

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 7TH DECEMBER, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor John Marshall MA (Hons)

Councillor Jack Cohen Councillor Jim Tierney Councillor Shimon Ryde
Councillor Arjun Mitra Councillor Alan Schneiderman

Substitute Members

Councillor Ross Houston Councillor Graham Old Councillor Reuben Thompstone
Councillor Anne Hutton Councillor Alon Or-bach Councillor Gabriel Rozenberg
Councillor Jack Cohen

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Edward Gilbert, edward.gilbert@barnet.gov.uk, 0208 359 3469

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 - 24
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)	
	Garden Suburb	
6.	2 Green Close London NW11 6UX - 16/4681/HSE	25 - 44
7.	1 To 11 Addison Way Golders Green London NW11 6AL - 16/2858/FUL	45 - 52
	Golders Green	
8.	279 Golders Green Road London NW11 9JJ - 16/5589/FUL	53 - 62
	Woodhouse	
9.	Britannia House 960 High Road London N12 9RY (Top floor) - 16/6697/FUL	63 - 76
10.	Britannia House 960 High Road London N12 9RY London N12 9RY (2 storey side) - 16/6693/FUL	77 - 90
	East Finchley	
11.	205 High Road London N2 8AN - 16/5409/FUL	91 - 98
12.	Land Adjacent To 37 And 39 Leslie Road London N2 8BN - 16/6346/CON	99 - 108

	West Finchley	
13.	37 Moss Hall Grove - 16/2845/FUL	109 - 134
14.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

2 November 2016

Members Present:-

AGENDA ITEM 1

Councillor John Marshall (Chairman)

Councillor Arjun Mitra

Councillor Shimon Ryde

Councillor Alan Schneiderman

Councillor Jim Tierney

Councillor Melvin Cohen

Councillor Graham Old (Substitute)

Apologies for Absence

Councillor Eva Greenspan

1. MINUTES OF LAST MEETING

The Committee noted that agenda item 13 (130-132 Audley Road, London, NW4 3HG) will be considered by the Hendon Area Committee.

RESOLVED that the minutes of the previous meeting held on 13th October 2016 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Eva Greenspan, Chairman of the Committee. The Vice-Chairman, Councillor John Marshall took the chair.

Councillor Graham Old was in attendance in his capacity as substitute Member of the Committee.

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

The following interests were declared:

Councillor	Item(s)	Nature of interest	Detail
Shimon Ryde	9 (Yamor House 285 Golders Green Road London NW11 9JE - 16/5062/FUL)	Non-pecuniary	<p>That the Councillor is a member of Agudas Israel Housing Association, the applicant for this item.</p> <p>The Councillor indicated that he would leave the meeting when this item is considered and therefore would not be taking part in the consideration or voting of the item.</p>

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum to the report and considered the information under the relevant agenda item.

6. TROJAN HOUSE 34 ARCADIA AVENUE LONDON N3 2JU - 16/5266/FUL

The Committee noted the presentation from the Planning Officer and the information as set out in the Officer's report and the addendum.

The Committee received an oral representation from the applicant's representative.

Votes were recorded as follows:

For	7
Against	0
Abstentions	0

It was therefore **RESOLVED to APPROVE the application as per the Officer's recommendations and amended conditions in the addendum.**

7. ARCADE HOUSE FINCHLEY ROAD LONDON NW11 7TL - 16/3389/FUL

The Planning Officer presented the item and the Committee noted the information as set out in the report.

Votes were recorded as follows:

For	7
Against	0
Abstentions	0

The Committee **RESOLVED to APPROVE the application as per the Officer's recommendations.**

8. TEMPLE FORTUNE HOUSE FINCHLEY ROAD LONDON NW11 7TL - 16/3388/FUL

The Committee received a presentation from the Planning Officer on the application.

A speaker provided an oral representation in objection to the application.

Votes were recorded as follows:

For	7
Against	0
Abstentions	0

It was **RESOLVED** to **APPROVE** the application as per the Officer's recommendations.

9. YAMOR HOUSE 285 GOLDERS GREEN ROAD LONDON NW11 9JE - 16/5062/FUL

Due to the interest declared at the beginning of the meeting, Councillor Shimon Ryde excluded himself from the meeting and left the room for the duration of the item.

The Committee received a presentation from the Planning Officer and Highways Officer. The Committee received an oral representation from the applicant's representative.

The Committee queried Architect and Highways Officer regarding the impacts of the lack of parking provision.

The Committee voted on the recommendations as set out in the Officer's report.

Votes were recorded as follows:

For	0
Against	2
Abstentions	3

*Councillor Shimon Ryde was not in attendance for this item and Councillor Arjun Mittra did not partake in the votes due to not being present for the entire application

Councillor Melvin Cohen moved a motion which was seconded by Councillor Graham Old and agreed by the Committee to amend the recommendations, with the following reasons.

Votes were recorded as follows:

For	2
Against	0
Abstentions	3

*Councillor Shimon Ryde was not in attendance for this item and Councillor Arjun Mittra did not partake in the votes due to not being present for the entire application

The Committee therefore **RESOLVED** to **APPROVE** the application, being a reversal of the officer's recommendation for the following reasons, subject to S106 for Affordable Housing and Highways contribution with further conditions to be delegated to officers in agreement with the Chairman.

Reasons:

1. That there had been no objections from Environmental health.
2. That there are parking spaces nearby in addition to the 13 parking spaces provided.
3. The proposals provide much needed local affordable housing.
4. That part of the redeveloped site had been left unattended for a long period.

5. The proposals substantially improved gateway for Golders Green.
6. That the benefits of the proposal outweigh the lack of parking provision.

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. Provision of affordable housing

Provision of 10no. affordable units.

4. Highways feasibility investigation

A contribution of £5,000 towards the feasibility of assessing the need for a right turning lane into the development to ensure that the right turning traffic from Golders Green Road travelling eastbound into the site does not create obstruction of the through traffic on Golders Green Road.

5. Commitment to provide additional contributions towards the implementation of the outcome of the feasibility.

6. Monitoring of the agreement £250

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:

GGR.768.91.A (Floor Plan Level 1)

GGR.768.92 (Floor Plan Level 2)

GGR.768.93 (Floor Plan Level 3)

GGR.768.94 (Floor Plan Level 4)

GGR.768.95 (Floor Plan Level 5)

GGR.768.96 (Floor Plan Level 6)

GGR.768.97 (Roof Plan)

GGR.768.98 (View from Golders Green Road)

GGR.768.99 (View from N at Golders Green Rd / N Circular Rd Junction)

GGR.768.101.B (Proposed North East Elevation)

GGR.768.102.B (Proposed North West Elevation)

GGR.768.103 (South West Elevation)
GGR.768.104 (South East Elevation)
GGR.768.107 (Section A-A showing relationship with 2-4 Sinclair Grove)
GGR.768.109.B (Proposed Streetscape to Golders Green Road)
GGR.768.110.B (Proposed Streetscape to Golders Green Road)
GGR.768.112 (Section A-A, Section B-B)
GGR.768.113 (Section 1-1, Section 2-2)

Acoustic Impact Assessment (dated 12/08/2016)
Air Quality Assessment (dates 01/07/2015)
Archaeological Assessment (dated September 2016)
Daylight, Sunlight & Overshadowing Report (dated July 2016)
Design and Access Statement (dated July 2016)
Noise Assessment (dated 30/06/2015)
Planning Statement (dated 15/07/2016)
SuDS Pre-Commencement Planning Condition (dated 21/08/2015)
Sustainable Design & Construction Statement & Energy Strategy Report (dated October 2015)
Residential Travel Plan Statement (dated 21/08/2015)
Transport Statement (dated 21/08/2015)
Tree Survey, Constraints & Feasibility Study and Arboricultural Impact Assessment with Preliminary Tree Protection Plan (dated 19 May 2015)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2. This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

4. a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any

other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

6. 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).

7. Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. GGR.768.91 A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

8. Before the development hereby permitted is occupied cycle parking spaces in accordance with London Plan Cycle Parking Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

10. Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

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

11. 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.

12.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 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.

13.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.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, 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.

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, and Policy 5.3 of the London Plan 2015.

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it

shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

15. 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.

16. a) No development other than demolition works shall take place until details of the proposed green wall have been submitted to and approved in writing by the Local Planning Authority.

b) The green wall shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

17. a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved 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 that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

18. 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).

19. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

20. 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.

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.

21. The synagogue use at level 1 hereby approved shall only be used as a synagogue and for no other purpose (including any other purpose in Class D1 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.

22. The synagogue use hereby approved shall not be used before 7am on any day and not after 10pm on Sundays to Fridays or 11pm on Saturdays.

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

23. No audible music shall be played at the premises outside the permitted opening hours of 7am to 10pm Sunday to Friday and 7am to 11pm on Saturdays.

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

24. No more than a maximum of 276 persons shall be present on site in connection with the Synagogue use at any one time.

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

25. Prior to the occupation of the development an Activities Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority and the activities on the site shall be carried out in accordance with the approved AMP.

Reason: In the interests of the amenity of occupiers of neighbouring residential properties.

26. a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015

27. 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).

28. 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.

29. 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.

30. 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.

31. 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 35% 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.

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. Your planning application has been assessed at this time as liable for a 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 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 for construction works adjacent or affecting the public highways, the Council's First Contact should be contacted on 028 359 2000 for any necessary Highways Licences or any Highway approvals deemed necessary.
4. Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
5. The applicant is advised that any additional works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
6. Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossover or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.
7. The applicant is advised that Golders Green Road NW11 is Traffic Sensitive Road, deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
8. 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.

9. 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.

10. 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.

11. 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.

RECOMMENDATION III:

That if an agreement has not been completed by 31 January 2017, that unless otherwise agreed in writing, the Planning Performance and Business Development Manager should REFUSE the application 16/4409/FUL under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet requirements of provision of affordable housing and a highways feasibility investigation. The proposal would therefore not address the impacts of the development, contrary to policies CS NPPF, CS4 and CS9 of the Local Plan Core Strategy (2012) and policies DM10 and DM17 of the Barnet Development Management Policies (2012).

10. REAR OF 70 HUTTON GROVE LONDON N12 8DR - 16/4772/FUL

Councillor Shimon Ryde re-entered the meeting.

The Planning Officer presented the application.

The Committee received oral representations from a speaker who spoke in objection to the application and from the applicant's agent.

The Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	1
Against	6
Abstentions	0

A Committee Member moved a motion which was seconded and agreed, to amend the recommendations for the following reasons.

Votes were recorded as follows:

For	5
Against	1
Abstentions	1

The Committee therefore **RESOLVED to REFUSE the application, being a reversal of the officer's recommendation.**

Reasons:

The proposed development by virtue of its scale, size, siting in the rear garden area, layout and restricted access via an existing side entrance gate would fail to reflect the spatial pattern of development in the surrounding area and resulting in a loss of usable garden space. 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 2016 Policy 7.3, Core Strategy Policies CS1 and CS5, Development Management Policy DM01 and the Residential Design Guidance SPD (Adopted October 2016).

11. LAND REAR OF 16 NETHERCOURT AVENUE LONDON N3 1PT - 16/4939/FUL

The Planning Officer presented the application to the Committee.

The Committee received oral representations from two public speakers who spoke in objection to the application and from the applicant's agent.

Following discussion, votes were recorded as follows:

For	4
Against	3
Abstentions	0

The Committee **RESOLVED to APPROVE the application, as per officer's recommendations.**

12. LAND REAR OF 32 NETHER STREET NORTH FINCHLEY LONDON N12 7NL - 16/5611/FUL

The planning officer presented the application to the Committee.

Following discussion, the votes were recorded as follows:

For	7
Against	0
Abstentions	0

The Committee therefore **RESOLVED to APPROVE the application, as per officer's recommendations.**

13. 130-132 AUDLEY ROAD LONDON NW4 3HG - 16/5875/FUL

This item relates to the West Hendon ward and therefore had been considered by the Hendon Area Committee.

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

There were none.

The meeting finished at 9.35 pm

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Location 2 Green Close London NW11 6UX

Reference: 16/4681/HSE

Received: 15th July 2016

Accepted: 15th July 2016

Ward: Garden Suburb

Expiry 9th September 2016

Applicant: Mr Christopher Tredway

Proposal: Ground floor side and front extension to create a new garage to west (side) elevation. First floor side extension to west side including conversion of existing garage into habitable room. First floor side extension to east side. Roof extensions including 2 no. rear dormer windows to replace existing rooflights. Alterations to hard and soft landscaping. [AMENDED DESCRIPTION]

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

1157/LP 01
1157/S2/01a
1157/S2/02a
1157/S2/03a
1157/S2/04a
1157/S2/05a
1157/S2/06
1157/S2/07
1157/S2/08
1157/S2/09
1157/S2/10
1157HGST2/01a
1157/HGST2/02a
1157/HGST2/03a
1157/HGST2/04a
1157/HGST2/05a
1157/HGST2/06a
1157/HGST2/07
1157/HGST2/08
1157/HGST2/09
1157/HGST2/10
1157/SK41a
1157/SK44a
1157/SK48a

Tretec 1157 Tree Survey and Arboricultural Method Statement (amended November 2016)
1157/T02
Design and Access Statement (dated July 2016)
Heritage Asset Significance Appraisal (dated July 2016)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 No site works or works shall be commenced before a dimensioned tree protection plan, in accordance with section 5.5 of British Standard 5837: 2012 Trees in relation to design, demolition and construction recommendations, and a method statement detailing precautions to minimise damage to trees in accordance with section 6.1 of the same BS and consistent with the details pursuant to condition 5 below, are submitted to and approved in writing by the LPA and the development hereby permitted shall be carried out in strict accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 4 No site works, or start on this development hereby approved, shall be commenced before temporary protection has been erected around existing trees in accordance with the details approved in writing by the LPA pursuant to condition 3 above. This protection shall remain in position until after the development works are completed and no excavations shall be made, and no material or soil shall be stored, within the protected areas.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 5 Neither site works, nor any start of the development hereby permitted, shall be commenced until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The CMS shall include details of demolition, construction methods and sequencing of operations including: details of protective measures to the RPA to TPO/CA/4260; details of piling; measures for the removal of excavated material; size and location of plant and machinery, and; access to the site and be consistent with the details pursuant to condition 3 above. Throughout the period of demolition, enabling works and construction, the detailed measures contained within the approved CMS shall be adhered to strictly and the operations

shall be under the constant supervision of a named suitably qualified specialist (to be agreed in writing by the LPA).

Reason: In the interests of highway safety, good air quality and to safeguard the health of existing trees which represent an important amenity feature, in accordance with Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.21 and 7.21 of the London Plan (2016).

- 6 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).

- 7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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.

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

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).

- 10 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).

- 11 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.

- 12 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 Recommendation for Tree Works (or as amended).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 13 Before the building hereby permitted is first occupied the windows serving the new master dressing room shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 14 The development shall be implemented in accordance with the details of levels as shown on Drawing No. 1157_HGST2 01a, 1157_SK41a, 1157_SK44a and 1157_48a, 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.

- 15 The submission of details pursuant to conditions 3, 5, 8 and 12 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (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.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

Officer's Assessment

1. Site Description and Surroundings

The application property is within the Hampstead Garden Suburb Conservation Area.

It lies at the end of short cul de sac on a gentle slope which runs down from the Hampstead Golf Course to Wildwood Road. In addition to the golf course there is more open land (Hampstead Heath Extension) to the west.

The property is at a higher level than the neighbouring properties in both Green Close and Wildwood Road. To the north of the site is 1 Green Close. To the east of the site is Hampstead gold course. To the south is No. 1 Bunkers Hill, whilst its west boundary borders 3 Green Close, and No. 40 - 44 (evens) Willdwood Road.

The Hampstead Garden Suburb was founded in 1906 by Dame Henrietta Barnett. A Master plan was prepared by Raymond Unwin and Barry Parker. Distinguished architects, who contributed to the house designs, included Sir Edwin Lutyens.

Hampstead Garden Suburb was designated as a conservation area by Barnet Council in 1968 in recognition of its special character. The Hampstead Garden Suburb is also covered by an Article 4 Direction, which gives additional control over external alterations to properties or new building works.

The application property is not a statutory listed building. The application property is however a locally listed building, listed by the Council on the 12th October 2010.

Area 7 of the Hampstead Garden Suburb Character Appraisal states on page 12: 'Nos. 1 and 2 Green Close are substantial Neo-Georgian houses, designed in Soutar's Office in 1935. No. 2 terminates the steep driveway.'

All trees on the application site are subject to planning control because the site lies within a conservation area. There are Tree Preservation Orders at neighbouring properties and immediately adjacent to the boundary of the application site.

2. Site History

Reference: F/02895/13

Address: 2 Green Close, London, NW11 6UX

Decision: Withdrawn

Decision Date: 16 January 2014

Description: Creation of new basement level.

Reference: F/04509/12

Address: 2 Green Close, London, NW11 6UX

Decision: Approved subject to conditions

Decision Date: 13 June 2013

Description: First floor side extension (west side) including conversion of existing garage into a habitable room. First floor side extension (east side). Roof extension including 2no. rear dormer windows to replace existing rooflights. Associated works. (Additional information: Design & Access Statement and Heritage Asset Significance Appraisal)

Reference: F/01213/12

Address: 2 Green Close, London, NW11 6UX

Decision: Deemed Refusal (Appeal)

Decision Date: 14 December 2012

Description: Two storey side extension (west) including conversion of existing garage into a habitable room. First floor side extension (east side). Two storey side extension (ground) to create a new garage and (lower ground floor) to facilitate creation of a new basement. Roof extension including 2no. rear dormer windows to replace existing rooflights. Associated works.

Appeal decision: Split decision

Appeal decision date: 11 March 2014

Reference: C05080F/04/TRE_B

Address: 2 Green Close, London, NW11 6UX

Decision: Exempt

Decision Date: 1 June 2004

Description: Cherry (Dead) - Fell

3. Proposal

The planning application proposes a single storey ground floor side/front garage extension to the west side, which was previously allowed at appeal by the Planning Inspectorate and which permission remains extant.

The application also proposes a first floor side extensions to both side elevations. These extensions were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The proposals also include 2 no. dormers to the rear roof slope (to replace the existing rear rooflights) and alterations to hard and soft landscaping. The 2 no. dormers and landscaping alterations were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The existing garage will be converted into a habitable room with the associated fenestration alterations. A new single storey garage will be built to the west (side elevation), which will be sited at a distance of approximately 1 metres from the boundary of the rear of the properties along Wildwood Road. This garage extension will include a bay projection to the rear.

At first floor, a side extension will be constructed on the west (side) elevation above part of the ground floor area. The first floor side extension would remain set back from the front main wall by 3.8 metres. It would have a width of 4.8 metres and a depth of 7.3 metres. This would result in a projection beyond the rear main wall of 0.7 metres. On higher ground this extension would have an eaves height of 6 metres with a maximum ridge height of 9 metres. It would be set down from the main roof by 0.7 metres.

To the east (side) elevation, the first floor side extension would be extended forward of the existing first floor side extension to comprise a larger first floor side extension which would be situated above part of the existing ground floor flat roof. It would extend forward 2.05 metres, resulting in a side projection of a total depth of 6.5 metres, and a width of 3.7 metres. It would remain set back from the front main wall by 3.8 metres. It would have an eaves height of 6 metres with a ridge height of 8.9 metres. It would be set down from the main roof of the house by 0.7 metres.

4. Public Consultation

6 consultation letters were sent to neighbouring properties.

A site notice was erected on 21 July 2016.

A press notice was published on 21 July 2016.

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

The objections received can be summarised as follows:

- The two new side extensions would be clearly visible from No. 1 and 2 Bunkers Hill. The size of the house with these extensions would constitute overdevelopment of the site.
- Concerns regarding trees: Concern of impact on Lombardy poplar which is subject to a tree preservation order at No. 40 Wildwood Road. A tree preservation order was made on this tree after the permission reference F/04509/12 and inspectors decision reference APP/N5090/A/12/2188041, this is a material change in circumstances. The submission documents do not acknowledge this. RPA of TPO poplar not set out on certain drawings. Absence of details of hard and soft landscaping proposals. Objector's disagreements with assertions made in applicant's supporting tree report. Inspectors assessment may well have been different had the TPO poplar then been subject to a TPO. No revised impact assessment in submission documents.
- Any application should ensure that any further excavations at No. 2 Green Close would not exacerbate the unsupported drop between No. 1 Bunkers Hill and No. 2 Green Close.
- In the event of an approval, compliance with conditions and monitoring and enforcement of compliance is an uncertain approach to mitigating damage identified at public inquiry.
- In the event of an approval, conditions from the previous permission (reference: F/04509/12) and the Inspectors decision (appeal reference: APP/N5090/A/12/2188041) should be imposed to any recommendation. The objector has suggested amendments to some conditions.
- The application is simply not a renewal of application reference F/04509/12 dated 04 June 2013), as it includes a garage and alterations to hard and soft landscaping.
- One objector has provided a report by an independent arboriculturist dated 25 June 2014, proof of evidence of Ms Currell on behalf of the Council during public inquiry reference: APP/N5090/A/12/2188041, proof of evidence of Mr Pryce on behalf of Sir Victor Blank during public inquiry reference: APP/N5090/A/12/2188041, a drawing of the RPA of the TPO poplar; copy of Tree Preservation Order TPO/CA/426 ; letter dated 30 April 2014 regarding hydrological matters to the LPA.
- The inspectors reasoning and conclusions on hydrological matters in reference to the previous proposed basement were based on errors of law (although the basement is not included within this application under consideration).
- One objector has provided a copy of objections to previous planning application reference: F/04509/12 including contrary to Policy CS5 of the Core Strategy (2012) as it

affects character of the area and constitutes overdevelopment; and will detract from significance of this part of the conservation area contrary to the NPPF (2012).

- Additional comments were received on the 24th November 2016, which requested that an amended version of the applicant's tree report be attached as a condition in the event of an approval.

The HGS CAAC were consulted at a meeting on 10/08/2016. They recommended to reduce the size of the dormers. Upon this they recommended approval subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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 alterations would be a visually obtrusive form of development which would detract from the character and appearance of the locally listed building, the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as

an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Background of application

The first floor extensions to the east and west elevations, and the roof extensions subject to this application were previously approved by the Council (by Committee members) under planning application reference F/04509/12, dated 04 June 2013. This permission has since expired.

The single storey garage extension was allowed at appeal by The Planning Inspectorate under a split decision (appeal reference APP/N5090/A/12/2188041, dated 11 March 2014 pursuant to LPA refused application F/01213/12, dated 26/3/2012).

In light of the grant of permission F/04509/12, the appeal was dismissed insofar as the unacceptable harm likely to be caused to the health of T13 (a mature Lombardy Poplar within the boundary of No. 40 Wildwood Road) from the proposed basement extension. The Inspector also concluded that any resulting loss of this tree would not preserve the character of appearance of the conservation area. The Inspector however was satisfied that any impact on the RPA of T13 would not be so damaging from the garage on its own. The Inspector therefore granted approval for the single storey garage, subject to conditions. This permission remains extant, and can still be implemented under the approved permission.

It is important to acknowledge that since both decisions, the London Borough of Barnet made a Tree Preservation Order on the Lombardy Poplar at No. 40 Wildwood Road (Tree Preservation order No. TPO/CA/426 dated 26 August 2014).

In the interest of clarity, since the previous decisions, Barnet's Residential Design Guidance SPD (adopted 2013, updated 2016) and Barnet's Sustainable Design and Construction SPD (adopted 2013, updated 2016) have been updated, as has The Mayor's

London Plan (2015). The main thrust and aims of these documents remain the same however.

This application includes the previously approved first floor extensions to the east and west elevations and roof extensions (now expired) and the approved appeal decision for a single storey garage extension which still has extant planning permission.

There is no basement proposed under this application.

5.5 Relevant Policy

The NPPF (paras 59 and 60) states the following on design; that "...policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Paragraph 128 of the NPPF states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

Paragraph 129 of the NPPF states: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 135 of the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Paragraph 137 of the NPPF states: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

London Plan Policy 7.6 sets out the approach towards architecture stating that it "should make a positive contribution to a coherent public realm, streetscape and wider cityscape." The supporting text says that it "should make a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets..."

Policy CS1 of Barnet's Core Strategy (2012) states that will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy (2012) states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the adopted Development Management Documents DPD (2012) states that Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM01 states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

Policy DM01 also states that development proposals will be required to include hard and soft landscaping that: is well laid out in terms of access, car parking and landscaping; considers the impact of hardstandings on character; achieve a suitable visual setting for the building; provide an appropriate level of new habitat including tree and shrub planting; make a positive contribution to the surrounding area; contributes to biodiversity including the retention of existing wildlife habitat and trees; adequately protects existing trees and their root systems.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Relevant supplementary planning guidance includes: the 2010 version of the Hampstead Garden Suburb Conservation Area Appraisal (CAA) and a companion document on Design Guidance (CADG); the Residential Design Guidance (updated 2016), and Barnet's Sustainable Design and Construction SPD (updated 2016).

5.6 Assessment of proposals

Single storey garage extension

As established, the single storey garage extension was allowed at appeal by the Inspector and which permission remains extant.

Paragraph 49 of the Inspector's decision stated: 'With proper protection, an agreed method of work (including the agreed revised proposals) and on site supervision, I judge that any impact on the RPA of T13 would not be so damaging, for the garage on its own, as to require the withholding of a split decision planning permission to allow just the single storey garage to proceed'.

Officers recognise that the tree in question (T13 - Lombardy poplar at No. 40 Wildwood Road) has been protected by a Tree Preservation Order (TPO/CA/426) by the Council since this decision. This is a material planning consideration. However, implications for the Lombardy Poplar were considered in great detail at the appeal and the amended designation does not affect the potential impact on the tree itself.

Upon review of the information, the Tree Officer is satisfied that the garage extension would not cause an unacceptable level of harm to the tree covered under the Tree Preservation Order, or any other trees within the conservation area, to deem a refusal in this instance.

It should be noted that the plans and other relevant information that were presented at appeal have been included within the consideration of this application. It should also be noted that the conditions attached by the Inspector have been attached to this recommendation (albeit amended where required).

Proposed first floor side extensions to the east and west elevations

As established, the proposed first floor side extensions were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

It is considered that the first floor side extension proposed to both elevations would comply with the guidance for side extensions set out in Paragraphs 14.14 to 14.17 of Barnet's Residential Design Guidance SPD (2016). It is not considered that the first floor side extension would significantly affect the visual and residential amenities of neighbouring properties, by reason of their distance from neighbouring boundaries, in accordance with Paragraph 14.20.

It is noted that the Hampstead Garden Suburb Design Guidance SPD (2010) advises that side extensions, even single storey, may close up the gaps between properties in a way that would detract from the appearance of the street and the amenity of neighbouring residents. The application property is a large detached dwelling on a spacious plot. By virtue of the pattern of development in this part of the conservation area and the properties' relationship with neighbouring properties it is not considered that the proposal is in conflict with this guidance.

It is noted that the conditions attached to the previously approved planning permission approved, have been attached to this recommendation (albeit amended where required). It should also be noted that there has been no change in policy since the granting of the previous permission to render a different conclusion on this application.

As such, the proposed first floor extensions are found acceptable.

Proposed roof extensions

As established, the proposed roof dormers were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The guidance set out in Barnet's Residential Design Guidance SPD (2016) aims to ensure that proposed roof extensions appear as subordinate and proportionate additions to the host property.

The Hampstead Garden Suburb Design Guidance SPD (2010) advises that where they are considered acceptable, dormers will be expected to be in proportion with the size of the roof, without overbalancing or dominating elevations, and with designs complementing the style and appearance of the house.

The existing property is a large detached dwelling, and as such, the two proposed flat roof rear dormers would appear to be in proportion with the size of the roof, would not overbalance or dominate the elevation and would have design and fenestration in keeping with the existing front dormer and general style and appearance of the house.

It is noted that the conditions attached under the previously planning permission approved by members, have been attached to this recommendation (albeit amended where required).

As such, the proposed roof dormers are found acceptable.

Hard and soft landscaping

The application proposes a minor increase of hard standing to facilitate the single storey garage extension. The Tree Officer has assessed existing and proposed levels, and methods of construction, and has deemed that these alterations will have an acceptable impact on trees covered under the Tree Preservation Order and trees within the conservation area, however a condition is recommended to require that these levels are implemented in accordance with the approved plans.

The application also seeks permission for an increased, circular raised patio area, to include steps, to the rear garden. It will be in a similar position as the existing hard standing, albeit of a larger size. The alterations to the rear garden were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

It is considered that subject to conditions, the proposed increase in hardstanding to the rear and front gardens would not harm the tree protected by a Tree Preservation Order (the Lombardy Poplar) to an unacceptable level. It is not considered that the increase in hardstanding would impact trees controlled by the conservation area.

It is not considered that the increase in hardstanding to the rear and front gardens would impact the character and appearance of the conservation area to an unacceptable level.

Cumulative impact of extensions

This application seeks permission for extensions which were previously granted approval under separate applications/appeal. It now seeks consent for the same extensions under one application.

The cumulative effect of the proposed extensions and their impact on the appearance and character of the host property and conservation area should be considered, in accordance with the advice set out in Barnet's Residential Design Guidance SPD (updated 2016).

It is considered that the proposed extensions, when taken cumulatively, would appear as subordinate and proportionate additions to the host property as they would reflect and respect the design and form of the original building, have regard for the character of the designated conservation area.

Furthermore, given the siting of the extensions and distance of the proposed extensions from neighbouring properties, it is not considered the development would impact the residential amenities enjoyed by neighbours to an unacceptable level. Considering the plot

size, it is not considered that, when taken cumulatively, the extensions would result in overdevelopment.

It is considered that the proposed extensions would preserve the character and appearance of the Hampstead Garden Suburb conservation area, in accordance with Policy DM06.

Impact on the Locally listed building

The building is not a statutory listed building. However, it is a locally listed structure, identified as a Building of Local Architectural or Historic Interest by the London Borough of Barnet. Whilst not a designated asset, significant material consideration should be given to its preservation.

The proposals would directly affect a non-designated heritage asset and would affect the character and appearance of a designated conservation area. In addition the proposed development would affect the setting of a heritage asset, which should be considered.

As established, the application proposes extensions and alterations which, when taken cumulatively, would appear as subordinate and proportionate additions to the host property. In addition, the extensions would reflect and respect the design and form of the original building, and have regard to the character and appearance of the designated conservation area

Having regard for the significance of the heritage asset, and giving significant material consideration to the building's preservation, it is deemed that the scale of harm to the heritage asset would not be so great to justify a refusal in this particular instance.

Furthermore, it is not considered that the proposed development would have a detrimental effect on the significance of the non-designated heritage asset, to justify a refusal.

It is not considered that the proposed development would impact the setting of the heritage asset to an unacceptable level.

Conditions

The conditions attached to the previously approved application reference F/04509/12, dated 13 June 2013, and the conditions attached by the Inspectorate under the split decision have all been carefully considered, and attached where appropriate to this application. The conditions have been updated in line with policy updates where necessary and the conditions reworded and combined where appropriate.

Conclusion

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, undesignated heritage asset, street scene, conservation area and area of special character.

5.4 Response to Public Consultation

- The two new side extensions would be clearly visible from No. 1 and 2 Bunkers Hill. The size of the house with these extensions would constitute overdevelopment of the site.

The proposed first floor side extensions, by reason of their siting and distance from neighbouring properties, it is not considered it would impact the visual or residential amenities of neighbouring occupiers to an unacceptable level.

As assessed above, it is not considered that the extensions would constitute overdevelopment.

- Concerns regarding trees: Concern of impact on Lombardy poplar which is subject to a tree preservation order at No. 40 Wildwood Road. A tree preservation order was made on this tree after the permission reference F/04509/12 and inspectors decision reference APP/N5090/A/12/2188041, this is a material change in circumstances. The submission documents do not acknowledge this. RPA of TPO poplar not set out on certain drawings. Absence of details of hard and soft landscaping proposals. Objector's disagreements with assertions made in applicant's supporting tree report. Inspectors assessment may well have been different had the TPO poplar then been subject to a TPO. No revised impact assessment in submission documents.

Officers acknowledge TPO on the Lombardy Poplar and have given material weight to this. However, implications for the Lombardy Poplar were considered in great detail at the appeal and the amended designation does not affect the potential impact on the tree itself.

The Tree Officer has also assessed the information submitted under this current application, and taking into consideration the tree preservation order has concluded that the proposed development is acceptable, subject to conditions.

- Any application should ensure that any further excavations at No. 2 Green Close would not exacerbate the unsupported drop between No. 1 Bunkers Hill and No. 2 Green Close.

In the interest of clarity, there are no basement excavations proposed under this application.

- In the event of an approval, compliance with conditions and monitoring and enforcement of compliance is an uncertain approach to mitigating damage identified at public inquiry.

As advised by Planning Practice Guidance conditions are attached to a permission to mitigate the adverse effects of a development. Failure to comply with conditions could not be considered a reason to refuse granting permission.

- In the event of an approval, conditions from the previous permission (reference: F/04509/12) and the Inspectors decision (appeal reference: APP/N5090/A/12/2188041) should be attached. The objector has suggested amendments to conditions.

It is noted that the conditions attached to the previously approved decisions by the Inspector and the previous permission (reference F/04509/12) have been attached to this recommendation.

- The application is simply not a renewal of application reference F/04509/12 dated 04 June 2013), as it includes a garage and alterations to hard and soft landscaping.

The site history has been explained in the main body of the report and has been given material weight in the assessment of this application.

- One objector has provided a report by an independent arboriculturist dated 25 June 2014, proof of evidence of Ms Currell on behalf of the Council during public inquiry reference: APP/N5090/A/12/2188041, proof of evidence of Mr Pryce on behalf of Sir Victor Blank during public inquiry reference: APP/N5090/A/12/2188041, a drawing of the RPA of the TPO poplar; copy of Tree Preservation Order TPO/CA/426 ; letter dated 30 April 2014 regarding hydrological matters to the LPA.

This information was carefully considered by Planning Officers. For the reasons outlined in the main body of the report, this application has been found acceptable by Officers.

- The inspectors reasoning and conclusions on hydrological matters in reference to the previous proposed basement were based on errors of law (although the basement is not included within this application under consideration).

The basement, as acknowledged by the objector, is not included within this application and is therefore not a material consideration under this application.

- One objector has provided a copy of objections to previous planning application reference: F/04509/12 including contrary to Policy CS5 of the Core Strategy (2012) as it affects character of the area and constitutes overdevelopment; and will detract from significance of this part of the conservation area contrary to the NPPF (2012).

As assessed in the main body of the report, it is not considered that the proposed extensions would impact the character and appearance of the host property or conservation area to an unacceptable level. The proposed development has been found compliant with adopted policy and guidance, and deemed acceptable subject to conditions.

- Additional comments were received on the 24th November 2016, which requested that an amended version of the applicant's tree report be attached as a condition in the event of an approval.

The applicant has provided Officers with this amended tree report. It has been included within the conditions of this application.

In regards to the CAAC's comments, as discussed above, the dormers are considered compliant with adopted policy and guidance.

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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, undesignated heritage asset,

trees covered under a Tree Preservation Order and trees protected by the conservation area, street scene, conservation area, and area of special character. It would not detrimentally impact the setting of the heritage asset.



Location **1 To 11 Addison Way Golders Green London NW11 6AL**

Reference: **16/2858/FUL**

Received: 29th April 2016

Accepted: 29th April 2016

Ward: Garden Suburb

Expiry 24th June 2016

Applicant: Mr Gavin Bass

Proposal: Installation of 1no electrical intake cupboard to side elevation

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: BH/AW1/01; BH/AW1/02; Planning Statement; Design & Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

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 Addison Way, within Area 2: Artisans' Quarter of the Hampstead Garden Suburb Conservation Area.

The existing building on site, is a three-storey purpose built block of flats managed and owned by Barnet Homes.

The Conservation Area Character Appraisal, 2010, notes;

"Addison Way is a wide road linking Finchley Road and Falloden Way, and the housing density is relatively high. Its proximity to the North Circular to the north, and the Finchley Road and the service station at the western end means that it is in constant danger of encroachment and 'fraying' at the edges. Traffic noise and pollution are significant. Nonetheless, the contrast with the main roads is dramatic and its character as a pleasant residential street is maintained. A narrowed entrance from Falloden Way helps to prevent the road being used as a rat run. The road is carefully curved to provide visual stops along its length with a particularly important stop at the junction with Hogarth Hill. Trees, hedges, and green verges create a pleasant green ambiance. There are no hard standings for cars and most of the gardens are planted and green in the traditional fashion. Mutton Brook runs behind Addison Way and the parkland alongside the brook provides an important backdrop to the road. The gaps between blocks at entrances to Mutton Brook provide interesting visual material and give a more rural feel to the road. In particular the entrance between Nos. 39 and 41 is an attractive feature with wild plum trees, two of which need to be reinstated in order to maintain the line of trees with the line of the houses.

There is a pleasing sight line which follows Creswick Walk across Addison Way and through the entrance to Mutton Brook. There is another attractive vista down Coleridge Walk, across the road and then along the path to the Brook.

All the buildings are finished in red brick in Flemish bond which gives a great coherence to the road. Continuous rooflines and tall chimneys are persistent features of the road, as are the white casement windows with glazing bars. The different levels of the buildings on either side of road (making use of the slope down to Mutton Brook from Willifield Way) also give the road variety.

The cottages are arranged as groups of maisonettes on the northern side and as groups of two-storied cottages on the southern side. Six-paned window casements are typical of the upper floors on the southern side of the road and on both floors of the northern side. All the groupings along the road are by Parker and Unwin, except for Nos. 66-76 and 78-88 at the extreme eastern end, which are by Bunney and Makins and are not included in Area 6, and Oakwood Court, also at the eastern end, which was built much later by F.M. Cashmore (1953). "

2. Site History

Reference: F/02770/10

Address: 1 Addison Way, London, NW11 6AL

Decision: Approved subject to conditions

Decision Date: 25 August 2010

Description: Replace existing single glazed timber windows with hardwood double glazed windows., Removal of existing PVCu gutters and down pipes. , Replacement

with aluminium gutters and down pipes., Installation of perforated terracota airbricks.

3. Proposal

The application seeks to construct an electrical intake cupboard to the side (east) elevation of the building; it would measure 0.45m in depth, 2m in width and 2.5m in height - it would be set back approximately 0.23m from the rear (north) elevation and is proposed to be constructed of facing brickwork with a tiled pitched roof to match the main roof and painted wooden doors and frame.

4. Public Consultation

39 consultation letters were sent to neighbouring properties.

A site notice was erected on 12 May 2016

14 responses have been received, comprising 13 letters of objection and 1 letter of comment.

The objections received can be summarised as follows:

- Residents were not consulted on the works
- Structure will be an eyesore
- No information has been provided in regards to why there is a 'requirement to upgrade'
- Mutton Brook flows to the rear of the properties and concerns raised in regards to electrical housing within close proximity to water
- Concerns raised in relation to the costs involved

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.

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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 alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in

the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The proposed structure is not considered to detrimentally impact on the qualities of this part of Hampstead Garden Suburb Conservation Area. It will be sited discretely towards the rear of the side elevation and not be particularly visible from the street. The design, size and siting of the electrical cabinet is such that it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the host building, street scene, conservation area, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

The matters raised by residents in relation to the need for the works and the associated costs are not material planning considerations.

5.4 Response to Public Consultation

- Residents were not consulted on the works; Certificate B has been signed as part of the application stating that notices were served to the relevant parties on 7th April 2016, the LPA also consulted the relevant neighbouring properties on 9th May 2016
- Structure will be an eyesore; addressed in report above
- No information has been provided in regards to why there is a 'requirement to upgrade'; there is no requirement for such information to be submitted as part of a planning application and therefore this does not form a reason for refusal in itself

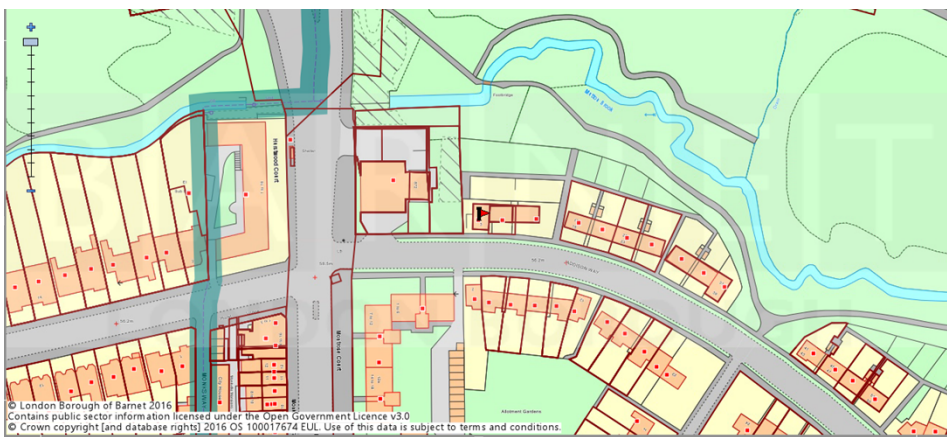
- Mutton Brook flows to the rear of the properties and concerns raised in regards to electrical housing within close proximity to water; This address is in an area at low risk of flooding
- Concerns raised in relation to the costs involved; this is not a material planning consideration

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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



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Location **279 Golders Green Road London NW11 9JJ**

Reference: **16/5589/FUL**

Received: 23rd August 2016

Accepted: 30th August 2016

Ward: Golders Green

Expiry 25th October 2016

Applicant: Mr George Adamopoulos

Proposal: Use of the site as a 10 bedroom House in Multiple Occupancy (HMO) with en- suite bathrooms and shared kitchen facility at first floor.

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

3610/P001 Rev.A (Ordnance Survey Map)
3610 P002 Rev.A (Block Plan)
3610/P003 Rev.A (Existing Ground & First Floor Plans)
3610/P004 Rev.A (Existing Floor & Roof)
3610/P005 Rev.A (Existing Elevations)
3610/P006 Rev.A (Existing Section)
3610/P007 Rev.B (Proposed Ground & First Floor Plans)
3610/P008 Rev.B (Proposed Second Floor)
3610/P009 Rev.A (Proposed Elevations - as existing)
3610/P010 Rev.A (Proposed Section - as existing)

Design and Access Statement (dated 23/08/16)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) 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).

4 a) Before the development hereby permitted is first occupied, details of the subdivision 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).

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

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

6 The maximum number of occupants permitted within the property is 10.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy 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.

2 The applicant is advised that an HMO licence is likely to be required under the Housing Act 2004, either under mandatory or additional licensing requirements.

Further information on HMOs and the Council's HMO Standards 2016 can be found on the Council's website:
<https://www.barnet.gov.uk/citizen-home/housing-and-community/private-housing/landlords/houses-multiple-occupation.html>

- 3 The Enforcement Notice (ENF/00020/14/F) served on the property by London Borough of Barnet dated 03 November 2014 requires the cease of use of the house as multiple units of self-contained residential accommodation, removal of all but one set of kitchen units, food preparation areas, sinks and cookers and removal of all but one of the bathrooms including any toilets, showers, bathtubs and basins. This application would resolve actions nos. 1-2 of the notice and would override action no.3 by permitting each room to have an en-suite bathroom. The applicant is advised that the Enforcement Notice is still in force and the applicant is advised to carry out of the proposed works as soon as possible in order to resolve the notice.

Officer's Assessment

1. Site Description

The application site consists of a two-storey detached building located towards the north-western end of Golders Green Road.

The site is situated within a predominately residential area, with the adjacent No.281 in use as a synagogue and a number of commercial units located to the south-east.

2. Site History

Reference: F/02462/14

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 24 July 2014

Description: Single storey rear outbuilding to facilitate a Mikveh (Ritual Bath).

Reference: F/00993/14

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Unlawful

Decision Date: 2 May 2014

Description: Retention of HMO (13 Units).

Reference: F/05346/13

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Unlawful

Decision Date: 7 January 2014

Description: Retention of 13 cluster flats with shared facilities.

Reference: C01995M/05

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 7 October 2005

Description: Two storey rear extension. New mansard roof to facilitate a loft conversion for use as home for 13 students.

Reference: C16503B/06

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 18 January 2007

Description: Erection of ritual bath to rear of garden.

Reference: C16503/05

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Approved subject to conditions

Decision Date: 2 February 2006

Description: Part single, part two-storey rear extension. Alteration to roof including mansard style roof to facilitate a loft conversion for use as a home for thirteen students.

Reference: C01995L/04

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 15 April 2004

Description: Alterations to rear wing including insertion of garage door and partial new roof to provide off-street parking spaces served by a turning table.

Reference: C16503A/06

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Withdrawn

Decision Date: 17 October 2006

Description: Erection of a ritual bath house.

Reference: C01995H/02

Address: 279 Golders Green Road, London, NW11 9JJ

Decision: Refused

Decision Date: 12 February 2003

Description: Ground floor rear extension at 281 Golders Green Road and provision of off street car parking spaces at the front of 279 Golders Green Road.

3. Proposal

The application seeks consent for the use of the building as a 10 bedroom House in Multiple Occupancy (HMO) with en-suite bathrooms and shared kitchen facility at first floor.

The proposal has been amended during the course of the application to reduce the proposed number of rooms from 11 to 10 in order to comply with Barnet's HMO Standards 2016.

4. Public Consultation

Consultation letters were sent to 106 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- Intensification of the site;
- Insufficient parking;
- Noise impact/disturbance from existing use.

Internal Consultation

Environmental Heath HMO - Commented on the proposal's compliance with Barnet's HMO Standards 2016.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09.

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 (October 2016)

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. From 29 May 2016 an Article 4 Direction was introduced to remove the permitted development rights to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Larger HMO are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission. Policy DM09 of the Local Plan explains Barnet's policy on Houses in

Multiple Occupation. HMO's may require licensing under the Housing Act and Environmental Health Act.

Sustainable Design and Construction SPD (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.

5.3 Assessment of proposals

The site has a long planning history of various types of approved and refused applications. In 2006 the site received permission for the conversion of the dwelling into thirteen rooms for students. However, within the last couple of years, the property was converted into 12 individual studio flats without consent and was subsequently served with an enforcement notice by the Council. The notice required the applicant to cease the use of the rooms as self-contained units and the removal of individual kitchens and bathrooms and a communal kitchen installed. This application seeks to remedy the breach of planning and resolve the enforcement notice.

In assessing the principle of HMOs, Policy DM09 states that the Council will seek to retain existing HMO provided they meet an identified housing need. Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

As already mentioned, the site gained permission in 2006 for alterations and extensions to accommodate thirteen students, with shared bathrooms but no kitchen. The students were to eat in the adjacent synagogue. As this application was implemented, the Planning Authority therefore considers that the lawful use of the site was as a 13 bed HMO prior to the current breach. As the application seeks to retain the HMO, it is not considered to conflict with Policy DM09.

In terms of accessibility, the site is located within a PTAL of 3 which is considered of medium accessibility. However, there are higher areas of accessibility in close proximity to the site. The town centres of Brent Cross and Golders Green are approximately 1km from the application site. It is noted that there are a number of bus stop on both sides of the road and there are good opportunities for cycling and walking. The site is therefore considered to be easily accessible.

In terms of amenity for future occupiers, the Council has produced HMO Standards 2016 which requires the following room standards when the kitchen is in a separate room:

- 1 person household: 10sqm
- 2 person household: 14sqm

The standards require that a shared kitchen may be provided for a maximum of five persons. Depending upon the circumstances it may be possible to have two sets of kitchen facilities in the same kitchen. In such an instance, no more than two sets of facilities (each provided for a maximum of five persons) shall be provided in any one shared kitchen and in such an instance the kitchen must have a floor area of not less than 12sqm.

The HMO team of the Council's Environmental Health service have assessed the proposal and following amended plans being submitted, it appears that the proposals have followed the Council's guidance on HMO requirements.

Overall, it is considered that the proposed development would meet the requirements of policy DM09 and would satisfactorily resolve the breach of planning and enforcement notice. The Planning Authority considered that it was appropriate that each of the rooms would have an en-suite bathroom and the permission would override that action of the enforcement notice. There are no external alterations proposed to the existing building.

5.4 Response to Public Consultation

It should be noted that the existing arrangement of the property is unlawful. However, prior to this, the lawful use of the site was as a 13 bed HMO for students and therefore the principle has already been established. As a result of this application, the number of rooms would be reduced to 10 and would be less of an impact compared to the current arrangement.

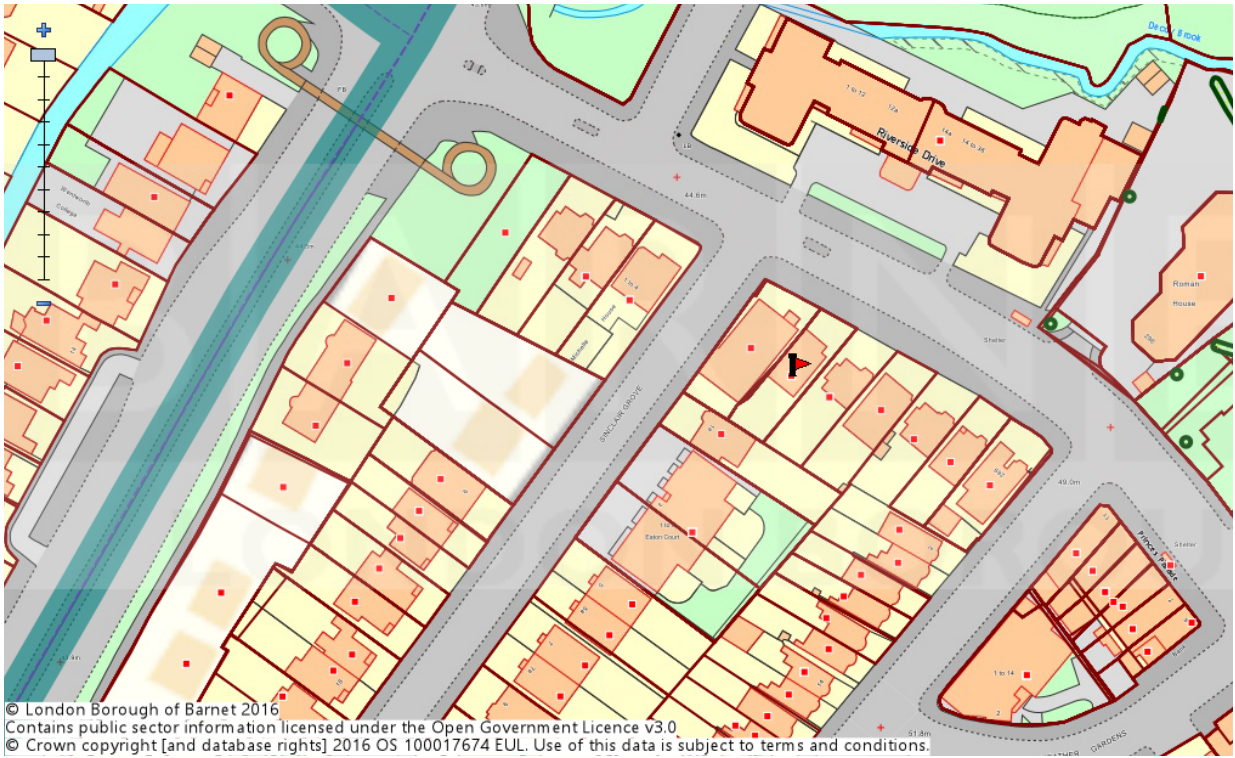
In response to concerns about parking, it is advised that the 2006 application was approved with no provision of parking with no permit restrictions. It is anticipated that being in close proximity to public transport, future occupiers would utilise these options. Again as there are now being less rooms proposed, it is considered that the overall impact will be reduced.

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 not have a detrimental impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

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

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

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

7 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).

8 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.

9 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.

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 6% 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 a) Before the development hereby permitted is first occupied, details of enclosures for the storage of bikes 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).

12 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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/02/2017, unless otherwise agreed in writing, the Planning Performance and Business Development Manager REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 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.

- 3 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 £0 payment under Mayoral CIL.

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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 site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on or adjacent to the application site.

2. Site History

16/2568/FUL:

Creation of additional floor above top floor level (7th floor) of existing building to provide 2 no. self-contained flats.

Recommended for approval by officers and refused at Committee by Members for the following reasons;

1. The proposal would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

3. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

15/07451/FUL

Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft
REFSUED (25.02.2016)

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).
3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).
4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Btinnia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013).
5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).
6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

3. Proposal

This application seeks consent for creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit.

It should be noted that the proposals have been amended since the previous submission which was refused by Members at the September Committee, to show an increase in the setbacks from the front, flank and rear elevations.

Front elevation
Previous setback: 1.4m
Proposed setback: 2.4m

Flank elevation
Previous setback: 1.35m
Proposed setback: 1.85m

Rear elevation
Previous setback: 2.8m (4.75m to projection)
Proposed setback: 4.7m (6.6m to projection)

4. Public Consultation

It should be noted that at the time of writing this report the consultation period had not yet expired. Any additional representations received would be included in the addendum to the report.

182 consultation letters were sent to neighbouring properties.
7 objections have been received and 1 neutral response.

The views of objectors can be summarised as follows;

- Out of keeping
- Pointless development
- Loss of light
- Overlooking
- Loss of privacy
- Relocation of outbuildings on flat roof would make matters worse
- Too high
- Too many units for overpopulated area
- Impact on parking
- Concerns about materials
- Unwelcome precedent

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 Government's 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, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, 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 building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents

5.3 Assessment of proposals

Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

This application seeks consent to erect an additional floor, above the 7th floor to provide one additional unit at this level. The scheme has been amended since the previous refusal showing further set-backs from the front, flank and rear elevations and reducing the number of units from 2 to 1 unit, as detailed above in the report. The height of the proposed extension would be below the height of the existing lift shaft. This is considered to ensure that the proposed development appears more subordinate to the main host block and as such will have limited visibility from the street scene.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing, a condition requiring the building materials to match the existing has been applied to this recommendation. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

Living conditions of future occupiers

The proposed development would provide the following accommodation:

Seventh Floor
F31- 2b4p: 103sqm

It is considered that the proposed new two-bedroom, four person unit at seventh floor levels would significantly exceed the necessary internal floor space required as outlined in Policy 3.5 (table 3.3) of the London Plan 2015.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Under this application it is proposed to provide a roof terrace measuring approximately 20sqm. Whilst this is under the suggested provision allowance it does provide some private amenity space to address the reason for refusal and it is noted that other new units have been approved without any amenity provision. On balance the amenity provision is considered to be acceptable.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details of a proposed enclosure have been provided and therefore a condition requiring its details is suggested. No details of a proposed cycle store have been provided; this too is required through the imposition of a condition

Potential impacts upon the amenities of neighbouring residents.

It is considered that the proposed development which shows a greater setback from all elevations would not be harmful to the occupiers of the neighbouring residential properties.

Highways

The proposed development would require parking provision of between 0 and 2 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

5.4 Response to Public Consultation

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance maintained away from neighbouring properties.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regards to the proposed development being too high; the extensions is shown as being no higher than the existing lift over-run, so no higher than existing development on the site.

In regard to the number of units proposed it is not considered that this application for one additional unit would be harmful to the character and appearance of the area and in fact would contribute to the housing need for the Borough.

In regards to the potential noise disturbance it is not considered that the proposed development for 1 additional unit would result in unacceptable noise disturbance for existing occupiers.

It is not considered that the proposed development for one additional unit would be harmful to the area in terms of overpopulation, as the proposal contributes to the housing provision requirements.

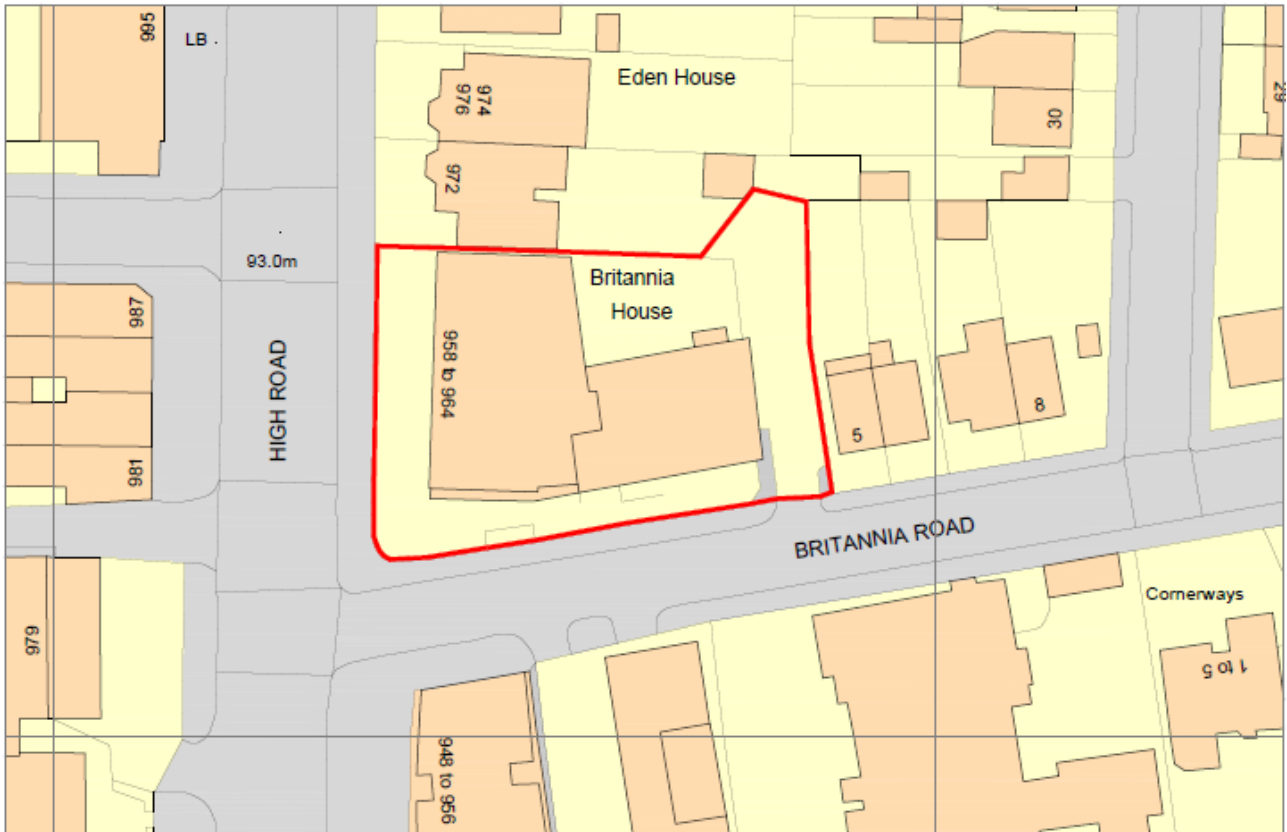
To address the concerns raised regarding the use of materials for the proposed new extension a condition requiring the materials to match has been suggested.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development for one additional unit as amended 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.



Location Britannia House 960 High Road London N12 9RY London N12 9RY

Reference: 16/6693/FUL

Received: 18th October 2016

Accepted: 26th October 2016

Ward:

Expiry 21st December 2016

AGENDA ITEM 10

Applicant: Ms Aga Slecicka

Proposal: Two storey side extension to provide 2no additional self contained flats at first and second floor levels

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. 3. Highways (traffic order) £2,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

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:

359/PL/400; 359/PL/502; 359/PL/503 Rev C; 359/PL/504; 359/PL/505 Rev C; 359/PL/506; 359/PL/507 Rev C; 359/PL/508 Rev C

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 or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

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

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 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance

with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

7 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).

8 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.

9 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.

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 6% 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 a) Before the development hereby permitted is first occupied, details of enclosures for the storage bikes 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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 7/02/2017, unless otherwise agreed in writing, the Planning Performance and Business Development Manager REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 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.

- 3 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 £0 payment under Mayoral CIL.

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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 site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on or adjacent to the application site.

2. Site History

16/2702/FUL:

Two storey side extension to provide 2no additional self-contained flats at first and second floor levels.

Recommendation of approval at officer level;

Refused at Committee by Members for the following reason;

1.The proposed two storey side extension would by reason of its size, siting and its close relationship to the neighbouring residential property at 972 High Road would result in an unacceptable loss of outlook from their existing flank window detrimental to the residential amenities of occupiers of this property. As such the proposal would be contrary to; Policy DM01 of the Local Development Management Policies (Adopted) 2012.

2. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

3. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

15/07451/FUL

Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft
REFSUED (25.02.2016)

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically

inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).

3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Briannia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013).

5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

3. Proposal

This application seeks consent for a two storey side extension to provide 2no additional self-contained flats at first and second floor levels.

It should be noted that the proposals have been amended since the previous submission to show an increase in the setbacks from the flank elevations from 0.5m to 0.9m.

4. Public Consultation

It should be noted that at the time of writing this report the consultation period had not yet expired . Any additional representations received would be included in the addendum to the report.

182 consultation letters were sent to neighbouring properties.

3 objections have been received.

The views of objectors can be summarised as follows;

- Overlooking
- Lack of privacy
- Too many units for overpopulated area
- Noise disturbance
- Congestion and impact on parking
- Rubbish accumulation and litter

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, 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 building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents

5.3 Assessment of proposals

Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

This application seeks consent to erect a two-storey side extension to provide two additional units at first and second floor. The scheme has been amended since the previous refusal showing further set-backs from the front and flank elevation. The previous scheme showed a set back to the front and side of only 0.5m and this application shows an increased set-back of 0.9m.

This is considered to ensure that the proposed development appears more subordinate to the main host block as well as ensuring the proposed extensions do not appear too dominant adjacent of the flank wall of the neighbouring residential property at 972 High Road.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

Living conditions of future occupiers

The proposed development would provide the following accommodation:

First Floor

F31- 1b2p: 46sqm

Second Floor

F32- 1b2p: 46sqm

It is considered that the proposed new one-bedroom, two person units at first and second floor levels would provide the necessary internal floor space required as outlined in Policy 3.5 (table 3.3) of the London Plan 2015.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Under this application it is proposed to provide a roof terrace to each new unit of 5sqm, the proposed terrace would be included within the footprint of the units previously proposed. Whilst this is under the suggested provision allowance it does provide some private amenity space to address the reason for refusal and it is noted that other new units have been approved without any amenity provision. On balance the amenity provision is considered to be acceptable.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details of a proposed enclosure have been provided and therefore a condition requiring its details is suggested. No details of a proposed cycle store have been provided; this too is required through the imposition of a condition

Potential impacts upon the amenities of neighbouring residents.

The proposed extensions as amended have been further set back from front and side elevations, which allows a greater outlook from the side window of the adjoining property at 972 High Road. From conducting the site visit, and checking with the agent, it would appear that the existing side window at the neighbouring property is either a secondary window or serves a bathroom. Given this and the additional set-back, it is not considered that the proposed extensions would have any adverse impact on the residential amenity of neighbouring occupiers and is considered to be acceptable.

The roof terraces proposed to serve the additional units have been sited in such a way that they do not give rise to any loss of amenity to neighbouring occupiers.

Highways

The proposed development would require parking provision of between 0 and 2 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

5.4 Response to Public Consultation

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance maintained away from neighbouring properties.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regard to the number of units proposed it is not considered that this application for two additional units would be harmful to the character and appearance of the area and in fact would contribute to the housing need for the Borough.

In regards to the potential noise disturbance it is not considered that the proposed development for 2 additional units would result in unacceptable noise disturbance for existing occupiers.

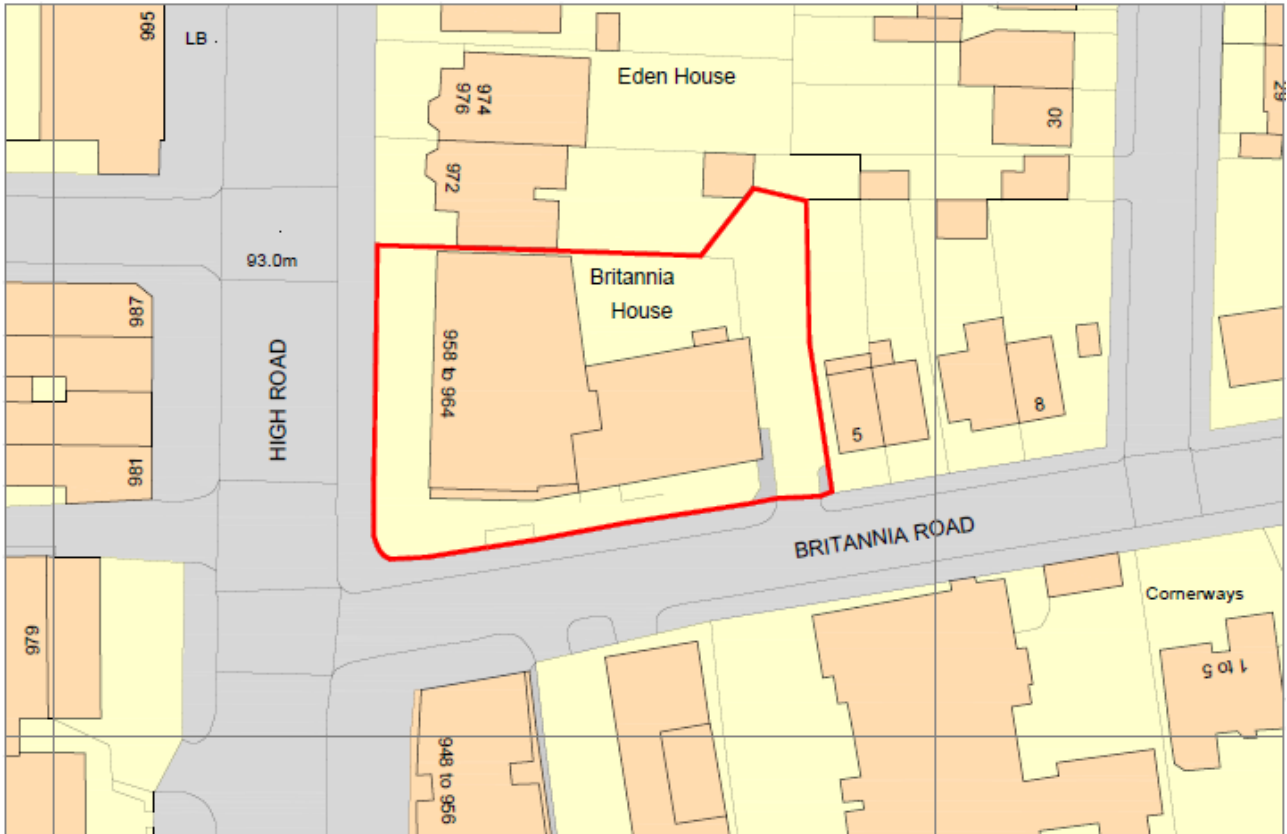
It is not considered that the proposed development for two additional units would result in unacceptable rubbish accumulation and litter. A condition is attached to ensure refuse storage areas are provided to serve the proposed development

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **205 High Road London N2 8AN**

Reference: **16/5409/FUL**

Received: 15th August 2016

Accepted: 6th October 2016

Ward: East Finchley

Expiry 1st December 2016

Applicant: Mr Alireza Yaraghchi

Proposal: Installation of extraction flue to side (flank) elevation

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

Location plan;

Drawing numbers 1, 2 and 3 (all received 8/9/16);

Drawing number 3 (FLOOR PLAN) (dated 1st Oct 2016).

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3
 - a) No development 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 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).

- 4 a) No development 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.

- 5 The flue shall be finished in the same colour as the existing drain pipe on the exterior of the building on its Leslie Road frontage, and shall be maintained as such.

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).

- 6 When the flue is no longer required, it shall be removed and recycled or otherwise disposed of by a licensed waste operator, and the flank wall of the building shall be made good to the reasonable satisfaction of the Local Planning Authority.

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

The application site is an A5 hot takeaway food unit, located in a three-storey parade of shops with flats above, which is divided from the High Road by a separate vehicle access road and car parking. The property is one of the end units in the parade, located on the corner of Leslie Road, and has two flats directly above it. There is a hair dressing salon with flats above on the opposite corner, and adjacent properties on Leslie Road are Victorian or Edwardian terraced houses. East Finchley Library is on the opposite site of the High Road.

2. Site History

There is no relevant planning history for the property.

3. Proposal

The application seeks permission to site an extraction flue on the flank wall of this three storey building on its Leslie Street frontage, passing from the building interior to the outside of the building at a height of 2.8m above ground level and rising to 1.5m above the eaves. Its location is close to the rear of the building on this elevation, which steps in from the rear building line at ground level by the approximately 1.4m, to provide the rear access balcony to the flats at first and second floors level. This results in the proposed location of the flue being 2m in from the rear corner at ground floor level, reducing to 0.5m forward of the rear corners of the flats above.

4. Public Consultation

Consultation letters were sent to 74 neighbouring properties.

One response has been received.

The application has been called in for consideration at Committee by Councillor Mittra.

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 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, DM04.

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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 the continued amenities of 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. Policy DM04 sets out requirements in regard to noise-generating land uses.

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.

5.3 Assessment of proposals

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The flue would be highly visible on the Leslie Street frontage of the building. While utilitarian in appearance, the visual impacts of the flue would be typical of this type of installation. With a 30cm diameter, it will be more substantial than the existing drainage pipes on this elevation. However, provided that it is finished in the same neutral, recessive grey as these existing pipes it is considered that the appearance of the flue will not harm the character and appearance of the existing building, the street scene and the wider locality. It is recommended that a condition be included in any planning permission to require the flue to be removed and the building made good if and when it becomes redundant for any reason.

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

The Council's Scientific Advisor on environmental health issues has advised that the top end of the flue must be 1.5 m above both eaves and any open able windows that are located within 20 metres of the flue, and that the design must include anti-vibration mounts, flexible couplings and silencers. The drawings show that the required height is met by the proposal, and the applicant has advised that the required fittings will be incorporated into the design. The Council's environmental health advisor has also asked for a noise report, which has not been provided, and it is considered that to ensure that there would be no harm to the living conditions of neighbouring residents, that this should also be required by condition. This should stipulate that the flue and associated equipment shall not be installed until a satisfactory noise report has been provided and approved in writing by the Local Planning Authority.

It is noted that the current equipment results in some odour issues for adjacent residents, and it is understood that the flue is being fitted as part of an installation of ventilation equipment within the building that is intended to control this. In order to ensure that odour from the cooking of foods within the premises and vibration from extraction equipment do not cause further problem, a condition is also recommended to require a technical report to be submitted and approved by the Local Planning Authority to ensure that the installation does not result in any detrimental impacts on adjacent neighbours.

Subject to the controls recommended above and in the conditions at the top of this report, the proposals are expected to result in improved living conditions for residents.

- Conclusion

It can be concluded that the proposal is acceptable and in accordance with the development plan, and that it would have an acceptable impact on the application property, neighbouring amenities, current streetscene and character of the area in general. The application is thus recommended for approval, subject to conditions.

5.4 Response to Public Consultation

One neighbouring comments have been received which is summarised as follows:

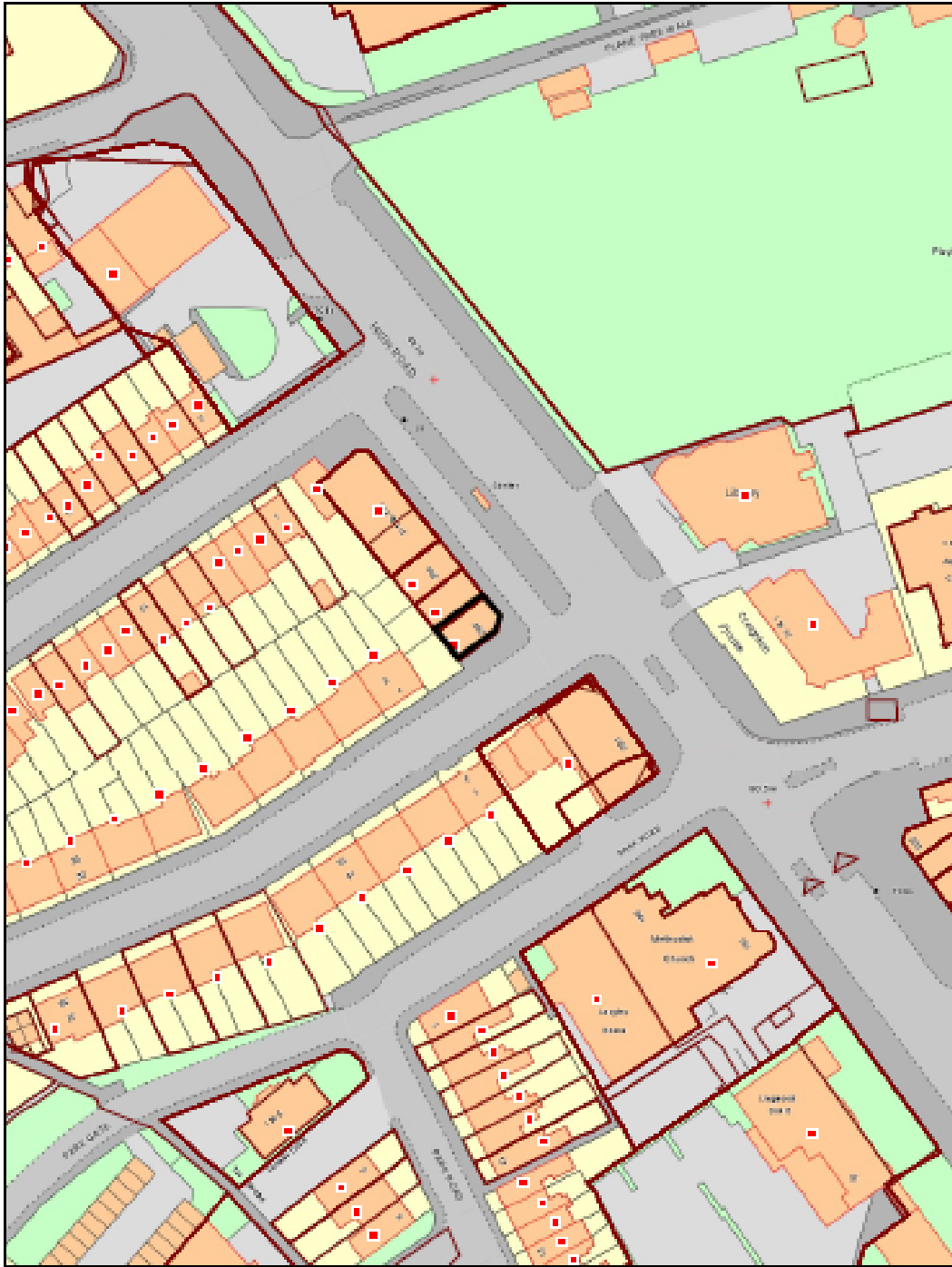
A better specification of extraction system to stop the smoke and vibration issues that currently exists is required. The issues are most apparent after 11pm with the current system audible especially through the structure of the building in the form of vibration and sound until 12pm on weekdays and 1.30am on weekends due to the late night licence to the premises. The current system is attached to the structure of the building at the rear and exits through brickwork without any vibration mounts, and soundproofing between

properties is not great at present. Any consent given by the council must factor in and guarantee to us that we will not be subjected to the continuation of noise and vibration from the new extraction system late at night. If the current specification and installation of the new system does not meet these guarantees then the continuation of a late licence beyond 11pm must cease. By selecting a neutral stance we can clarify that though we understand the need for this planning consent there must be an improvement to the noise and that we are not affected.

Comment: The above issues clearly illustrate the need for new equipment that provides a high standard of protection from noise and vibration for neighbouring residential occupiers. However it is essential that this equipment be properly maintained in the future, as required by the recommended condition. There are however no powers to revoke a license under the planning legalisation, and should any issues with noise and vibration arise in the future it would therefore be for the Environmental Health team to determine the best course of action to be taken, if and when that situation arises.

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 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 **Land Adjacent To 37 And 39 Leslie Road London N2 8BN**

Reference: **16/6346/CON**

Received: 30th September 2016

Accepted: 4th October 2016

Ward: East Finchley

Expiry 29th November 2016

Applicant: Mr Harpal Bhohi

Proposal: Submission of details of condition 3 (Materials) 4 (Levels) 5 (Refuse) 10 (Construction Management Plan) 12 (Landscaping) 15 (Desktop Study) pursuant to planning permission F/04986/13 dated 06/01/14

AGENDA ITEM 12

Recommendation: Approve

Informative(s):

1 The plans/information accompanying this application are:

- Document Material detailing the materials to be used: Roof tiles by SSQ del Carmen, Exclusive natural Slate Gray Color: Bricks—London Weathered Reclaim Stock Brick supply by Travis Perkins; UPVC Door and windows, colour white; Velux roof light
- Drawing No. 13/2769/12
- Drawing No. 13/2769/1C
- Drawing No. 13/2769/11A
- Drawing No. 13/2769/12
- Construction Management Plan, from Micro Development LTD.
- Phase I Desk Study Report. Ref: 16-08-10a Revision O, dated September 2016, prepared by Demeter Environmental Ltd.
- Phase I Desk Study Report. 16-08-10b Revision O, dated October 2016, prepared by Demeter Environmental Ltd.
- Consignment Note from Cohart Asbestos Disposal, date 03.09.2016
- Water efficiency calculation from Energist, dated 24.05.2016.
- SAP Input form Energist dated 24.05.2016
- Predicted Energy Assessment, dated 19.05.2016
- Map from Demeter Environmental, map date 1865; date 1935-1936; date 1958-1962; date 1980

- Document 1. Geology from Groundsure. Report Reference: EMS-383014_512665
- Document 3. Landfill and Other Waste Sites Map from Groundsure. Report Reference: EMS-383014_512666

Officer's Assessment

1. Policy Context

- London Plan (2016), policy 6.13
- Relevant Development Plan Policies:
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1 and CD13
 - Relevant Development Management DPD (2012): Policies DM01, DM02 and DM04
 - Residential Design Guidance SPD (2013)
 - Sustainable Design and Construction SPD (2013)

2. Relevant Site History

Reference: 16/4107/S73

Address: 37 Leslie Road, London, N2 8BN

Decision: Withdrawn

Decision Date: 20 September 2016

Description: Removal of Condition 16 (Code for sustainable homes) to planning permission F/04986/13 for "Demolition of existing garages followed by construction of a two storey building with rooms in the roof space to facilitate the creation of a 26sqm ground floor storage unit and 1 studio flat to the upper floors" dated 06/01/2014

Reference: F/04986/13

Address: 37 Leslie Road, London, N2 8BN

Decision: Approved subject to conditions

Decision Date: 6 January 2014

Description: Demolition of existing garages followed by construction of a two storey building with rooms in the roof space to facilitate the creation of a 26sqm ground floor storage unit and 1 studio flat to the upper floors.

3. Consultation

Applications for approval of conditions are not subject to neighbour consultation. As part of the original planning application F/04986/13 dated 06.01.2014, consultation letters were sent to 67 neighbouring properties. One response was received, comprising 1 letter of objection.

Environmental Health and Highways Departments were consulted as part of the assessment of this application and subject to their comments and recommendations, the information submitted was amended and further information was submitted.

4. Assessment of proposal

This application has been referred to the committee by Councillor Mittra.

The conditions were attached to planning application F/04986/13 for "Demolition of existing garages followed by construction of a two storey building with rooms in the roof space to facilitate the creation of a 26sqm ground floor storage unit and 1 studio flat to the upper floors.", dated 06.01.2014.

The main considerations are whether or not enough information has been submitted to discharge this condition and whether or not this information is acceptable. It is necessary for a judgement to be made by the decision maker with regard to this issue in each case.

Condition 3 (Materials)

"Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011."

To support this application the following information has been submitted:

- Document Material detailing the materials to be used: Roof tiles by SSQ del Carmen, Exclusive natural Slate Gray Color: Bricks—London Weathered Reclaim Stock Brick supply by Travis Perkins; UPVC Door and windows, colour white; Velux roof light
- Drawing No. 13/2769/12
- Drawing No. 13/2769/1C

The area is residential characterized by rows of two storeys terraced houses. The site is located to the southern side of Leslie Road and most of the properties present brick works to the front and pitched tile roofs. The materials proposed can be seen in many of the neighbouring properties, some of the them having similar colour and typology of bricks. Even though most of the properties have a terracotta tile colour, some of them have undertaken repairs of roof extensions resulting in the use of grey tiles. The use of white windows and doors can be seen in all the surrounding properties. As such, the details are considerable acceptable.

Condition 4 (Levels)

"Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011."

To support this application the following information has been submitted:

- Drawing No. 13/2769/1C
- Drawing No. 13/2769/11A
- Drawing No. 13/2769/12

The site property and the adjoining properties do not present a significant difference of level between the internal floor levels and the footpath. Most of the surrounding properties have between one or three steps to reach the level of the footpath. A drawing showing all the levels on the site and the surrounding area have been submitted and the proposal will not include any significant difference level.

It is noted that previous drawings submitted under this application proposed a difference of more than 1 metre with a staircase to the front which was considered unacceptable and therefore it was amended. The amended drawings indicate the finished floor level will be +90.4 and the level of the site facing the footpath will be + 89.94 metres which will imply a difference of level of 0.46 metres. Therefore the details submitted to discharge this condition are considered acceptable.

Condition 5 (Refuse)

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

Reason:

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

To support this application the following information has been submitted:

- Drawing No.13/2769/11A

The drawings submitted show the bin and recycle store will be located to the front of the property to allocate 1x240L refuse bin and 1x240L recycle bin. The storage enclosure will be 1.5 metre in width, 1 metre in depth and 1.2 metres in height in timber material. The design, location and number of bins proposed follow the recommendations of Barnet Residential Design Guidance and the documents "Provision of Household Waste and Recycling Service", therefore the details submitted are considered acceptable.

Condition 10 (Construction Management Plan)

"No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012)."

To support this application the following information has been submitted:

- Construction Management Plan, from Micro Development LTD.
- Drawing No. 13/2769/11A

Following discussions with Highways and Environmental Health, the proposal and the documents have been revised to include additional information regarding control of dust, noise and vibration, hours of working, vehicle washing, vehicle routes, etc. The amended documents and drawings are considered acceptable.

Condition 12 (Landscaping)

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012)."

To support this application the following information has been submitted:

- Drawing No. 13/2769/11A

The proposal involves grass in all the remaining garden space to the rear. The front garden will be surrounding with laurel hedges similar to most of the other properties in the street and therefore it is considered that this will not be out of keeping with the character of the area. The existing trees to the front do not have any tree preservation order and it is considered they are not of significant amenity value. These trees will be removed as part of the development which is considered acceptable. The details submitted to discharge this condition are considered acceptable.

Condition 15 (Contaminated Land and Desktop Study)

"Part 1

Before development commences other than for investigative work:

A desktop study 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 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.

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.

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

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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011."

To support this application the following information has been submitted:

- Phase I Desk Study Report. Ref: 16-08-10a Revision O, dated September 2016, prepared by Demeter Environmental Ltd.
- Phase I Desk Study Report. 16-08-10b Revision O, dated October 2016, prepared by Demeter Environmental Ltd.
- Consignment Note from Cohart Asbestos Disposal, date 03.09.2016
- Water efficiency calculation from Energist, dated 24.05.2016.
- SAP Input form Energist dated 24.05.2016
- Predicted Energy Assessment, dated 19.05.2016
- Map from Demeter Environmental, map date 1865; date 1935-1936; date 1958-1962; date 1980
- Document 1. Geology from Groundsure. Report Reference: EMS-383014_512665
- Document 3. Landfill and Other Waste Sites Map from Groundsure. Report Reference: EMS-383014_512666

The Environmental Health department was consulted and they considered the information submitted is acceptable. Therefore this condition is recommended for approval.

5. Response to Public Consultation

None.

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

It is considered that adequate information has been submitted to satisfy the conditions imposed on the original planning permission.



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Location **37 Moss Hall Grove North Finchley London N12 8PE**

Reference: **16/2845/FUL**

Received: 28th April 2016

Accepted: 3rd May 2016

Ward: West Finchley

Expiry 28th June 2016

Applicant: Mr William Zuckerman

Proposal: Demolition of existing outbuildings and erection of a part single, part two storey, part three-storey building to provide a new day nursery including single storey side extension with terrace at first floor level to existing two-storey building and landscaping

AGENDA ITEM 13

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. 3. Travel Plan Monitoring £5,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. As part of the Travel Plan, Section 106 Contract of Employment Clause
That all employees who will travel to the nursery by car will be required to park at least 400m away from the application site and use either passenger transport or walking to access the site as a condition of employment. Details of registration will be submitted to the Council on request.

5. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

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:

Construction Management Plan; Woodland Management Plan; Landscape Management Plan; Design and access statement; Health and Safety Assessment; Transport Statement (TPA); Transport Assessment (TPA)' Transport Assessment Update Note (TPA); Arboricultural Impact Assessment (Landmark); AIA -Site Layout; AIA - first floor; AIA - second floor; Constraints Plan; Tree Protection Plan; Planting Plan; 253(08)121; Site investigation (arbtech); Arboricultural Method Statement (Landmark); Foundations plan; Foundation Section; 2237(08)V01 View 1 Moss Hall Grove; 2237(08)V02 View 2 Nether Street revA; 2253(08)110 rev F Proposed Ground Floor Plan; 2253(08)111 rev D Proposed First Floor Plan; 2253(08)112 revD Proposed Second Floor Plan; 2253(08)113 rev B Proposed Roof Plan; 2253(08)120 revB Proposed Elevations and Sections Small; 2253(08)121 rev A Proposed Sub Station Section; 2253(08)200 rev - Proposed Green Space Diagram; 16028 500 P4 Sections; 16028 502 Services Overlay Plan; 16028 Building Excavation Depths P3; 16028 External Construction Details - Permeable Paving Section; DLP_TFP_AMS_03a; 2253(08)001; 2253(08)002; 2253(08)010; 2253(08)012; 2253(08)020;

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

5 a) No development other than demolition works shall take place until a scheme indicating the provision to be made for disabled people to gain access to the development has been submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under this condition shall be implemented in its entirety before the first occupation of the development or commencement of the use and retained as such thereafter.

Reason: To ensure adequate access levels within the development in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policy 7.2 of the London Plan 2015.

6 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

7 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

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

8 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).

9 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.

10 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

11 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.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

12 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

13 a) The non-residential development is required to meet a level of Very Good for BREEAM (Education)

b) Before the development is commenced, the development shall submit the pre-commencement certification of the relevant BREEAM standard document.

c) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

14 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

15 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).

16 Prior to the first occupation of the proposed development hereby approved, details of the proposed servicing and delivery management strategy shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with this approved strategy.

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

17 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 Class B of Part 15 of Schedule 2 of that Order shall be carried out within the area of the site 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).

18 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

19 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

20 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

21 No development or site works shall take place on site until a 'Demolition and construction method statement for the existing substation ' has been submitted to and approved in writing by the Local Planning Authority.

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

22 Before the development hereby permitted is occupied, 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.

23 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).

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at

least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

25 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of occupiers are 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, and Policy 5.3 of the London Plan 2015.

26 At no time shall the total number of children of the nursery hereby approved exceed 104

Reason:

To ensure that the proposed development does not exceed the parameters assessed under this application or prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies from the London Plan, CS1 and CS5 of the Core Strategy (Adopted) September 2012 and DM01, DM04 and DM17 of the of Development Management Policies (Adopted) September 2012.

27 The nursery play space to the north of the site, hereby permitted shall only be occupied or in use between the hours of 7.30am and 7.00pm on a Monday, Tuesday, Wednesday, Thursday or Friday only.

Reason:

To protect the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Development Management Policies (Adopted) September 2012.

28 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the development hereby approved a scheme of measures that the development will incorporate to achieve the standards necessary for a proposal of this nature to achieve accreditation under the national Police initiative 'Secured By Design New Schools 2014' shall have been submitted to the Local Planning Authority and approved in writing (in consultation with the Metropolitan Police). The development shall be implemented in full accordance with the scheme of measure approved under this condition prior to its occupation.

Reason:

To ensure that the development has a suitable design in respect of safety and security and to accord with policies DM01 and DM02 of the Barnet Local Plan.

29 The nursery operator will maintain a schedule of employee car registrations for disclosure to the Local Planning Authority within 2 working days of any such request.

Reason: Pursuant to the provisions of the Nursery Travel Plan and in the interests of highway safety.

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/12/2016, unless otherwise agreed in writing, the SInterim Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The absence of the measures proposed arising from the development would result in a harmful impact on the safety and effectiveness of the highway and undue parking stress in a locality which already suffers from high vehicle borne trip generation. The proposed development would therefore be contrary to policy DM17 of the Adopted Barnet Local Plan, Development Management Policies 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 Informative: If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Informative: Section of Nether Street between Ballards Lane to Dollis Road is part of Traffic Sensitive Route from 8.00am-9.30am and 4.30pm-6.30pm Monday-Saturday.

Informative: For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

Informative: Any alteration if required to the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under S184 or S278 of the Highways Act 1980. Reinstatement of any redundant crossovers, removal or relocation of any existing street furniture or alteration to road markings would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works. You may obtain an estimate for this work from the Crossover Team in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Officer's Assessment

Officer's Assessment

1. Site Description

The site consists of a small area of land at the corner of Nether Street and Moss Hall Grove a short distance to the north of West Finchley Underground station. The wider area bounded by the railway line, Nether Street and Moss Hall Grove is characterised by educational uses and there appear to be two functioning schools on the site. The specific applications site also appears to have an educational use in its last lawful use and consists of a storage building, a car port style covered area, a small play area, hard landscaping and a two storey brick building. Uses on the other side of the road to the north and west are residential with variable heights, styles and ages. The site is not located in a conservation area and does not consist of listed buildings or locally listed buildings. There are no listed buildings which would be affected by the proposals in close proximity. The site and the surroundings in general are characterised by mature trees which form an important contribution to the landscape and streetscene character. There is a group designation within the site and individual designations for two trees which have been outlined above and pose significant constraints for the site.

2. Site History

Reference: F/02061/08

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Refused

Decision Date: 14 August 2008

Description: Removal of existing outdoor classroom and existing outdoor store, replacement and increase in area of existing outdoor classroom.

Reference: F/03877/08

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Refused

Decision Date: 27 November 2008

Description: Removal of existing outdoor classroom and store and erection of replacement classroom.

Reference: F/03626/09

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Approved subject to conditions

Decision Date: 21 December 2009

Description: Removal of existing outdoor classrooms & existing outdoor stores, retention of existing outdoor classroom.

Reference: C12015D/04

Address: Alma Primary School, 37 Moss Hall Grove, London, N12 8PE

Decision: Approved subject to conditions

Decision Date: 25 November 2004

Description: Demolition and replacement of a single storey classroom unit to the north of site.

Reference: 15/07333/FUL

Address: 37 Moss Hall Grove, London, N12 8PE

Decision: Withdrawn

Decision Date: 16 March 2016

Description: Demolition of single storey building and erection of two storey building with basement level. Single storey side extension to existing 2 storey building including 6 no. rooflights for use as a nursery school.

This application was withdrawn under the instruction of the applicant, prior to a decision being made. The application was recommended for refusal on the basis that the proposed development would harm trees which are subject to a Tree Preservation Order and would be harmful to the effectiveness and safety of the highway.

3. Proposal

Planning permission is sought for the erection of a three storey building on the site for use as a nursery for 104 children. This constitutes a reduction from 124 children as originally planned within the planning application. The anticipated staff numbers on the site are approximately 30 - 35.

The nursery would comprise a floor area of 596sqm based on an overall footprint of 359sq.m on a site of 770sq.m.

The building has a maximum height of 10.14m above the lowest ground level close to the junction with Moss Hall Grove and Nether Street. The building is 12.45m deep from the Nether Street frontage and 24m along the Nether Street frontage to the site. The scheme will also utilise the existing two storey building at the northwestern corner of the site. The building will be set back 3.5m back from the site boundary and set back 1.5m at ground floor level.

The building would be predominantly constructed from brick facades with timber used within facades to provide a softer appearance to respect the context. Green roofs will be used on the ground floor roofs. Windows would be constructed from aluminium. A number of play areas will be provided at both ground floor and elevated levels.

The proposed development would result in the loss of no trees within the site, although there would be some modifications to existing tree canopies within the site in accordance with good practice for tree maintenance. In addition, the development would also be carried out to ensure that existing root protection areas are also maintained through construction, the digging of foundations and the subsequent operation. Furthermore, the scheme will see an increase in on site surface permeability from 20% to 47% due to the removal of areas of hardstanding and its replacement with soft landscaping.

The nursery would operate from 0700 - 1900 which is longer than any other nursery premises in Barnet. There would not be any parking on the site. Staff would be prevented from parking on the highway network within a 400m radius of the site which would be an obligation of the contract of employment. The transport statement indicates that vehicular movements generated by this proposed development would be very limited and would not add to perceived and actual congestion around this site. Unlike the adjoining schools, the arrival (start) and pick up (finishing) times are more stretched out and flexible and run from 0700 - 0930 and 1630 - 1900.

4. Public Consultation

There have been two periods of consultation concerning this planning application. The first period took place at the commencement of the application in May 2016 for a period of 4 weeks. This was followed by a second period of consultation that took place for a period of two weeks in November 2016.

Consultation letters were sent to 45 neighbouring properties.

141 responses have been received, comprising 138 letters of objection, 1 letters of support and 2 letters of comment.

The objections received can be summarised as follows:

The scheme will cause chaos on local roads

The building would ruin the character of the area

Driving around the area particularly at the junction of Moss Hall Grove and Nether Street is difficult

The scheme would cause a deterioration of air quality.

No parking would be provided for staff.

Parking in Courthouse Road and Courthouse Gardens would be problematic

The trip generation expectations are unrealistic.

Parking would become impossible for local residents

It is unrealistic to expect that parents would walk with their children.

People park over driveways and in no parking areas.

Local roads are too narrow to accommodate the additional car parking and trip generation.

There should be a Controlled Parking Zone in the area.

The proposal would also be dangerous for pedestrians and cyclists particularly on the pavements and at crossings.

Mature trees should not be removed.

The scheme would proposed to use terraces which would have an impact on residential amenity for local residents.

There are already three nurseries within three miles.

Such a large development should be well away from a dense housing area as Wewst Finchley now is.

The building is too high.

Impact on nature and wildlife in the area.

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, CS10, CS11, CS12,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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.

5.3 Assessment of proposals

Land use

A proposal for the development of this corner of the site for the further intensification of education facilities would be supported by the land use policies of the Core Strategy and the Development Management Plan Local Plan policies DPD. Policy DM13 supports the provision of new educational facilities however, these should be located close to transport or within town centres. The scheme is within a short walking distance from West Finchley underground station and there are bus routes within the locality. However, given the age range of proposed attendees to the site, it is considered that such facilities should be located at the heart of the residential communities that they serve and given that the facility is to be located on an existing education site, it is considered that the proposal would satisfy the requirement on policy grounds. The Core Strategy at policy CS10 outwardly supports the provision of educational facilities and also states that the Council will work to enable the development of free schools or other parent enabled schools. It is considered that the development would satisfy this particular requirement.

It is noted that some objectors raise the issue of need in relation to the suitability of a nursery on this site. The nearest nursery previously operated by the applicant (Active Learning, West Finchley) is full with a waiting list. The nearest nursery to the site at Moss Hall has a capacity of 78 but has 156 on roll. The current unmet need is a material

planning consideration where it can be demonstrated by the, Education Strategy for Barnet 2013 - 2014/2015 - 2016. Page 28 of this document sets out how the Council will seek to secure sufficient high quality provision and widen local opportunity. It states that the Borough is witnessing a significant growth in the number of children and young people living in Barnet and this is projected to continue rising until at least 2020.

The document states that the delivery of effective early years education, [...] requires a sufficient supply of high quality settings that can meet the diverse needs of Barnet's children located where it meets the needs of parents and their families.

On this basis it is considered that the proposed development would be acceptable on land use ground, compliant with policy DM10 of the Development Management Policies DPD.

Design and appearance

In isolation from the arboricultural issues which are addressed below, the character and appearance of the proposed development and its impact on the character of the area and the streetscene require assessment.

Moss Hall Grove on its northern side and Nether Street on the western side consists of substantial development of variable height, design and style. Trees form part an important part of the local character within Moss Hall Grove and Nether Street as does the large scale campus development comprising the schools in the area.

The existing site includes a number of buildings which make a varying contribution to the character and appearance of the area. These include a brick built two storey building, a prefabricated building, ancillary structures and a substation. The scheme proposes the removal of all the buildings with the exception of the original two storey building. It is considered that this would be of benefit to the character and appearance of the streetscene. The proposed development would also involve a significant improvement to landscaping within the site by way of a large reduction in the extent of the impermeable surface.

Nevertheless, the proposed development would result in the introduction of a new building into the site which would be considered to have a positive visual impact within the streetscene. The proposed development would be arranged over three storeys and would have a long linear footprint along the Nether Street frontage, however, the proposed development would be set further away from the Nether Street frontage than the current structures in place. The building is set 5.6m back from the pavement edge in Moss Hall Grove which allows for existing (and retained) trees to screen much of the building from view from within the street. The ground floor part of the building forms the significant part of the footprint with the first and second floor elements forming much smaller sections. The first floor is set back almost 8m from the pavement edge in Moss Hall Grove and over 3m from the pavement edge in Nether Street. These would be inset from the edge of the ground floor element too to make the upper elements subordinate and discreet within their context. The application proposes that the development will use materials such as brick which will respond to the predominant material used in buildings around the area as well as timber that will demonstrate a softer visual impact beyond the site. The proposed development is contemporary in its appearance and form but its size, scale and massing would not be overbearing within its context.

The proposed development also seeks the extension to the existing two storey detached building at the southern end of the site. This single storey extension would run along the

side boundary with Moss Hall Nursery School and given its juxtaposition with the side boundary and retained trees, it is considered that the proposed development would be acceptable given its very limited visual impact and its subordinate relationship with the original building.

Arboriculture and tree protection

The site is constrained by existing Tree Preservation Orders which are in place on the site. The Order pertains to a group of 5 trees on the northern boundary with Moss Hall Grove and two individual trees to the south. These contribute to the wider landscape character that is evident within the streetscene. These are substantial trees which are positive contributors to the landscape and their retention and protection is in the public interest. It is noted that one Ash tree was permitted for felling in 2008 on the grounds that it was suffering from substantial defects that would cause the tree to likely fall down with damaging impact. The trees within the site were described (within the report for application TPO/00616/10/F) as contributing significantly to the character and appearance of the urban area. They help to screen the buildings and soften the appearance of buildings within a densely developed area. It is considered that these have special amenity value. In association with the above application in 2010, permission was given for the modification, lifting and clearance works to the existing trees with no removal. The tree modification principles given in the above application report were that all the trees within the group were subject to previous lifting treatment at an earlier time and that only minor lifting would be necessary and required at this time. The removal of the lower level limb of the Chestnut tree was prevented by way of a condition limiting the diameter of the branches.

This emphasises the importance of these trees and there is a strong presumption against any development that may affect the contribution that these structures make to the local landscape and streetscene character. The buildings do not necessarily require the mitigation measures to overcome development pressures associated with tree growth in the way that residential development does. However, the proposed development including its foundations must be located outside of the established root protection areas and the anticipated tree canopies.

Officers were minded to refuse the previous planning application (15/07333/FUL) on trees grounds. The proposed development was considered to have too harmful an impact on the landscape and amenity value of the trees, there would be too great an intervention into the root protection area and finally, the operation of the proposed development post construction would not give rise to adequate protection for trees retained on the site.

However, since the previous planning application was withdrawn, the applicant has commissioned new arboricultural consultants to carry out a re-evaluation of the arboricultural assets on the site, their contribution to the site and the ability of the development to respond to the constraints that exist. The essential objective is to ensure that the development preserves the contribution that trees subject to TPO protections make to the character of the area.

Starting at the below-ground level, the proposal now removes all basement excavations from the scheme. These were previously considered to be invasive to comprehensive root protection areas which exist on the site. Secondly, the foundations for the proposed development have been reconsidered and they are also less invasive, with much reduced piling being proposed across the site and certainly located away from RPAs. Given the falling land levels across the site towards the Moss Hall Grove edge of the site, the floorslab of the development is proposed to be elevated over the land level rather than

built in to the slope. Implementation of the proposed development would allow much of the existing hardstanding to be removed and replaced by permeable surfaces. This will constitute a significant increase over and above the current permeable surface area and will permit better filtration for rainwater and other surface water drainage into the soil for the benefit of trees on the site. Finally, the proposed development results in the removal of a substation towards the northern part of the site which the applicant has suggested would be relocated as and when UKPN's service requirements arise. Concern has previously been expressed that if the sub station was relocated to a position adjacent to Nether Street, its reconnection to the utility network may require substantial below ground intervention. Concern exists as to the impact that service runs might have on tree roots.

The construction or alteration of utility equipment and other infrastructure benefits from permitted development rights under Part 17, Class B of the Town and Country Planning General Permitted Development Order (2015). The removal of these permitted development rights by planning condition will ensure that these interventions can be controlled by the local planning authority.

Much of the Council's concerns relating to construction and operational impacts which were raised by the Council in the previous application and also at the early stages of this application, have now been overcome following site visits, meetings and negotiations between the Council and the applicants. Accurate, clear and comprehensive information has been received in relation to Root Protection Area, Canopy Protection zones and the extent to which groundworks might affect these and the Council's Arboricultural Officer has withdrawn their objections to the scheme subject to compliance with a new Tree and Landscape Management Plan.

No trees of significance will be removed by the proposed development. However, a small number of trees will endure minor canopy reduction works which are considered by the Arboricultural Officer not to be harmful to the vitality, health or longevity of these trees.

Nevertheless, the construction of this proposed development is considered to be of significant importance given the constrained location for both arboriculture and highways flow. In order to strike a balance between the two major material impacts, further consideration will be required of the impact of the proposed development on site accommodation, the storage of materials, the placement of scaffold (where required) and all other plant, equipment and structures during the course of development. The existing Construction Management Plan provides information in this regard, but further information can be provided.

A tree and landscape management plan should also be provided to ensure that the proposed development enhances the contribution that existing planting makes to the character and appearance of the area.

The arboricultural officer retains some concerns (which can be resolved by condition) the construction techniques will reduce the risk of roof and canopy damage to the trees included in the Tree Preservation Order with pruning being very similar to that undertaken previously by the Council. The amenity value generated by trees and the Tree Preservation Order in this location would not be detrimentally affected if the development is carried out in accordance with the precautions set out in submitted and revised application documents and those which are to be sought for submission and approval through planning condition. These include documents pertaining to services, tree protection and method statement, landscape details implementation and maintenance.

Amenity

Given the proposed use of the site it is considered that there would not be a significant material impact on residential amenity of the residents in Moss Hall Grove or Nether Street.

Highways and transportation

The site is located at the junction of Nether Street and Moss Hall Grove. It is a short distance from West Finchley underground station on Northern Line and is located in PTAL 3 zone. There is no car parking currently on the site within the red site line. The site is not located in a Controlled Parking Zone, however, on street parking is heavily restricted in streets around the site and the adjoining schools.

Although there is some vehicular access into the site, the proposed development would be car free. No parking would be made available within the curtilage of the site and as such, all staff and parents would have to stop on street.

Objections to the application on highways grounds form the most significant material consideration arising from the statutory consultation period. Moss Hall Grove and Nether Street suffer considerably from the impact of parents arriving at the complex of schools in the area. This causes a significant reduction in highway flow with vehicles stopping off either on the street or the pavement.

The proposed child intake has been reduced to 104 partly to reduce the building's impact on the trees and also to reduce the travel impact of the proposed development. The proposed development takes account of the existing highways conditions in Moss Hall Grove and Nether Street and the applicants have been able to demonstrate that the proposed development would not have a detrimental impact on highway safety and flow.

Starting with the impact of staff parking associated with the development, the proposed development would provide employment for up to 35 members of staff on the site. The site is well connected to local public transport with the High Road and West Finchley underground station a short distance away. This is borne out by the PTAL 4 rating for the site which is deemed to be good and is a tool to reduce car borne journeys to work and instead maximise opportunities generated by the sustainable location.

The applicant has advised that the cost of living in the area and the rates of pay for nursery staff to some extent causes the costs of car ownership to be prohibitive for employees and to some extent this is evidence that is available at nurseries that the applicant owns. However, the applicant acknowledges that car usage and parking demand cannot be eliminated entirely and in the absence of a controlled parking zone designation, an alternative measure has been proposed which forms part of an overall travel plan set of measures.

In this case, the applicant has proposed that the contract of employment to all staff of the nursery would contain a condition that states that no employee would park within 800m of the nursery. Transport for London have defined that this is the reasonable walkable distance. This radius is considered sufficient to displace the parking impact of the proposed development away from the immediate locality of the nursery. This will enable the staff car parking demand to take place in a manner and location which would not affect the parking in the area immediately around the school. This condition will be secured through a Section 106 legal agreement with exceptions in place in relation to anti -

discrimination legislation concerning disability access and personal security. This method of securing this restriction through a Section 106 legal agreement has past precedent. This has been previously used for another scheme in London. On this basis, it is considered that the obligation meets the tests of the NPPG and would be enforceable.

A Travel Plan would also be secured through this planning application to secure wider benefits. There are other tools that are open to the Local Authority, in this respect, such as designating a Controlled Parking Zone in the wider area. However, in light of this application, there is no reasonable prospect of likelihood that this might come forward within an appropriate time frame. Nevertheless, it is considered that the proposed development would be acceptable in respect of the management of staff parking associated with this development.

Of greater concern to objectors is the impact that the proposed development would have on the highway arising from the daily drop off and pick up of children attending this proposed nursery. This must be assessed in the context of the existing schools. The eastern boundary of the site abuts Moss Hall Infant and Junior School which accommodates 840 pupils. The site boundary abuts Moss Hall Nursery which operates two forms for up to 78 children. Moss Hall Nursery is accessed from Nether Street while the Primary and Junior School is accessible from either Nether Street or Essex Park. The application site for this scheme was previously occupied by a small Primary School and there was previously approved capacity on site for up to 60 pupils and there is therefore a reasonable fall back position which can be relied upon.

The likely arrival and departure profile for the proposed nursery is based on a similar scheme in West Hampstead. This nursery sees the most significant movements in the morning between 0800 - 0815 and also from 0900 - 1000. This is outside of the principal arrival times for the neighbouring schools. In addition, given that the nursery is located further from Central London, than West Hampstead, it is anticipated that it is more likely for the proposed development to generate drop off movements earlier in the day than would be the case for a more centrally located site. As such, it is suggested that the drop off times would take place earlier in the morning that would be generated by the local schools. This means that there would not necessarily be a conflict between the associated trip movements at schools. Because of this the applicants are able to extrapolate the car trips that would be generated by the nursery and the time of day that they would take place. The figures that have been provided indicate the additional trip generation growth over and above the use anticipated by the previous planning permission.

The proposed trip generation for the originally intended 120 children would have resulted in 14 cars in the area between 0800 - 0900, with 8 of these between 0800 and 0815. Were the 60 place school use lawfully recommenced, the use would generate trip demand during the key time of 0830 and 0900 of eight movements. The applicants have demonstrated that the nursery school would have a trip demand of just 5. Therefore the proposed development would have a lesser impact than the existing lawful use, were it to be recommenced. It is not considered that the site has been abandoned to a nil use and that the land use comparisons for lawfulness are appropriate.

Nursery schools are not always a programme of five day attendance and it is often the case that children will attend some days of the week rather than daily. Based on similar nurseries elsewhere, it can be demonstrated that daily attendance at the nursery might be 68% of places. This means that for this proposed nursery the possible daily attendance might be around 70 children rather than the 104 that the proposed capacity might indicate.

This would be just 10 more children than the number previously in attendance on site for the previous use on the site.

A travel plan will be sought, secured and monitored through the planning application and the use would operate in accordance with this Travel Plan to identify measures to reduce the impact that the proposed development might have on local highway network. The proposal has been assessed and evaluated by the highways officer who has considered that the proposed development would be acceptable on three grounds: that staff parking can be managed so that it does not impede the highway immediately around the school; that there is an existing lawful use on the site that identified a baseline traffic generation which would not be exceeded by this proposal and that the main bulk of highways movements will take place before the main vehicular movements associated with the AM peak and after the movements after the PM peak.

Sustainability

The proposed development would improve surface level permeability within the site, increasing substantially, the area of space dedicated to permeable surfaces as opposed to the currently predominantly hard landscaped area. Therefore, in respect of surface water drainage, filtration would be effective. However the applicant would be willing to entertain alternative methods including rainwater harvesting. A condition would be imposed to secure a surface water/drainage strategy.

In respect of water consumption, the applicant is content to limit water consumption and supply within the site as appropriate subject to a relevant condition in this regard.

The applicant has yet to provide or prepare an energy strategy which would demonstrate the ability of the scheme to make significant reductions to Co2 emissions. Nevertheless, the application should accord with DM04 and the requirements of the Sustainable Design and Construction SPD (2016) to accord with the requirement of BREEAM (Education) at a level of Very Good. A condition will be imposed in this regard and a pre- commencement and post completion certification will be sought through this condition process.

Planning obligations

The application shall secure a Travel Plan with a contribution towards the monitoring of this at a sum of £5,000.

a. S.106 Employment Contract Clause

"The Local Planning Authority ("Barnet Council") advise that vehicular use in the vicinity of the nursery should be limited in the interests of highway and child safety. All employees of the nursery should not park private vehicles (for commuting purposes) within 400metres of the nursery. Employees are encouraged to either walk or use public transport for the purposes of daily commuting to the nursery in accordance with the provisions of the Nursery Travel Plan. Failure to observe this requirement may result in formal disciplinary action. Exceptions to this general rule shall be applied in appropriate circumstances. Employee car ownership and registration will be declared and provided to the nursery and in accordance with the provisions of the Nursery Travel Plan. If you are unable to walk or use public transport you must inform your employer immediately."

This will also be accompanied by the following provisions in the Nursery Travel Plan which will be rehearsed in the Employee Handbook:

b. Suggested Condition

1. The nursery operator will maintain a schedule of employee car registrations for disclosure to the Local Planning Authority within 2 working days of any such request.

Reason: Pursuant to the provisions of the Nursery Travel Plan and in the interests of highway safety.

c. Provisions of the Nursery Travel Plan

Car usage and parking

London Preschool Ltd employees are discouraged from use of private cars and this is formalised within all contracts of employment. Car parking space in the vicinity of the nursery is limited and restrictions apply.

London Preschool Ltd operates a compulsory car registration scheme for employee cars. Any employee who owns a motor vehicle, is contractually required to register the motor vehicle. Failure to register a motor vehicle may lead to penalties being imposed under the school's disciplinary procedures.

The Local Authority has banned parking within 400m of the school unless the employee is a resident in one of those houses. You may be liable to disciplinary action if you ignore these restrictions.

No employee may bring a motor vehicle within 400m of the nursery without first having guaranteed that an off-street parking space is available.

Important Note:

Employee vehicle registration data as outlined above will be used by the nursery for the following purposes:

o For the investigation of employee discipline offences, and specifically to ensure that employees do not park illegally in the residential areas within a 400m threshold of the nursery.

o To assist the nursery and Barnet Council in the enforcement of the section 106 'no employee car agreement' which apply to employee commuting restrictions.

Conclusion

The key point for Members to appreciate is that the effect of the s.106 clause is to ensure that employees are made aware of their responsibilities to the School, and there is a legal context to embark on justified disciplinary proceedings in the event that a breach were to be identified.

a. The effect of the clause is to discourage such use.

b. The effect of the condition is to enable meaningful monitoring where the local planning authority are presented with evidence of a potential breach.

c. The effect of the Travel Plan conditions is to ensure that the nursery as an employer has set out the responsibilities of employees

5.4 Response to Public Consultation

The application has been supported by a robust transport and parking justification which has been assessed by the Council's highways officers. The application provides for a maximum of 104 pupils. These pupils will not necessarily attend the site daily and it is estimated that the actual attendance on any given day would be approximately 70. This is

a small number over and above the last operational school use attendance on the site which was 60.

The proposed development would attract a significant proportion of its trips as car borne trips. However, these would only equate to approximately 60% of trips. Nevertheless, the vehicle movements would predominantly take place before 8.15 rather than during the main peak associated with the schools after 8.30. In addition, the scheme would generate the majority of evening peak movements after 6.00pm.

Given the pre-existing education use on the site for 60 pupils, the trip generation likely to arise from that form of premises which could be re-instituted, would be similar or less than that associated with this previous school use. Therefore, it is considered that the proposed development would not individually have a material impact on the established lawful position in this area.

In respect of the impact on arboriculture, the proposed development is considered to have an acceptable co-existence with the trees on the site. The proposed development has been reduced in size, its physical extent has been reduced and the method of its construction has been significantly reduced to ensure that no trees will be lost and no trees will be harmfully impacted by the existence of this building.

The proposed development would be contemporary in style and appearance but would respond to the levels within the site, would not be larger than existing buildings and would be well shielded by landscaping.

The need for additional nursery space has been established. There are waiting lists for nurseries in the area and opportunities for strategic growth in nurseries have been identified.

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.

