balcony will eliminate direct overlooking thereby protect neighbouring amenity. It is noteworthy that the new residential terrace is set away by a minimum of 5m from both neighbouring buildings (Nos 70 and 52B Sutton Road). Given the distances between buildings and privacy screens neighbouring amenity by way of overlooking is not considered to be harmed to a point of detriment.

Given the street fronting block is located in excess of 21m from rear gardens of Hallwick Road, it is not considered that these rear gardens will be overlooked. The rear office block will not contain any windows overlooking rear gardens of Halliwick Road.

Given the separation between directly neighbouring properties and rear gardens of Halliwick Road, the new residential building is not considered to result in an overbearing impact on neighbouring amenity.

Concern has been raised over the impact of the two storey rear office block on the rear gardens of Halwick Road. Given the separation between the boundary (1.7m) and the modest height of the new block (2.7m to eaves), it is not considered that the new development will create an overbearing impact on the named rear gardens.

Concern that the northern boundary wall (2.1m) is so low, it will permit criminals access to properties on Halliwick Road has been raised. The height of the boundary treatment must be appropriate for the development and neighbouring amenity. A feature any higher is likely to result in an overbearing impact on the rear gardens at Halliwick Road. Further given that the secretary of state consider a lower height to be appropriate (i.e. Permitted development allows a boundary treatment to be 2m in height without the benefit of express permission) and similar heighted boundary treatments exist within the locality, on balance the proposal is considered to be acceptable in this regard.

The applicant has submitted a daylight/sunlight study which confirms the amount of daylight and sunlight into neighbouring gardens will not be harmed detrimentally. It is noteworthy that the rear block has since been set in from the side (west to east) boundaries by 2m - thereby improving on an already acceptable proposal.

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

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of between 1.5 and 2 spaces per unit. This would result in the need to provide at least one car parking space. Each unit would be provided with an off street car parking space within a dedicated parking area a short distance away.

All the garages previously on the site have already been demolished and as such no parking would be relocated to the surrounding highway network as a result of this proposed development. There are 2 existing vehicular accesses in the form of crossovers on the current site, both from Sutton Road. The proposed development will only require one crossover to be maintained. This will form part of a ramp which will provide access to the underground parking at the rear of the site. A total of 13 car parking spaces will be provided for the development.

Figure 6 of the Transport Assessment shows that the proposed ramp gradient to be 1:10. This needs to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

The minimum recommended head room clearance for vehicles is 2.10m in line 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. The proposed 5.2m headroom clearance as shown in Drawing no. P1510/TS/06 is acceptable on highways grounds.

A Traffic Management System is proposed to control one-way traffic on underground parking access ramp.

The proposed 5 car parking spaces on Sutton Road would require 3 new crossovers, the removal of a street lamp post and tree would also be required. A S278 Agreement under the Highways Act 1980 will need to be put in place between the developer and the Council.

The PTAL rating for the site has been assessed as 2. The provided Transport Assessment demonstrates that there is sufficient public transportation in the vicinity of the site.

Thirteen car parking spaces are to be provided, eight of which are to be located in the basement and the other five, one for each of the individual dwellings on Sutton Road. The provision of 13 car parking spaces (including 2 disabled bays) for the entire proposed site is acceptable on highways grounds.

Sixteen cycle parking spaces will be provided in the basement area, and cycle stands are to be provided for each individual dwelling.

The provision of 16 cycle parking spaces is 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, however, 2 Cycle parking spaces per 4 bed residential unit are required in order to meet cycle parking standards

20% Active and 20% Passive Electrical Vehicle Charging Points (EVCPs)EIVCPs are proposed in accordance with London Plan Parking Standards.

Emergency Access

The Emergency access and procedures need to be referred to Emergency Services for their agreement. A condition will be placed on the application.

Refuse arrangement

The refuse collection arrangement will need to be agreed with the Council's Waste Management Team. A condition will be applied to this effect.

CIL

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 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.

Response to Public Consultation

Details of demolition and construction shall be secured by way of a condition.

All other concerns have been addressed in the main body of the report.

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. Other

A contribution toward employment will not be sought as the net increase in employment and reduction in employment floorspace, is considered to have a nil effect on employment as a whole with the borough, on balance.

8. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, 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 subject to conditions.



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Location **64 Haslemere Avenue Barnet EN4 8EU**

AGENDA ITEM 12

Reference: **16/5099/FUL**

Received: 1st August 2016

Accepted: 19th August 2016

Ward: Brunswick Park

Expiry 14th October 2016

Applicant: Chris And Gloria Collard

Proposal: Erection of a detached outbuilding in rear garden to be used as a cat hotel
(Sui generis)

Recommendation: Approve subject to conditions

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

Site Location Plan (amended); Block Plan; Amended Proposed plans: front elevation, floor plans, rear elevation, left-side elevation, right-side elevation; Noise Management Plan; Construction Method 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 The use of the outbuilding hereby approved as a "cat hotel" shall be carried out only by Chris and Gloria Collard and shall be for a limited period only expiring on 31st March 2019, or when the premises cease to be occupied by Chris and Gloria Collard, whichever is the sooner, when the use shall be discontinued.

Reason: Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the impact of the proposed use on the amenities of neighbouring residents to be maintained.

- 3 The use hereby permitted shall not be open to members of the public before 09:00 or after 17:30 on weekdays and Saturdays or any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 4 The number of cats allowed at the cat hotel at any one time must be limited to 14 only.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The proposed development hereby approved must be managed in accordance with the details included in the Noise Management Plan.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

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

The application site is located on the northern side of Haslemere Avenue in the Brunswick Park ward. The site is situated at the Gallants Farm Road end at the start of the bend in the road. The road is characterised by a mix of semi-detached two-storey dwellings and bungalows.

The application site has a wedge shaped plot to accommodate the bend and consists of a semi-detached bungalow. The rear garden measures approximately 19.5m depth and the levels fall away to the rear of the site. The rear of the site is enclosed by timber fencing and dense vegetation.

The rear garden of the application property backs on to the rear gardens of properties 69 and 71 Derwent Avenue; these gardens measure approximately 13.5m in depth.

The site is not located within a Conservation Area and has no individual designation.

2. Site History

Nil.

3. Proposal

This application seeks consent for the erection of a detached uPVC outbuilding in rear garden to be used as a cat hotel (Sui generis).

Since the application was first submitted the scheme has been amended and the proposed outbuilding has been relocated to a more central location within the application site, maintaining a distance of over 1m from the rear and side boundaries with 62 Haslemere Avenue and 69 and 71 Derwent Avenue, in the rear garden of the application property.

No trees would be removed as part of the scheme.

The outbuilding would measure 10.9m in length, 4.3m in width with a proposed height of 2.48m at the front, reducing to 2.18m at the rear with the provision of mono-pitch roof, all constructed from uPVC. The front elevation of the exterior of the outbuilding would have a timber trellis / pergola design.

The interior of the outbuilding would comprise of 2 smaller "rooms" with separate bedrooms and play area measuring 1.24m in width and 2.72m in length, and 5 larger

rooms also with separate bedrooms and play areas, measuring 1.58m in width and 2.72m in length. In front of the individual rooms a 1m interior corridor would be provided for the full length of the outbuilding.

The maximum number of cats the hotel would expect to have is 14 in total.

Opening hours would be from 9am - 5.30pm Monday to Saturday, with the hotel being closed on Sundays and Bank Holidays.

4. Public Consultation

Consultation letters were sent to 44 neighbouring properties.

18 responses have been received comprising of 17 objections and 1 comment

1 person has requested to speak at Committee

The views of objectors can be summarised as follows;

- Loss of privacy
- Increased traffic generation
- Noise pollution
- Unsociable hours of operation
- Impact on existing fox problem
- Hygiene - removal of litter
- Impact on drains
- Smells from cats
- Waste: health impacts of additional rubbish
- Hazardous materials used for cleaning potential fire hazard
- Letters of support solicited prior to application being submitted
- Letters of support from outside of area
- Proposals out of character
- Other Longcroft sites are not in quiet residential neighbourhoods
- Restrictive covenant on property prevents carry out of business activities
- Loss of trees increases noise disturbance
- Other sites given time limited consent of two years
- Commercial operation wholly inappropriate

Upon receipt of amended plans the neighbours have been reconsulted, however, it should be noted that at the time of writing this report re-consultation period had not expired therefore any further representations received from neighbours shall be included in the addendum to the report.

Information provided in support of the application

"Longcroft is a small business established in June 2010 who after struggling to find a clean and spacious cattery for her own cat and shocked about the poor standards of care and hygiene and the high number of cats boarded decided to partner with her mother and opened the first luxury cat hotel in the UK. The vision was to change the cattery industry from the stereotypical mass model by offering more space to less cats in a home from home yet hygienic environment with a far greater level of care and expertise in animal welfare. Longcroft has been recognised locally and nationally as an innovative and forward thinking small business and has recently been commended nationally by being awarded the Guardian Small Business Award for its consistently high standards across all of its locations in the UK.

Longcroft hotels strictly adhere to the CIEH model licensing conditions with animal welfare at the forefront of every decision we make. Our specification exceeds the Chartered Institute of Health guidelines for size, construction, process and design. Every Longcroft hotel has been granted a license on inspection by each individual local authority and continued to have it's licensed renewed at the annual inspection with an incredibly high standard always noted.

Longcroft offers a small number of spacious thermostatically controlled bedrooms leading to a safely enclosed and spacious private play area where cats can enjoy the lovely views of the garden; our hotels are constructed of of PVCu which is impervious to germs and very easily cleaned.

The hotel would accommodate the 1 - 2 customers per day and as Longcroft operates strictly within licensed hours, usually 9 - 5 Monday to Saturday, and strictly by appointment only, the business operates with minimum if any disruption at all to other neighbouring residents.

The hotel is designed in such a way that the cats are kept in private and secure spacious double sleeping areas with separate exercise areas accessed exclusively via a lockable cat flap sited within an insulated door allowing plenty of room to both sleep and play. The exercise area comprises a further one metre safety corridor which is lockable from both the inside and outside of the building meaning even in the event a cat should escape from his / her exercise area he will simply enter the secure 1m safety corridor and be placed back in his / her room immediately. Rooms are large enough for between 1 or 2 cats to share but only if from the same family. Cats that do not live together would never be placed in the same room as this could cause fights and unwanted noise and this is not something Longcroft would ever support.

The daily cleaning regime does not require or support sluicing of any kind, therefore waste water is never created. To be specific we use a pet friendly non-toxic veterinary grade disinfectant with no odour, never Jeyes Fluid, on a daily basis, in a small spray bottle, this veterinary devised regime results in the cat hotel being immaculately clean and bacteria and odour free at all times.

No additional staff is proposed to serve the hotel as part of the application."

Environmental Health: following the introduction of acoustic vents and confirmation that the windows will be closed for the majority of the time the information is considered to be acceptable.

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.

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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 (2016)

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, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

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 bungalow, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application seeks consent for the erection of a single-storey, mono-pitched uPVC outbuilding within 2m of the rear and side boundaries at the rear garden of the application property. Under usual circumstances the erection of an outbuilding of the proposed dimensions would be considered a permitted development as long as the use of the outbuilding was ancillary to the main single family dwelling house. However, in this case it is proposed to use the outbuilding as a cat hotel (Sui generis) part of the Longcroft Cat Hotel chain.

The size and siting of the proposed outbuilding would be of similar design and proportions to outbuildings in other gardens and therefore would not appear out of character or visually obtrusive within its setting.

It is considered that as amended, the proposed outbuilding would be sited centrally within the rear of the garden of the application property, which itself backs on to the rear of

gardens along Derwent Avenue, the separation distance of approximately 14.5m between the proposed outbuilding and neighbouring properties on Derwent Avenue would be sufficient to ensure that there will be no loss of residential amenity neighbouring occupiers in terms of harmful loss of light, overlooking or privacy. The overall design and appearance of the outbuilding is considered to be acceptable for its location in the rear garden and the trellis addition to the front, facing the house is considered to improve its appearance.

In terms of noise and smell issues arising from the cat hotel itself, the Environmental Health team have not raised objection and consider that the detached, double glazed outbuilding with sealed units internally and acoustic ventilation system in the form of trickle ventilation, provided would provide reasonable sound attenuation to protect neighbours from unnecessary disturbance, as well as ensuring that the cats receive the necessary acceptable levels of fresh air.

To further ensure no loss of amenity to neighbouring occupiers, and in line with the suggested hours of opening, a condition is suggested restricting the hours to between 09:00 and 17:30 Monday to Friday and at no time on Sundays and Bank Holidays.

Acceptable additional details have been submitted explaining how the outbuilding would be constructed; the existing driveway and direct access to the rear garden would be utilised minimising any potential loss of amenity to neighbouring occupiers. The driveway would also act as drop off point for deliveries which will be restricted to the same hours as the suggested opening hours, detailed above.

A condition restricting the number of cats allowed to stay at the cat hotel to 14 is also suggested to continue the protection to neighbouring occupiers. Although it should be noted that the supporting information submitted with the application notes that in all the other Longcroft Cat Hotel sites no hotel has ever been filled to maximum occupancy. This is because it is only possible to place cats from the same family into shared rooms, there would never be a circumstance where cats from different families are placed together in the rooms, as this would be detrimental to the health and happiness of the cats.

Given the concerns raised by neighbouring occupiers a temporary permission of two years is recommended to enable a review of the proposed development and whether the proposals have resulted in any loss of amenity to neighbouring occupiers

In regards to traffic and parking, the submitted documents state that there would only be approximately one visit a day and by appointment only, stopping for only a short time to deliver or collect the cats. It is not considered that the development would generate a significant increase in additional vehicle movements into the area that would have the potential to be detrimental to the free flow of traffic or highway safety.

It is therefore considered that given the small scale nature of the proposed cat hotel, the size, design and external appearance of the proposed outbuilding would not have an adverse impact on the host application dwelling, street scene or residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

The concerns raised by neighbouring occupiers are noted.

The design and appearance of the proposed outbuilding is not considered to appear out of character and is of a similar appearance and footprint to what would be considered

acceptable under permitted development if the proposed use was ancillary to the main single family dwelling.

Due to the siting of the proposed detached outbuilding at the rear part of the rear garden of the application property, which backs on the rear of gardens on Derwent Avenue it is not considered that the proposals would give rise to any loss of privacy, noise pollution, impact upon the existing fox problem or have any other detrimental impacts on neighbours in terms of hygiene. The Environmental Health officer has reviewed the submitted information and has raised no objection to the proposals.

Given the proposed hours of operation, and the fact that only one customer would be visiting the site at a time strictly by appointment only, it is not considered that the proposed development would result in increased traffic generation.

It is not considered that the proposals would result in unsociable hours of operation; the submitted documents request the opening hours to be between 9.30am and 5.30pm Monday to Saturday and at no time on Sundays or Bank Holidays. A condition restricting the development to these times is suggested.

The concerns raised regarding the potential impact on drains, health impacts of additional rubbish or potential hazardous materials used for cleaning potential fire hazard have been assessed by our Environmental Health department and no objections have been raised.

It is noted that concerns have been raised in regard to a restrictive covenant on property prevents carry out of business activities, however, this is not considered to be a material planning consideration.

The concerns raised that the loss of trees will result in increased noise disturbance: No loss of trees would occur as a result of this proposal the applicant has amended the plans to resite the outbuilding further away away from the trees at rear. It should be noted however, the trees at rear are not protected and the council has no control over their removal.

Whilst the supporting information submitted with the application, including reference to different sites and letters of support, are noted, this application is considered on its own individual merits and site circumstances.

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 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 for two years only.

