

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 19TH JULY, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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

Councillors

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

Alison Cornelius Laurie Williams Kathy Levine
Tim Roberts Reema Patel

Substitute Members

Philip Cohen Caroline Stock Paul Edwards
David Longstaff Pauline Coakley Webb Sachin Rajput
Andreas Ioannidis

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

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES OF LAST MEETING	5 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	REPORT OF THE MONITORING OFFICER (IF ANY)	
5.	ADDENDUM (IF APPLICABLE)	
6.	PLANNING ENFORCEMENT QUARTERLY UPDATE - APRIL 2017 TO JUNE 2017	11 - 18
7.	SITE EAST OF 23 FORMERLY KNOWN AS 25 OAKLEIGH ROAD NORTH LONDON N20 (OAKLEIGH WARD)	19 - 36
8.	21 RASPER ROAD LONDON N20 (TOTTERIDGE WARD)	37 - 46
9.	TENFOLD WOODSIDE GRANGE ROAD LONDON N12 (TOTTERIDGE WARD)	47 - 70
10.	WHITEWALLS TOTTERIDGE GREEN LONDON N20 (TOTTERIDGE WARD)	71 - 88
11.	37 PARK ROAD BARNET EN5 (HIGH BARNET WARD)	89 - 94
12.	HADLEY GREEN GARAGE VICTORS WAY BARNET EN5 (HIGH BARNET WARD)	95 - 106
13.	89 PARK ROAD BARNET EN4 (EAST BARNET WARD)	107 - 124
14.	63A UNION STREET BARNET EN5 (HIGH BARNET WARD)	125 - 140
15.	ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	

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Decisions of the Chipping Barnet Area Planning Committee

14 June 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Alison Cornelius
Councillor Tim Roberts

Councillor Laurie Williams
Councillor Kathy Levine

Apologies for Absence

Councillor Reema Patel

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 9 May 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Patel sent her apologies.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. 67 LEICESTER ROAD BARNET EN5 5EL (HIGH BARNET)

The Committee received the report.

Councillor Alison Cornelius arrived late for this item so was unable to partake or vote.

Representations were heard from Mr Shipton and the applicant's agent.

A vote was taken on approving the application:

For (approval)	2
Against (approval)	3

Abstained	0
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Councillor Williams, seconded by Councillor Levine moved that the application be **REFUSED** for the following reasons:

1. The proposed development by reason of its size, siting, width, plot coverage and proximity to adjoining boundaries would result in a terracing effect which would be detrimental to local character and pattern of surrounding buildings on Leicester Road, contrary to Policy 3.5 of the London Plan (MALP) 2016, Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Residential Design Guidance SPD (2016).

2. The proposed development by reason of its size, siting, width, proximity to adjoining boundaries and its forward projection beyond no.65 Leicester Road, would result in loss of light to the flank windows of no.65 Leicester Road, to the detriment of the visual and residential amenities of the occupiers of this property. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Residential Design Guidance SPD (2016).

A vote was taken on Councillor William’s motion:

For (refusal)	3
Against (refusal)	2
Abstained	0

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

7. 8 POYNINGS WAY LONDON N12 7LP (TOTTERIDGE)

The Committee received the report and noted that Theresa Villiers MP had sent a letter in support of the residents of 3 Poynings Way, opposing the application.

Representations were heard from Sheila Cahn, Elaine Evans, Councillor Stock and the applicant’s agent.

The Committee voted on the recommendation to approve the application:

For (approval)	0
Against (approval)	6
Abstained	0

It was moved by Councillor Cornelius and seconded by Councillor Roberts that the application be **REFUSED** for the following reasons:

1. The proposed development, by reason of its size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous

overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would be detrimental to the character and appearance of the street scene and the wider locality, contrary to Policy 3.5 of the London Plan (MALP) 2016, Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

2. The proposed development, by reason of its size, siting and height would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way, to the detriment of the amenities of the occupants of this neighbouring property. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Residential Design Guidance SPD (2016).

For (refusal)	6
Against (refusal)	0
Abstained	0

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

8. 1277 HIGH ROAD LONDON N20 9HS (TOTTERIDGE)

The Committee received the report.

Representations were heard from Mr Lask, Mr Tarling and the applicant’s agent.

It was moved by Councillor Cornelius and seconded by Councillor Sowerby that the application be approved, subject to the following amendments:

1. **Hours to be amended: The use hereby permitted shall not be open to members of the public before 09:00 or after 01:00 Fridays and Saturdays, or before 09:00 or after 12 midnight Sunday to Thursday and Bank and Public Holidays.
Reason: To safeguard the amenities of occupiers of adjoining residential properties;**
2. **The gate to the yard shall be kept shut at all times and shall only be accessed for emergency purposes only.**

For approval (subject to amendments)	6
Against	0
Abstained	0

RESOLVED that the application be approved, subject to the conditions detailed in the report and subject to the above amendments

9. ASSOCIATES HOUSE 118 EAST BARNET ROAD BARNET EN4 8RE (EAST BARNET)

The Committee received the report and addendum to the report.

Officers drew attention to the additional conditions and informatives and minor changes to the description of the proposed development (post addendum):

Description of development to read:

Erection of a single storey detached office building to the rear of the existing block. Alterations to the ground floor rear fenestration of the existing block to create a new door opening and construction of a rear patio area.

Conditions

1. Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with submitted drawings. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

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

2. No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority. Construction and/ or delivery vehicles should not impede traffic on the public highway and traffic flow on Stonegrove should be maintained during traffic sensitive hours.

Reason:

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

Informatives

1. The applicant is advised that East Barnet Road is a Traffic Sensitive Routes; 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 and the Highways Authority should be consulted in this respect. The applicant must ensure that site and/ or delivery vehicles do not impede traffic on the public highway and that traffic flow on the East Barnet Road is maintained at all times.

2. The applicant is advised that for construction works adjacent or affecting the public highways, the Highways Authority should be contacted for any necessary Highways Licenses or any highway approvals deemed necessary.

3. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

RESOLVED that the application be approved, subject to the conditions detailed in the report subject to the minor changes to the description of development, additional conditions and informatives as listed above.

For	6	
Against	0	
Abstained	0	

10. 3 ATHENAEUM ROAD LONDON N20 9AA (OAKLEIGH)

The Committee received the report.

It was noted that the number of Car Park spaces was 9 and not 8.

A representation was heard from the Applicant's agent.

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

For	6
Against	0
Abstained	0

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

None.

The meeting finished at 9pm

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	<p align="center">Chipping Barnet Planning Committee 19th July 2017</p>
<p align="center">Title</p>	<p align="center">Planning Enforcement Quarterly Update April 2017 to June 2017</p>
<p align="center">Report of</p>	<p>Head of Development Management</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Urgent</p>	<p>No</p>
<p align="center">Key</p>	<p>No</p>
<p align="center">Enclosures</p>	<p>None</p>
<p align="center">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

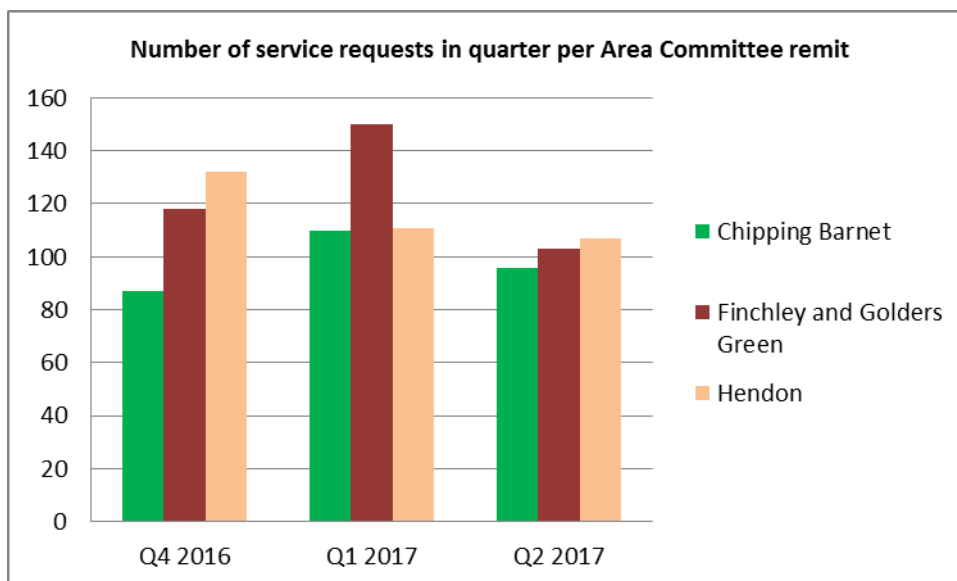
<p>Summary</p>
<p>The report provides an overview of the planning enforcement function in the period between April 2017 and June 2017.</p>

<p>Recommendation</p>
<p>1. That the Committee note the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issued which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of April to June 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.
- 1.3 Number of service requests

In the period between April and June 2017, 306 service requests were received, alleging potential breaches of planning control which is the lowest number of request since the summer (337 in Q4 of 2016 and 371 in Q1 of 2017). As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet			
Ward	Q2 2017	Q1 2017	Q4
Brunswick Park	14	8	17
Coppetts	9	20	12
East Barnet	16	20	8
High Barnet	13	24	14
Oakleigh	13	11	15
Totteridge	18	17	13
Underhill	13	10	8

Finchley and Golders Green			
Ward	Q2 2017	Q1 2017	Q4
Childs Hill	30	47	36
East Finchley	10	7	9
Finchley Church End	12	20	10
Golders Green	17	19	20
Garden Suburb	8	18	11
West Finchley	12	12	13
Woodhouse	14	27	19

Hendon			
Ward	Q2 2017	Q1 2017	Q4
Burnt Oak	13	12	12
Colindale	6	4	8
Edgware	13	17	18
Hale	16	18	15
Hendon	12	26	27
Mill Hill	22	21	25
West Hendon	16	13	27

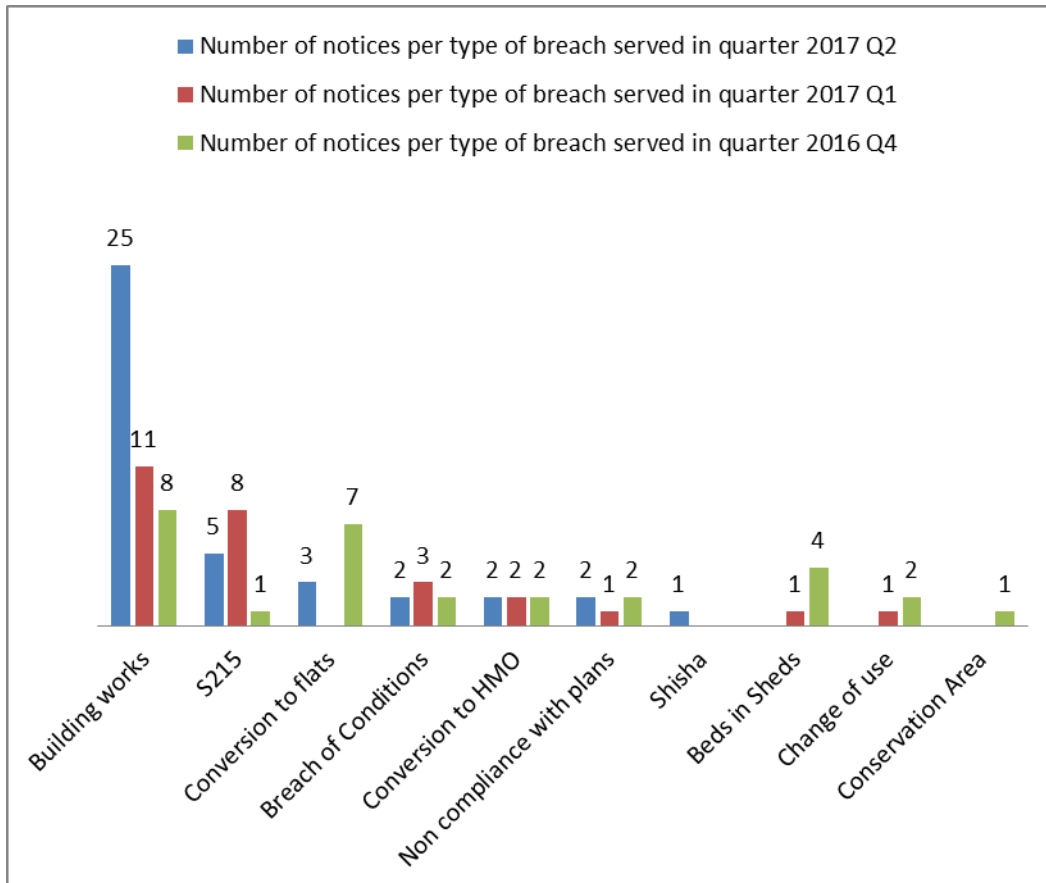
Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the

breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 40 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 30 notices served in the previous quarter. Notices relating to building works continue to constitute the most common type of notices served across the Borough.



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between April and June 2017

	Number of cases closed Q1 2017	Number of cases closed Q1 2017	Number of cases closed Q4 2016
Full compliance following serving of enforcement notice	18	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	82	42	76
Lawful development No breach of planning control was identified following investigation	254	167	130
Breach detected but harm insufficient to justify enforcement action	61	22	51
Total	415	242	276

The number of completed investigations has significantly increased quarter on quarter and this is reflective of the additional capacity in the Planning Enforcement Team as officers are able to review older, less urgent cases and close more cases than are received.

1.6 Direct Action

Between 24 June and 1 July the Council undertook three direct actions. In each occasion land was cleared of waste and overgrowth by Greenspaces contractors appointed by planning officers. It is hoped that these actions will mark the start of an enduring and successful relationship between the two services.

The three initial sites were 6 Gaydon Lane, NW9; 44 Alverstone Avenue, EN4; and land adjacent 2 Birley Road, N20. Although the actions did not go entirely without incident officers are happy with the results of the work.

Where direct action is taken the costs in so-doing can be claimed against the owner of the land. How the debt if enforced is discretionary and can be recouped in a number of ways, the choice of method depending on relevant circumstances.

1.7 Notable cases updates

Finchley and Golders Green

A District judge has determined that the owner of 42 Clifton Gardens, NW11 deceived the council in relation to the use of this property. This is the first type of this case that the Council has pursued and one of the first in the country. The LPA is now able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds of the deception.

The Council has agreed that the landlord of 11 Quantock Gardens, NW2 should be able to sell a property that had previously been the subject of a restraint order in order to fund the £555,954 owed under the Proceeds of Crime Act (POCA). The landlord had previously paid the first instalment of £212,000. The total bill to the landlord once POCA, costs and fine and calculated was approximately £¾ million

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems. The Council is pursuing Proceeds of Crime in relation to each. Convictions have been obtained in respect of the first two cases with a trial for the third scheduled for mid-August.

The Council is pursuing POCA in relation to a property on Hendon Way where the owner failed to attend Court to answer charges put to him. The Act allows public authorities to pursue defendants who are believed to have absconded from justice.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. A judgment is expected in late July / early August.

The High Court injunction case concerning Pentland Close continues. The defendant, who has previously been imprisoned for continuing to store waste and materials at his house, failed/was unable to attend a hearing at the Royal Courts of Justice. The case has been adjourned until early August. The Council is requesting that the defendant serve a further term of imprisonment.

Hendon

Officers have obtained a warrant to force entry into an outbuilding they suspect to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service.

Chipping Barnet

An enforcement notice served in respect of the use of a shop in Lytton Road, EN5 as a gym has been upheld on appeal. The notice had alleged that the noise of the activity and the long hours of operation caused undue noise and disturbance to nearby residents.

Unfortunately appeals were lost by the Council in respect of 'Boyden's Café', Potters Road, EN5 and 'Fairlawn', 11 Capel Road, EN4. In both cases the Council was defending committee decisions that had resulted in enforcement notices being served.

Borough-wide

A further seven recommendations for prosecutions were made to HB public law in June. A key issue relates to the display of large advertisements atop domestic vehicles parked at prominent points on the public highway. The trend for this type of opportunistic advertising appears to be on the rise with incidents seen throughout the borough.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

Location	Development Site East Of 23 Formerly Known As 25 Oakleigh Road North London N20 9HE	
Reference:	17/3106/FUL	Received: 15th May 2017 Accepted: 19th May 2017
Ward:	Oakleigh	Expiry 14th July 2017
Applicant:	DR. A. CHRISTODOULOU	
Proposal:	Erection of a four storey building to provide 9no self-contained units. Associated parking and vehicular access	

Recommendation: Approved subject to conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. P.01 Rev P, P.01J Rev P, P.03 Rev P, P.04 Rev P, P.05 Rev Q, P.06 Rev Q, P.07 and OS map.

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 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 2011.

- 4 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- Details and samples of the facing and roofing materials to be used for the external surfaces of the buildings, with specification for detailing on the elevations;
 - Elevations at 1:10 of the proposed windows, including details of materials and details of window reveal and method of window opening;
 - Details of the proposed rainwater goods;
 - Drawings and details of any vents or flues, including their size, specification, location on the building, and finished colour.
 - Specification of the proposed balustrades and winter gardens, including 1:20 or 1:50 drawings detailing the materials, size, window openings and design.
- 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 the conservation 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 2016.

- 5 a) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).
- d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

- 6 Notwithstanding the submitted plans, before the development hereby permitted is first occupied, car parking and cycle parking spaces and cycle storage facilities shall be provided on site in accordance with a scheme to be submitted to and approved by the Planning Authority and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The cycle parking details shall include details of the type of cycle stand proposed.

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

- 7 a) No development or site works shall take place on site until a '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 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

8 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 caused by the main road and proximity to the bus stop, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 5.3 of the London Plan 2016.

9 Part 1

Before development commences other than for investigative work:

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.

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 Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and DM04 of the Development Management Policies DPD (adopted September 2012), and 5.21 of the London Plan 2011.

- 10 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 from adjoining premises and the road on the development and measures to be implemented to address/mitigate against 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 policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 12 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 2011.

- 13 a) Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby approved shall not be first occupied until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented.

b) Before the development hereby approved is first occupied the development shall be implemented in full accordance with the details and specifications as approved by this condition 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 2016).

14 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).

15 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

16 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.

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

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

- 18 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) and policies 5.2 and 5.3 of the London Plan (2015)

- 19 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).

- 20 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed to the winter gardens and outdoor amenity areas/terraces 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 2016) and the Sustainable Design and Construction SPD (adopted 2016).

- 21 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.
- b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL and 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 if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section -

Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

- 4 The applicant is reminded that Oakleigh Road North is a traffic sensitive road. Deliveries during the construction period should not take place between 8:00am to 9:30am, or 4:30pm to 6:30pm Monday to Friday. Careful consideration must also be given to the optimum routes for construction traffic.
- 5 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 6 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.
- 7 The applicant is advised that, in respect of the requirements of Condition 6, any design should take into account the comments by Transport for London in respect of additional cycle parking spaces being required.

Officer's Assessment

1. Site Description

The application site is a vacant plot, and the previously existing warehouse building was demolished some time ago. The site fronts Oakleigh Road North. The site is within, but on the edge of, the Whetstone Town Centre.

The neighbouring properties to the south west comprise a row of two storey terraced properties with a hipped roof. These are in a mixture of uses, with a residential use directly adjacent to the application site and a mixture of residential with commercial at ground floor level to the rest of the buildings. To the rear of these properties, and also abutting the rear part of the application site, is the rear garden of The Griffin Public House.

The neighbouring building to the north east ("Barrydene") is a six storey block of flats. The building is set back from the street, with soft vegetation demarcating the boundary between the boundary and this neighbouring site.

2. Site History

15/01806/FUL: Erection of 9no. self-contained flats comprising of 3 x 1-bedroom, 4 x 2-bedroom, 2 x 3-bedroom, with associated parking spaces on lower ground floor, new cross over to the front, fence to the side boundaries, refuse collection to the front and associated landscaping. Approved July 2015.

B/04076/14: Erection of 1no. 4 storey building to facilitate 9no. self-contained units including basement parking for 14no. cars. refuse facilities, cycle store and hard/soft landscaping. Refused September 2014. Appeal Dismissed.

B/00977/14: Demolition of existing building and erection of 1no. 4 storey building to facilitate 9no. self-contained units and ground floor commercial unit, including refuse facilities, cycle store and hard/soft landscaping. Basement parking for 14no. cars. Refused June 2014.

3. Proposal

This application proposes the construction of a four storey building to provide nine flats. The proposed building would measure approximately 17.2 metres in width, a maximum of 32.7 metres in depth at ground floor level and 26.1 metres at first floor, and 11.5 metres in height to the top floor's flat roof (with a 1.1 metre high glass balustrade above).

Seven car parking spaces are provided within an undercroft area at ground floor level to the rear of the site.

The nine flats would be split as 2x one-bedroom flats, 4x two bedroom flats and 3x three-bedroom flats. The ground floor would contain two flats (1x one-bedroom, 1x two bedroom). The first floor would contain three flats (2x two-bedroom, 1x three-bedroom) and the rearmost two bedroom flat would benefit from a roof terrace. The second floor would contain 1x one-bedroom flat, 1x, two-bedroom flat and 1x three-bedroom flat, each of which would benefit from balconies. The third floor would contain 1x three-bedroom flat. There would also be a communal roof garden area to the rear of the third floor, and to the roof of the third floor.

4. Consultation

4.1 Response to public consultation

Consultation letters were sent to 46 neighbouring properties. A site notice was also displayed. 18 responses have been received, comprising 17 objections and one letter of comment.

The objections received can be summarised as follows:

- Neighbouring terraces face toward the application site and provide private outdoor amenity space.
- Some elements of the new proposals are an improvement on the permitted scheme, namely the removal of underground parking and the new design of the Oakleigh Road North frontage with the fourth floor stepped back and lighter when compared to the bulkier roof of the approved building.
- Current scheme proposes additional larger flats but fewer car parking spaces. Permission should only be granted subject to car ownership of future residents being restricted at all times to the number of spaces allocated to them.
- There is no reference to the provision of electric parking spaces.

- Current scheme has a much higher element to the rear, to achieve the new arrangement of flats and parking. The overall form of this would be overbearing and oppressive.
- Side windows should be restricted by condition to be obscure glazed and fixed shut.
- Assurance required that side terraces will only be used for maintenance purposes.
- Existing brick wall alongside boundary with Barrydene should be retained.
- Security gates conflict with windows in the adjacent ground floor apartment.
- Application is a gross overdevelopment and will result in a dangerous precedent.
- The site is in a dangerous location and traffic incidents are frequent.
- Proposed access will conflict with the bus bay.

The representations received can be summarised as follows:

- The previous application for this site (15/01806/FUL) was approved with a condition (5) requiring a programme of archaeological evaluation. If this application is approved the same condition should be imposed.

4.2 Consultee responses

Traffic and Development Team

The proposal will provide 9 self-contained units consisting of 2 x 1-bedroom, 3 x 2-bedroom and 4 x 3bedroom on 4 floors. A total of 7 parking spaces including one disabled space are proposed at the rear of the site with a new crossover. An existing crossover will be made back to footway. 9 cycle spaces are being provided Vehicle access would be via the existing modified crossover.

The proposed parking provision of 7 spaces would meet the lower end of the LBB parking standards but considered acceptable as the location is a PTAL 4 and close to the town centre and public transport. The London Plan requires 1 cycle space for 1 bed units and 2 spaces for above 1 units. The site provides 9 cycle spaces and therefore will need to be increased to meet the required minimum standard.

The proposed vehicle crossover will impact on the bus cage in front of the site and confirmation is required from London Buses that this is acceptable or required to be modified. Any recommendation for approval will be subject to prior approval of vehicle access location from TfL.

Recommendation: The application is recommended for approval on highways grounds subject to London Buses / Transport for London approval:

Transport for London

- The site registers a Public Transport Accessibility Level of 4 on a scale of 1 to 6b which indicates a good level of accessibility.
- The applicant proposes 7 parking spaces for 9 residential units at a ratio of 0.78 per unit. TfL deems this ratio too high given the site's PTAL and proximity to services and urges the applicant to reduce parking to around 0.5 spaces per unit. One Blue Badge space is proposed which is welcome as are the dimensions of the space.
- The applicant proposes 9 cycle spaces around the ground floor which is below London Plan standard and should be increased to a minimum of 16 spaces. The shortfall of cycle parking could easily be accommodated in one of the car parking spaces. The applicant should clarify what type of stand will be used for cycle parking.
- Refuse collection will take place on Oakleigh Road North and TfL has no objection to this.
- The applicant should outline a construction programme as TfL is concerned with the impact on bus services.

Historic England - Archaeology

- The planning application lies in an area of archaeological interest.
- Previous advice from this office has been for the recommendation of an archaeological condition which allows for an initial evaluation of the site to be followed by an appropriate mitigation strategy. Our advice remains unchanged and I therefore reiterate our previous advice.
- Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by condition:

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, CS6, CS8, CS9, CS12, CS13, CS14 and CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM12 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments 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 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

As noted in the history section above, planning permission was granted under application reference 15/01806/FUL in July 2015 for the construction of a building containing nine flats. Therefore the principle of a flatted development is considered acceptable. The current application differs from that application in the following ways:

- The height of the building has changed. The eaves height of the approved building is 8.5 metres and ridge height 12.3 metres. In comparison the height to the parapet of the current scheme is 9.8 metres, and the maximum height is 11.4 metres.
- The overall width of the frontage has increased from 16.3 metres to 17.2 metres. The distance to the western boundary has reduced from 1.8 metres to 1.5 metres
- The design of the building has changed. The approved scheme when viewed from the front had three storeys with a hipped crown roof. It included two front projecting gables. The current scheme is more contemporary in design, with a primarily three storey front façade and a recessed fourth storey. The front projecting bays remain, with a height not exceeding the main three storey parapet height.
- Basement car parking is no longer proposed. The 12 basement car parking spaces have been replaced by seven surface car parking spaces.
- No ground floor amenity space is proposed. Instead, all amenity space is provided within balconies (as previously approved) and roof terraces (new).
- The previously approved single storey (with rooms in the roofspace) to the rear has been replaced by a part single, part three storey structure. The rearmost part would be single storey with a roof terrace above. The three storey would contain flats, and have a roof terrace on top.
- A new refuse container storage area is proposed to the rear of Flat 1, the approved scheme included the containers being stored adjacent to Oakleigh Road North.
- The unit mix has been changed as follows, from 3x one-bedroom flats, 3x two-bedroom flats and 2x three-bedroom flats to 2x one-bedroom flats [eg one fewer], 4x two-bedroom flats [eg one additional] and 3x three-bedroom flats [eg one additional]

Approved ground floor: 1x one-bedroom, 2x two-bedroom,
Proposed ground floor: 1x one-bedroom, 1x two bedroom.

Approved first floor: 1x one-bedroom, 1x three bedroom
Proposed first floor: 2x two-bedroom, 1x three-bedroom

Approved second floor: 1x one bedroom, 1x three bedroom
Proposed second floor: 1x one-bedroom, 1x two-bedroom, 1x three-bedroom.

Approved third floor: 1x two-bedroom.
Proposed third floor: 1x three-bedroom.

Given the extant planning permission, the main issues for consideration in this case are whether the amended scheme would cause any harm:

- to the character and appearance of the street scene and the wider locality;
- to the quality of living space for future occupants;
- to the living conditions of surrounding and adjoining neighbouring residents;
- to Highway safety.

5.3 Assessment of proposals

Impact on the character of the area

As noted above, the proposed building would have a taller front façade (ie main front elevation) than the approved scheme (eg the height from ground level to eaves is increased as a result of the new front parapet wall from 8.7 to 9.8 metres), and would have a greater width. However, its design has also been changed. The more contemporary flat roofed design reduces the overall massing of the building, and this in part is clear from the maximum height being reduced from 12.3 metres to 11.4 metres and the height of the front bay projections being reduced from 11.1m to 9.8m. The flat roofed design with architectural features to break up the massing helps the building to assimilate itself more appropriately into the street scene. The flat roof reflects the design of Barrydene to the east.

Whilst the main front elevation has been increased in height, the front bay projections are lower in height and the facade would still be of a massing and appearance which would relate appropriately to both neighbouring buildings, in the context of this mixed street scene. The proposed building would not, as a result of the spacing that would remain between it and the neighbouring buildings, appear cramped within its plot. The set-back from Oakleigh Road North ensures that the prominence of the proposed building in the street scene would be no greater than that as approved. The additional storey of accommodation has been set back from the main front façade, with the balustrade to the roof terrace set further back and specified to be glass to reduce its visual impact on the building.

It is acknowledged that the massing of the rear part of the proposed building is greater than that previously approved. However, the building has been designed with recessed sections to break up the massing of the flank façade from viewpoints to the east. The majority of this additional massing is set back from Oakleigh Road North such that it would not be immediately visible or prominent, and would not harm the character or appearance of the street scene or wider locality.

The submitted drawings indicate design features including balconies, banding in the facing materials, and modern glazing. Details of these features are all reserved by condition, to enable the LPA to ensure the resultant building is of a high quality finish.

It is noted that the approved scheme included bin stores to the front, whilst the current scheme shows the bins to be stored to the rear of the main building, with the collection point being on Oakleigh Road North. The relocated storage area is considered to improve the overall appearance of the development when compared to the approved scheme.

Quality of amenity for future occupants

No objections were raised in the previous application by the LPA in respect of the quality of the internal accommodation for future occupants. The proposed units and rooms meet the minimum requirements, and units have sufficient windows and quality of outlook to ensure the relevant internal quality standards are met.

In the current scheme there are changes to outdoor amenity space, with communal space provided on two rooftop levels, and balconies proposed to all units. Having regard to the outdoor space proposed, and the site's location within a town centre, the level of amenity space afforded to each unit is considered acceptable.

The submission makes reference to the use of winter gardens and acoustic fence to help mitigate against any impacts of noise from the public house on the amenities of future occupants, and this matter will be dealt with by a condition.

Impact on the amenities of neighbouring properties

No objections were raised by the LPA in the previous application in respect of the impact of the proposal on the amenities of neighbours.

As noted above, the height of the main front and side facades has been increased from the previously approved eaves height of approximately 8.5 metres, to the proposed parapet height of approximately 9.8 metres. This will increase the massing of the building when viewed from the neighbouring properties. It is noted that the overall height of the roof is reduced from the previous scheme, with the addition of a flat roof also reducing the massing of the building overall. It is considered that taken together, these changes ensure that overall, the current scheme would not have any greater impact on the amenities of neighbouring occupiers than the approved scheme. The additional built form to the rear is set away from No. 23 Oakleigh Road North and as a result of this distance is not considered to harm the amenities of the occupants of this neighbouring property.

The additional rear extension would be set sufficient distance from windows and terraces at Barrydene such that it would not appear overbearing or visually intrusive when viewed from this neighbouring building. It is noted that there would be new windows facing the neighbouring property, however these are specified on the drawings to be obscurely glazed and fixed shut, and this will be secured by condition to ensure there is no harm to the privacy of neighbouring occupiers.

Impact on highway safety

No objections were raised by the LPA in the previous application in respect of the impact on highway safety. In the current application a basement car park is not proposed, and the number of car parking spaces has been reduced. Policy DM17 notes that residential development may be acceptable with limited or no parking within a controlled parking zone but only where it can be demonstrated through a survey that there is sufficient on street parking capacity. It also notes that the council's maximum parking standards are 1.5 to 1

spaces per unit for 2 to 3 bedroom flats and 1 to less than 1 spaces for development consisting of mainly one bedroom flats. Given the mix of units, this development requires between 7 and 12 parking spaces.

A Traffic Assessment has been submitted with this application and assessed by the Traffic and Development Team. They have confirmed that the proposed parking provision of seven spaces would be at the lower end of the council's parking standards, but nevertheless would meet the standard. The site is close to public transport and TfL have suggested that too much car parking is provided. Taking into account the above, and Barnet's parking requirements, it is considered that the parking provision is acceptable.

It is noted that TfL have suggested additional cycle parking spaces should be provided. A condition is attached which requires the applicant to provide details of the proposed cycle parking arrangements, including number of spaces and type of cycle stand, and these details will give the applicant the opportunity to increase the on-site parking provision.

Accessibility and Sustainability

The application scheme is required by Policy 3.8 of the London Plan to meet Building Regulation requirement M4(2). The floor plans confirm a lift is proposed and the applicant has confirmed that the scheme would meet Part M4(2) of the Building Regulations.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered acceptable to comply with the London Plan's requirements.

In terms of water consumption, a condition is attached which would require each unit to receive water through a water metre, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day.

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

5.4 Response to Public Consultation

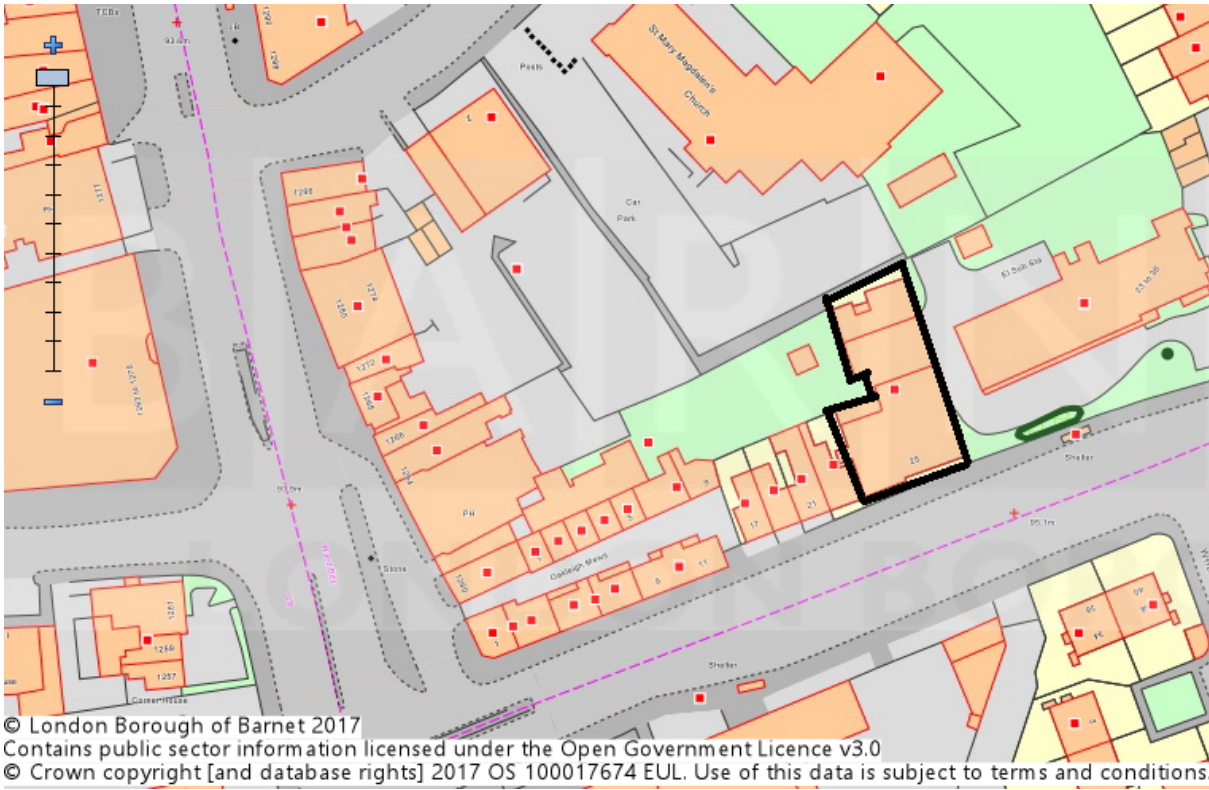
The comments raised are addressed in the appraisal above.

6. Equality and Diversity Issues

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

7. Conclusion

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.



Location **21 Rasper Road London N20 0LU**

Reference: **17/3036/HSE** Received: 11th May 2017
Accepted: 11th May 2017

Ward: Totteridge Expiry 6th July 2017

Applicant: Mr Kaz Wydmanski

Proposal: Single storey side extension and part single storey, part two storey rear extension

Recommendation: Approved subject to conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

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

WYD 03P Revision C (Received 11/05/2017)
Site Location Plan (Received 11/05/2017)

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No.15 Rasper Road and No.23 Rasper Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a two storey end of terrace property located at No.21 Rasper Road, N20 0LU. The property forms part of a short terrace of four properties which were refused planning permission under reference N12981/01. The scheme was later allowed at appeal under reference APP/N5090/A/02/1106742.

It is noted that the property does not benefit from permitted development rights.

To the west, the host property shares a party wall with the attached property at No.23 Rasper Road and is recessed by 1.77 metres to the rear. To the east, the property

benefits from a driveway which detaches the property from No.15 Rasper Road. It is also acknowledged that along the eastern garden boundary the host property borders with a parking area.

The property does not fall within a conservation area and is not a listed building.

2. Site History

Reference: 16/7217/192

Address: 21 Rasper Road, London, N20 0LU

Decision: Unlawful

Decision Date: 1 December 2016

Description: Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevations

Reference: 17/0014/HSE

Address: 21 Rasper Road, London, N20 0LU

Decision: Refused

Decision Date: 14 February 2017

Description: Roof extension involving hip to gable, rear dormer window, 2no. rooflights to front elevation to facilitate a loft conversion

3. Proposal

The application seeks planning permission for single storey side extension and a part single part two storey rear extension.

It is noted that the proposed plans illustrate internal measurements. For planning purposes, the proposed extensions have been measured externally by planning officers.

The site extension will measure 2.95 metres in width at the narrowest point and 3.14 metre in width at the widest. The side extension will benefit from an overall height of 3 metres and from a parapet wall which would extend a maximum of 3.3 metres. The extension would be set in from the front elevation by 4.23 metres. The extension would then wrap-around with the proposed rear element.

The rear extension will measure a maximum of 3 metres in depth, 9.22 metres in width, 3 metres in height, and 3.3 metres in maximum height due to the parapet wall.

At first floor the rear extension will measure 1.6 metres along the boundary with No.15 Rasper Road. The extension would then extend 3.37 metres in width to then project a further 1.77 metres in depth along the boundary with No.23 Rasper Road.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

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

The objections received can be summarised as follows:

- Negative impact on the surrounding area
- Side extension would leave no access for the maintenance or repair of side wall, or vents and pipework within the wall.
- Side extension will create a line of terraced properties and therefore impact on appearance of 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 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.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application seeks planning permission for a single storey side extension and a part single part two storey rear extension.

The host property forms part of short terrace consisting of 4no dwellings and sits on the eastern end of it. The development was refused under planning permission but was allowed at appeal, under reference, APP/N5090/A/02/1106742 on the 11th July 2003.

The property does not benefit from permitted development rights.

To the east, the property benefits from a driveway measuring approximately 3 metres in width and borders with the neighbouring premise at No.15 Rasper Road. It is also noted that the host property is recessed to the rear from the attached premises at No.23 Rasper Road by approximately 1.77 metres.

Single Storey Side Extension

The proposed single storey side extension would be located within the existing driveway, and, as suggest on plan WYD 03P Rev C, would allow for storage.

The Council's Residential Design Guidance states that single storey side extensions should generally not exceed half the width of the original dwelling. Where possible, a set back from the front elevation may also contribute in minimising impact of a side extension with regards to outlook from the street scene and possible terracing impacts.

In this instance, the proposed single storey side extension would measure 2.95 metres towards the front elevation and 3.14 metres towards the rear elevation. Furthermore, the extension has been set-in 4.23 metres from the front elevation. It is therefore considered that, in terms of design, the proposal complies with the Council's Residential Design Guidance.

As stated above, Rasper Road is mainly characterised by small clusters of moderate terraced properties. Single storey side extensions are therefore not a dominant type of extension along the road. Nevertheless, it is not considered that the property would harmfully impact on the character and appearance of Rasper Road. The proposed side element has been set-back from the front elevation by a maximum of 4.23 metres. Furthermore, the extension will be recessed by a maximum of 6 metres from the front elevation of the neighbouring property at No.15 Rasper Road.

On balance, whilst the side extension is acknowledged to be larger than existing side elements in the local vicinity, the proposal is still in compliance with the Council's Residential Design Guidance and therefore complies with Policy DM01 of the Development Management Policies (2012). The considerable set-back from the front elevation is considered to materially reduce the impact of the proposal against the street scene and mitigate a potential terracing effect with the group of properties to the east.

The overall, size scale, bulk, height and design of the side extension are considered to be appropriate and within context.

Single Storey Rear Extension

As stated previously, the host property is originally recessed from the attached premise at No.23 Rasper Road by 1.77 metres. Furthermore, the neighbouring property at No.15 Rasper Road benefits from a rear extension which currently projects approximately 0.5 metres past the original wall at the host property. Along the garden boundary, a boundary wall separates the host property with the existing parking lot.

The application seeks permission for a rear extension with a maximum depth of 3 metres, a width of 9.22 metres and a maximum height of 3 metres along the boundary with No.23 Rasper Road. On the opposite side, the overall height would measure 3.36 metres due to a parapet wall. It is noted that that the rear extension will measure the full width from boundary to boundary due to the wrap around with the proposed side extension.

With regards to rear extensions, the Council's design guidance states that that single storey rear extension on terraced properties should generally not exceed 3 metres in depth. In this instance, it is considered that the proposal complies with the Council's guidance. It is noted that a number of properties, including, No.15 Rasper Road, benefit from single storey rear extensions. Whilst it is acknowledged that the proposed rear element would be larger in terms of footprint, it is not considered that the proposal would impact on the character or appearance of the area. This is mainly due to the rear element not being visible from the street scene and being in compliance with the Council's design guidance.

Impact on Neighbouring Occupiers

The proposed single storey rear extension would extend approximately 1.25 metres past the neighbouring rear wall at No.23 Rasper Road. This projection is considered to be moderate and in keeping with the Council's allowances. It is not considered that the proposal would harmfully impact on the visual and residential amenities of neighbouring occupiers at No.23 Rasper Road. Furthermore, the proposed single storey side extension would not be visible from the neighbouring premise and therefore would not impact on living standards.

On the other hand, the side element will extend along the boundary with No.15 Rasper Road to then wrap around with the single storey rear element. The proposed extension would therefore project 2.5 metres past the neighbouring rear wall. The neighbouring property at No.15 Rasper Road originally benefits from a single storey rear projection along the boundary with No.21 Rasper Road. It is noted that the neighbouring outrigger has been further extended to the rear and the neighbouring property now extends approximately 0.5 metres past the original rear wall at No.21 Rasper Road. It is noted that the section of the side extension which would extend along the neighbouring rear projections would not impact on the neighbouring visual and residential amenities.

Whilst the overall height would slightly increase to 3.3 metres, due to a parapet wall, it is not considered that this would materially impact the living conditions of neighbouring properties. It is noted that the neighbouring premise has been extended the full depth of the rear garden and therefore abuts the boundary to the rear with the existing parking

area. Whilst it is noted that the proposed wrap-around element would project 2.5 metres past the rear of the property, the proposed element would not be facing the neighbouring amenity spaces, instead it would face the existing car parking space.

Furthermore, a boundary wall extends past the neighbouring premise at No.15 and projects along the host properties' eastern boundary. The proposed rear extension would therefore only project a maximum of 0.5 metres above the existing wall. It is therefore considered that, due to the moderate depth, and existing boundary wall, the proposed extension would not appear as an overbearing structure that would harmfully impact on the visual and residential amenities of neighbouring occupiers.

First Floor Rear Extensions

The application further seeks planning permission for first floor rear extensions. It is noted that the property is recessed at first floor from the attached premise at No.23 Rasper Road by 1.77 metres. The host property is originally staggered to the rear and is further set back by 1.6 metres on the side elevation facing No.15 Rasper Road. Notwithstanding this, the neighbouring first floor is recessed by approximately 3.6 metres from the host property.

The Council's Residential Design Guidance states that first floor rear extension which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is mainly due to the detrimental impact that such extensions may bring to neighbouring visual and residential amenities.

The current application seeks to extend the property by 1.6 metres in depth along the side elevation facing No.15 Rasper Road and by 1.77 metres along the side elevation with No.23 Rasper Road. It is noted that the 1.6 metre extension would allow the property to fall in line with the current rear elevation whilst the 1.77 metre extension would extend further out and in turn create a staggered rear elevation.

The rear extension along the side elevation facing No.15 Rasper Road would be set in by approximately 3.14 metres to the neighbouring boundary and increase the overall depth from the neighbouring flank wall at first floor to 5.2 metres. It is considered that the additional 1.6 metres in depth given the relationship between the properties, would not cause harm to neighbouring amenity.

As noted, the host property is recessed by 1.77 metres from the neighbouring rear wall. The first floor rear extension will extend 1.77 metres past the original rear wall and therefore not exceed the neighbouring depth. This is considered to be acceptable and in compliance with the Council's guidance. The extension would have a maximum width of 2.69 metres. This is considered to further allow the extension to appear as a subordinate feature towards the host property.

On balance, the size, scale, massing, and design, of the extensions at first floor are considered to successfully reflect the character and appearance of the host property. Whilst it is important to note that the local vicinity is not characterised by first floor rear

extensions, the property does not fall within a conservation area. On balance, the proposed extensions are considered to result in a satisfactory relationship between the host property and the neighbouring premises at No.15 Rasper Road and No.23 Rasper Road.

Impact on Neighbouring amenity

The first floor rear extension along the neighbouring boundary at No.23 Rasper Road would not project past the neighbouring first floor. As such, it is not considered that the proposal would impact on the neighbouring visual and residential amenities.

With regards to No.23, it is acknowledged that an overall projection of 5.2 metres from the neighbouring first floor would not strictly comply with the Council's design guidance. Nevertheless, on balance, it is not considered that the proposal would materially harm the visual and residential amenities of neighbouring occupiers. This is mainly due to an existing gap of approximately 3.14 metres to the neighbouring boundary and a moderation 'infill extension' 1.6 metres in depth.

Overall, the size, scale, bulk, height and design of the development is considered to be appropriate within its context. Whilst it is acknowledged that the proposed extensions benefit from a larger footprint than existing extensions the proposal is largely compliant with the design guidance set out by the Council's. Furthermore, it is considered that the proposal would not materially impact, from the existing relationship, on the amenities of neighbouring occupiers. The scheme is therefore considered to comply with Policy DM01 of the Development Management Policies (2012) and the Residential Design Guidance (SPD).

5.4 Response to Public Consultation

It is noted that comments relating to the maintenance of the neighbouring side wall are not a planning matter. The applicants are advised that this is a civil matter which should be dealt with through a Party Wall Agreement.

Comments regarding the impact on character and appearance of the area have been addressed in the report.

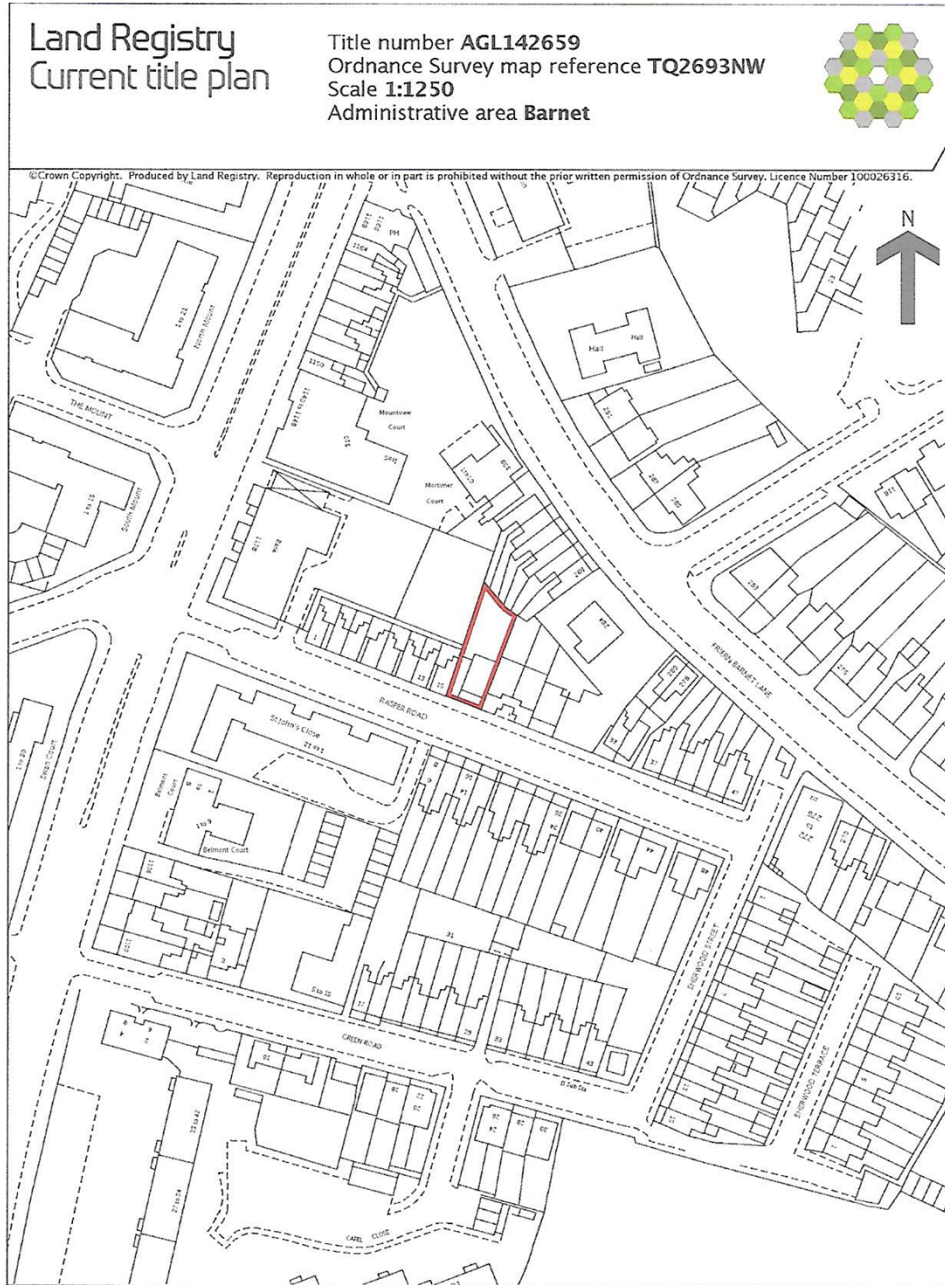
6. Equality and Diversity Issues

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

7. 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.



21 RASPER ROAD, N20 9LU

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

Reference: **17/3683/FUL** Received: 8th June 2017

Accepted: 8th June 2017

Ward: Totteridge Expiry 3rd August 2017

Applicant: Mr Adam Lipman

Proposal: Demolition of the existing dwelling house and erection of a part two, part three storey detached building with roof and basement accommodation to provide 5 no. self-contained flats with associated car and cycle parking, refuse storage, amenity space and landscaping.

Recommendation: Approve subject to s106, conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

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.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and the Committee

grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee):

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Energy Strategy dated May 2017 by AJ Energy Consultants Limited; Sustainability Statement dated May 2017 by AJ Energy Consultants Limited; Transport Technical Note by RPS Reference JNY9270-01A dated 31 May 2017; Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan by Martin Dobson Associates dated 5th June 2017 Ref G70; Daylight and Sunlight Report by Malcolm Hollis Ref 53194/16/SJP/BSC dated 25th May 2017; Planning Statement by RPS CgMs Ref: KG/LP/23196 Dated June 2017; Drawing no. 4848_08; Drawing no. 4848/ Ex Elevations; Existing Floor Plans; CGI of front elevation; Sketch of lower ground floor; Drawing no. 4848_21; Drawing no. 4848_22 Rev A; Drawing no. 4848_23 Rev A; Drawing no. 4848_24; Drawing no. 4848_25; Drawing no. 4848_26; Drawing no. 4848_28; Drawing no. 4848_29; Drawing no. 4848_30 Rev A; Drawing no. 4848_31; Drawing no. 4848_32.

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

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

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

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

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

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

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

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

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

5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

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

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

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

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

x. Details of a community liaison contact for the duration of all works associated with the development.

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

7 Before the development hereby permitted is occupied the cycle parking and car parking spaces including access as shown on Drawing No. 4848_21 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 and cycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

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

10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. 4848_21 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 October 2016).

11 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and rear garden, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, proposed shrubbery around parking areas and refuse areas has been submitted to and agreed in writing by the Local Planning Authority.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of

the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2015.

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

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

13 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing Falcon Court and Villa Verdi shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

15 All rooms labelled as 'study' at lower ground floor shall not be used as bedrooms.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

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

18 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 26.3% 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.

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

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

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

20 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent the ground floor units shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations

2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

21 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).

22 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).

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 11/08/2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control 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 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 £40,733.84 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 £8,540.00 payment under Barnet CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

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

Maximum width of crossover allowed is 4.8m.

- 8 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 9 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 10 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 11 The landscaping scheme should provide for two landscape scale tree species in the front garden; for example scots pine (*Pinus sylvestris*), and silver birch (*Betula pendula*) with additional shrub/small tree planting around parking areas and refuse stores. In the rear garden additional trees and shrubs should enhance the overall appearance for residents.
- 12 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."
- 13 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 14 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

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

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

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

2. Site History

Reference: 16/6445/FUL

Address: Tenfold Woodside Grange Road, London, N12 8SP

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

Decision: Refused (committee overturn). Appeal in Process

Decision Date: 26th January 2017

Reasons for refusal:

Reason 1: The proposed development by reason of its size, siting, height, design and number of units proposed would represent an over intensification of use and overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016)

Reason 2: The proposed development would result in the loss of a 4 bedroom dwelling house, contrary to policy DM08 of the Development Management Policies DPD (adopted September 2012) and CS5 of the Local Plan Core Strategy (adopted September 2012)

Reason 3: The proposed development by reason of its size, siting, height, depth and relationship with adjoining neighbouring properties would have an overbearing appearance and would adversely affect the light received to the top floor kitchens of neighbouring Falcon Court flats, contrary to CS5 of the Local Plan Core Strategy (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

3. Proposal

The applicant seeks planning consent for the demolition of the existing dwelling house and erection of a part two, part three storey detached building with roof and basement accommodation to provide 5 no. self-contained flats with associated car and cycle parking, refuse storage, amenity space and landscaping.

The units would be comprised of 1 x 1bed (studio unit for 1 occupier), 2 x 1bed (2 occupiers) 1 x 3 bed (6 occupiers), and 1 x 4 bed (5 occupiers).

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

The proposed building whilst it would have a hipped roof design as opposed to the existing pitch roof would only be 0.3m higher than the existing building measured at the side adjacent to Falcon Court; On the previously refused scheme this was 1m higher. At the other side, the side wing would have a cat slide roof and partial gable end which would have a lower eaves height than the existing. The main ridge height of the building would be considerably lower than Falcon Court, and would only be 0.3m higher than the ridge height of the existing building; Under the previously refused scheme this was 2m higher than the existing building.

The proposed building line at the front would project 0.1m from the outermost front elevation of Falcon Court and would be recessed approximately 0.8m from the principle front elevation of Villa Verdi at the boundary before projecting further forward to create a flush elevation.

At the rear, the building at ground floor would project approximately 1.9m from the rear elevation of Falcon Court however would be 2m from the proposed side elevation. On the other side, the building would be in line with the existing rear elevation of the existing ground floor rear wing of Villa Verdi for a distance of 2.7m. At upper and first floor levels, the rear elevation would be flush.

The proposed basement would generally be sited beneath the footprint of the proposed ground floor at the rear. The basement accommodation would benefit from small lightwells to provide light.

Previous application ref: 16/6445/FUL for 3 storey incorporating 6 units were refused planning permission by this committee in January as per reasons specified under planning history above. However for clarity, in terms of the reductions in the built form compared to the previously refused application this scheme has been reduced/amended as follows:

- The depth of the at the rear has been reduced, in particularly with the projection set further away from the boundary with Falcon Court.
- At front, building would be recessed from front elevation of Villa Verdi
- Removal of rearward projection at first and second floors
- Introduction of modest lightwells to sever new basement.
- Reduction in the height of the building
- Removal of accommodation at roof level
- Reduction in the number of units from 6 to 5

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.

13 responses have been received, comprising 12 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Effect on local traffic, access and parking which has increased over the years.
- Parking is a cumulative effect over time that impacts the local residents not just on particular scheme in isolation. There are 2 schools and a synagogue in the area.
- Concern about parking pressures prohibiting access for emergency services.
- Insufficient parking provision for number of units
- Size and scale remains incongruous and constitutes overdevelopment. The building would be three times the size of the existing building
- Intensification of use/ cramming of units
- Overlooking and loss of privacy
- Loss of trees- are these being adequately compensated
- Disturbance during construction
- Reduction in daylight to kitchens at Falcon Court detrimental to amenity of neighbours
- Solution to address issues of light and outlook from previous application in a development harmful to the character and appearance of the locality.
- Proposed roof design fails to take opportunity to improve the character and quality of the area.
- Design of building relates poorly to neighbouring properties/ no design quality
- Scheme far too large
- Smaller number of units would be more suitable with adequate parking
- Unsuitable mix
- Loss of a family unit
- Noise
- 8 out of 10 bedrooms are below 13sqm and awkward shaped
- Concern about significant amount of excavation.
- Impact on nearby foundations and building structures, including Falcon Court
- Basement rooms would be small, dank and dark
- Cyclists will view kitchen of Flat B.

The representations received can be summarised as follows:

- Green Grange Residents have concerns that future occupiers will be parking on this estate. Suggest making single yellow lines into double lines and a sign indicating that garage area of estate is private land.

A site notice was erected on the 15th June 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

As mentioned, the current application follows on from the previously refused application (reference 16/6445/FUL). This application was refused for the following reasons:

Reason 1- The proposed development by reason of its size, siting, height, design and number of units proposed would represent an over intensification of use and overdevelopment of the site which would be inappropriate and out of context with the prevailing character of the area

Reason 2- The proposed development would result in the loss of a 4 bedroom dwelling house, contrary to policy DM08

Reason 3- The proposed development by reason of its size, siting, height, depth and relationship with adjoining neighbouring properties would have an overbearing appearance and would adversely affect the light received to the top floor kitchens of neighbouring Falcon Court flats.

The refused application forms a material consideration in the determination of the current application.

Principle of Development

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

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

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

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

The application site falls within an area of PTAL 2 which is considered to be low, and considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix suggests a range of 35-95 units per hectare. Taking the site area of 0.06ha, the proposal for 5 flats would equate to a density of 83.33 units per hectare which complies with the London Plan density matrix. The proposed density range is considered to be appropriate; however the density matrix is not the only consideration to determine whether development is suitable in an area/site or not. The NPPF stipulates that planning

decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

The proposed development would result in the loss of a 4 bedroom dwelling house, which also formed the second reason for refusal. Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms. Given one of the proposed units would include a 4 bedroom flat for up to 5 occupiers the officers consider this addresses the loss of the 4 bedroom house. In addition, the smaller units proposed would have associated benefits by adding to the housing stock. The scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable in principle.

Impact on the character of the area

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The road is varied both in the design of buildings and the typologies of dwellings on the road. It is considered that the existing building which dates back to the 1970s does not have any particular architectural merit. In terms of the impact of the replacement building on the character of Woodside Grange Road, the design of the proposed building draws from the features of other building in the road and the building would sit well within the streetscene. The building is considered to be sympathetic to its context and responds well to the height difference between the flatted development at Falcon Court and the single family unit at Villa Verdi.

It is acknowledged that the previous application was refused "by reason of its size, siting, height, design and number of units representing an over intensification of use and overdevelopment of the site". The combined reduction in the height of the building (both at eaves and ridge height), size of the building from street level, reduction in the depth of the building at the front (adjacent Falcon Court) and at the rear (adjacent to Villa Verdi), and reduction in the number of units proposed is considered to have addressed the grounds for this refusal.

The ridge height sits in between the two adjacent buildings and the inclusion of the catslide at the side adjacent to Villa Verdi combined with the front building adjacent to this property allows the overall building in particularly the roof to appear more sympathetic when viewed against Villa Verdi. The roof appears to be modest to the bulk and prominence particularly when viewed in the context of the streetscene. On balance, the building is not considered overly dominant, particularly against the smaller building to the south.

Due to the variety of properties on the road, there is an irregular building line on this section of the road. The building line at the front responds to the siting of both properties either side, particularly as the proposed building at the front would be recessed at all levels above lower ground floor level, and the reduction adjacent to Villa Verdi of the building has reduced the prominence from the southern approach.

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

With regards to the basement, the Council's Residential Design Guidance SPD stipulates that "for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building... [although] in larger buildings with extensive plots it may be possible to extend under part of the rear garden".

The level of excavation and basement manifestations appear subordinate to the main building. The lightwells have a modest projection and bridge feature above the basement would provide access to a small private garden to Flat 1.

It is considered that the combined amendments have reduced the dominance of the building and intensification of the use; although the basement is a new feature, it is not considered to represent an overdevelopment of the site given the modest manifestations. Officers therefore consider that the proposed building would be sympathetic to the character and appearance of the locality.

Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

As mentioned above, the size, siting, height and depth formed part of the third reason for refusal in so far as the impact to the neighbouring properties. The height of the building, the depth at the boundary with Falcon Court and siting of the building in relation to Villa Verdi has been reduced. The reduction in the size of the development is considered to have addressed the impact with regards to the overbearing appearance to the building.

In so far as the impact to the occupiers of the flats on Falcon Court, as part of the submission, the applicant has provided an updated Daylight and Sunlight Assessment. This assessment accepts that there would be some impact on the first floor window on the flank elevation by virtue of the proposed building, however the proposed building retains the same distance from the boundary, albeit with a marginal increase in height of 0.3m. Whilst it is incorrect to assume that these windows are not protected whatsoever, the Local Planning Authority is required to make a balanced assessment and the impact on outlook and light to these windows is a material consideration in the determination of the application. The kitchens of Falcon Court are 10m² and each flat enjoys a separate dining area according to the approved plans for the scheme. Within the Residential Design Guidance SPD, a habitable room is defined as a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m². As has been evidenced by photographs provided by objectors, many of

the occupiers at Falcon Court use their respective kitchens for dining as well as cooking, and whilst it is accepted that there would be some loss of light, on balance it is not considered that this impact is sufficient to warrant refusal of the application. In addition, the reduction in the height of the building from the previous application is considered to alleviate the concern regarding the impact on light received to the top floor kitchens of neighbouring Falcon Court flats, and as such officers do not raise objection on these grounds.

All flank windows would be conditioned to be obscured glazed to prevent direct overlooking into the private spaces of neighbouring occupiers; it is noted that the number of flank windows has also been reduced.

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

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

On balance, the impact on neighbouring occupiers is considered to be acceptable and the previous reason for refusal is considered to have been addressed.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The minimum standards, as set out in the London Plan, are as follows:

- Studio unit (1 occupier) at one storey is 39sqm (37sqm where there is a shower room instead of bathroom);
- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 1 bed unit for 2 occupiers over two storeys is 58sqm;
- 3 bed unit for 6 occupiers at one storey is 95sqm;
- 4 bed unit for 5 occupiers at one storey is 97sqm.

The proposed units would offer the following floor areas:

- Flat 1 is a one bed maisonette unit (2p) providing a floor area of 88sqm;

- Flat 2 is a four bed maisonette unit (5p) providing a floor area of 111.88sqm;
- Flat 3 is a three bed unit (6p) providing a floor area of 95sqm;
- Flat 4 is a studio unit (1p) providing a floor area of 42.6sqm;
- Flat 4 is a one bed unit (2p) providing a floor area of 50sqm.

The units would comply with the minimum space standards relative to the size of the unit, and in the case of proposed units 1, 2 and 4, exceed the minimum standards. In addition, the bedrooms would meet the standards for single or double rooms (respectively).

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The kitchens and study rooms to the maisonette units would be sited at basement level and this is considered to be acceptable. The kitchens are below 13sqm which is the minimum floor area for kitchens to be considered habitable rooms as specified in the Council's Sustainable Design and Construction SPD. The floor areas of the rooms labelled as "study" fall below the standard for single bedrooms and therefore are not considered to be habitable rooms. Given that these rooms at basement level are non-habitable, the outlook on to the relevant modest lightwells is not considered to warrant refusal of the application. In addition, these units would benefit from dual aspect outlook at ground floor.

Objectors have commented on the siting of the cycle store at the rear and residents having to walk past the flank elevation and window of the living room of Unit 1. Whilst this is the case, this habitable room also benefit from rear facing windows and it is not considered that this would be detrimental to the privacy of future occupiers.

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

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

Finally, the scheme proposes two new refuse stores located at the front of the site which complies with the Council's Recycling and Refuse Scheme. Whilst these would be located at the front of the site, they are directly abutting the highway and would be housed in refuse stores. It is therefore not considered that these would have an unacceptable impact on the streetscene or on neighbouring occupiers, whilst meeting the standards. It is noted that the application was not preliminary refused on impact to future occupiers and as justified in the assessment above, it is not considered that there are circumstances that warrant refusal on these grounds.

Impact on Trees and Ecology

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

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

The information submitted indicates that there are slight incursions into the root protection areas of three trees; however the measures set out in the arboricultural method statement provide sufficient provision to prevent harm to the retained trees within the garden and third party trees. These provisions include no-dig foundations and ground protection coverage. The tree consultant therefore recommended that subject to conditions, the proposal would be acceptable.

The site is not considered as an area of importance for Nature Conservation. In the previous recommendation, a condition was added to request that an ecology survey is carried out to review whether there would be an impact on existing wild habitats on the site and if there are, requiring details of mitigation measures. Whilst this has not been raised as an objection for the current application, it is considered that this condition should be attached to this recommendation to ensure no undue harm would be caused to any habitats residing on the site.

Highways

The proposal is a demolition of the existing dwellinghouse and erection of part 2, part 3 storey building to provide 5no residential units comprising 3x1 bedroom units, 1x3bedroom unit and 1 x 4 bedroom units; 2 car parking spaces are proposed for the residential use.

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

For the proposed development a parking provision of between 2.5 to 6.5 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policies approved in September 2012.

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

At the time of writing, the applicant had agreed to enter into the legal agreement and to pay the required contribution of £2000 towards the amendment of the Traffic Management Order to enable limiting the purchase of parking permits by the new occupants of the development. The legal agreement is currently being drafted by the Council's Legal team.

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

It is noted that the application was not previously refused on highways grounds for the provision of 2no parking spaces and 6 flats. Given the reduction in the number of proposed units officers consider this to be acceptable.

Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 26.3 % CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

Community Infrastructure Levy

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

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

The proposal has been calculated to be liable for £40,733.84 of Barnet CIL and £8,540.00 of Mayor's CIL.

5.4 Response to Public Consultation

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

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

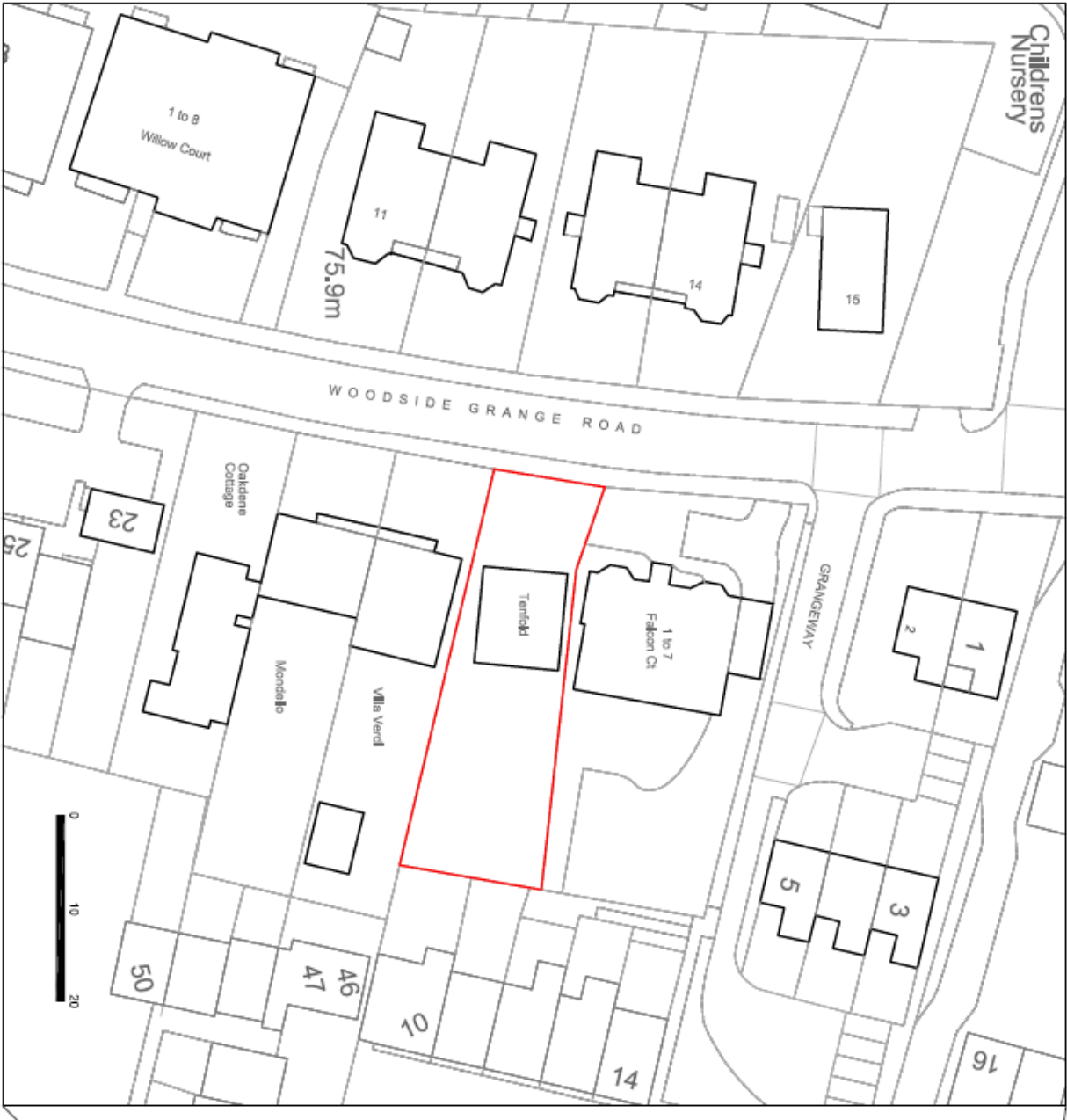
It is considered that noise and disturbance during construction can be mitigated by the condition restricting working hours.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and to have addressed the previous reasons for refusal, and is therefore recommended for approval.



- 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 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.

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

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

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

- 5 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for ground works and site preparation works) unless and until details (necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick detailing (annotated plans at a scale of not less than 1:20).
- External doors, garage doors, windows and balustrading (annotated plans at a scale of not less than 1:10).
- Chimney detailing (annotated plans at a scale of not less than 1:10)
- Timber framing (annotated plans at a scale of not less than 1:10)
- Roof brackets and porch brackets and posts (annotated plans at a scale of not less than 1:10)

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and conservation area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 6 Before the buildings hereby permitted are first occupied the first floor windows in the side elevations 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).

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

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

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

- 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 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 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 10% 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) and policies 5.2 and 5.3 of the London Plan (2015).

- 11 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).

- 12 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).

- 13 Before development hereby permitted is occupied parking spaces shall be maintained/ provided within the site in accordance with drawing no. 1529.P.04 D and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the proposed 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.

- 14 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).

- 15 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.

- 16
- 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.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 4 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

Officer's Assessment

1. Site Description

The application site is a detached property located on Totteridge Green, within Character Area 2 of the designated Totteridge Conservation Area.

It is also sited within an Area of Special Archaeological Interest.

The application property is not a statutory listed or locally listed building.

2. Site History

None.

3. Proposal

The applicant seeks consent for the demolition of the existing dwelling and erection of 2 no. detached dwellings.

4. Public Consultation

A site notice was erected 18 May 2017.
A press notice was published 18 May 2017.

Consultation letters were sent to 12 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The representations received can be summarised as follows:

- Overall representations objected to the proposals representing overdevelopment, being of inappropriate design considering the prominent location of the site on the Village Green, being dominant, would not preserve or enhance the conservation area, would not respect or sit well with the existing dwellings along this side of the Green, would significantly alter the present appearance and thereby detract from the present character of this Conservation Area; would be contrary to guidance
- House A's proposed stair and bathroom windows on the side elevation would overlook occupiers at Amberley.
- House B would overlook the playground of St. Andrews Primary School
- Access and Egress along the track to the site would be a logistical problem for construction vehicles
- On behalf of the Hendon and District Archaeological Society (HADAS): This development falls within the Area of Special Archaeological Significance (18a Totteridge), this is not mentioned in any of the supporting documents. Historic England should be consulted on this matter.
- On behalf of the Totteridge Manor Association and Totteridge CAAC: The proposed development is situated in the most prominent position overlooking the widest section of the Village Green. The site is not suitable for intensification of use and would dominate the rural enclave of the Village Green. The replacement of a less intrusive building with houses whose bulk, scale and height would be contrary to development plan policy and would not preserve or enhance the character or appearance of the conservation area.

Totteridge CAAC were consulted at a meeting on 5th June 2017. They raise objection stating: This proposal is wholly inappropriate as it would have a dominant and harmful impact in this most sensitive part of the Totteridge Conservation Area. This proposal would destroy the whole principle of a Conservation Area. It is an absurd application.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

Totteridge Conservation Area Character Appraisal Statement (2008)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Impact on character and appearance of proposed development
- Impact on amenity of neighbouring occupiers
- Impact on amenity of future occupiers
- Impact on trees

- Impact on archaeology

5.3 Assessment of proposals

Principle of development:

From historic mapping it appears that the existing dwelling on site was built after 1960. The property is architecturally and stylistically different from the surrounding properties on Totteridge Green and wider conservation area.

The existing dwelling is not listed as being of any special architectural or historic interest, either on the statutory list or a local list, and the Council do not consider it as an undesignated heritage asset in its own right. Furthermore, the property is not noted as providing a positive contribution to the conservation area in the Totteridge Conservation Area Character Appraisal Statement (2008).

For these reasons, no objection is raised to the principle of demolishing the existing building.

In regards to the replacement and subdivision of the plot for two new dwellings, Paragraph 6.1 of Barnet's Residential Design Guidance SPD (2016) states that an area's character may be derived from a range of attributes, which, amongst other things, includes layout, pattern and built form. Paragraph 6.4 of the same document states that pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that area's character and identity. New development should be informed by the local pattern of development.

A review of the pattern of development in this part of the conservation area concludes a variation of different plots sizes, shapes, widths and depths, which would not preclude the subdivision of the application site.

Furthermore, it is noted under appeal reference (APP/N5090/W/15/3129563, dated 19 October 2015) at 15 Totteridge Green, also in the Conservation Area, that the Inspector did not raise objection of the subdivision of one dwelling into two dwellings, stating in Paragraph 15 of her decision: 'Replacing the house with two new dwellings on this spacious plot would not necessarily be unacceptable in principle...'.

As such, the replacement of one dwelling with two new dwellings and associated subdivision of the plot in this Conservation Area would not be deemed unacceptable.

Impact on character and appearance of new dwelling:

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".

Policy DM06 states that all heritage assets will be protected in line with their significance. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Policy CS5 of the Core Strategy 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'.

London Plan (2015) Policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Paragraph 129 of the National Planning Policy Framework (2012) 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.

Paragraph 131 of the NPPF states in determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The CACA (2008) notes the key characteristic of this area to be notable houses contrasting in scale, style and design scattered around the edges of an informal public triangle of open green land. Development has taken place incrementally over a lengthy period, resulting in buildings which vary considerably in age, style and materials, such that this variety and their individual design and appearance are also key characteristics of the CA.

The properties along this side of Totteridge Green are mixed in character, style and form.

The immediate neighbouring property to the south, Amberley, is a low rise single storey dwelling, which has benefited from a two storey extension adjacent to the boundary of the application site. To the south of Amberley is Grove View Cottage, Smithy House and Hayloft Cottage, a group of cottages. Beyond this there are examples of Arts and Crafts-style houses.

To the north of the application site is St Andrews Church School, rebuilt in 1939 of red brick and tile fronts.

Therefore there are clear architectural and stylistic differences around the Green. The CACA itself notes this variation in scale, style and design around the Green.

The application proposes two new dwellings. In basic scale, proportions and form the two new dwellings would be similar to each other, with some differences in the features and detailing. This would achieve a degree of visual variation between the two buildings. Architectural details include gables to the front, tall chimneys, mock timber frames, hipped tile roofs and tiled porches supported by posts. The detailing and materiality of this will be secured through condition.

Although the proposal would result in an increase in built form, massing and height compared to the existing dwelling, the proposed dwellings would maintain a gap of 6.27 metres between each other. House A would maintain a distance of 2.8 metres from the

adjacent boundary (at its narrowest point to the front) and House B would maintain a distance of 3.5 metres from the adjacent boundary.

Although the proposed dwellings would have a deeper plan form, the front buildings line would be set back at a greater distance than the existing dwelling.

The existing dwelling and built form/outbuildings to the front occupies 32.6 metres in width at ground floor, and 16.8 metres at first floor. The proposed dwellings, cumulatively, would occupy 23 metres in width at both ground floor and first floor.

The proposed site plan illustrates that, notwithstanding the removal of a cherry tree to the front of the property, most trees located along the boundary and frontage would be retained.

It is considered that the gaps between the two dwellings and respective side boundaries, together with the retention of the trees and established vegetation seen in and through the development, would maintain a degree of openness and greenery.

For this reason it is deemed that the development would preserve the character and appearance of the conservation area and street scene, and would not harm the conservation area's significance as a heritage asset.

Considering the limited quality and value that the existing dwelling on site contributes to the character and appearance of the conservation area, and on the basis that the proposed development would not harm the character of the conservation area to an unacceptable level, the proposal is deemed acceptable.

Impact on amenity of future occupiers:

It is considered that the future occupants of the proposed dwellings would benefit from acceptable level of amenity. It is considered that the new dwellings would meet the relevant requirements and standards as set out in development plan policy.

Impact on amenity of neighbouring amenity:

Policy DM01 states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The flank wall of Amberley is sited a distance of 5 metres from the boundary adjacent to House A. At its closest point House A would be sited 2.8 metres from the boundary adjacent to Amberley. At its furthest point House A would be sited a distance of 9 metres from the boundary adjacent to Amberley. The rear wall of House A would not project past the rear wall of Amberley. For these reasons it is not considered that House A would not impact the residential or visual amenities enjoyed by occupiers at Amberley to an unacceptable level.

It is noted that there are windows at ground floor and first floor in the flank elevation of House A facing Amberley. These windows serve a W.C. (ground floor) and staircase and dressing room (first floor). These are not habitable rooms and therefore are conditioned to be obscure glazed.

House B neighbours St Andrews Primary School. Although there is no specific Local Plan policy in regards to safeguarding the amenity of non-residential uses it is noted that there are windows in the side elevation of House B at ground floor and first floor facing the

School. These windows serve bathroom/W.C and a staircase. These are not habitable rooms and therefore are conditioned to be obscure glazed.

Although the proposal would represent an intensification of use, considering the context and adjoining use (a school) it is not considered the replacement of one dwelling with two dwellings would result in an undue level of noise and disturbance.

House A and House B would not impact the amenities of each other.

Impact on trees:

Policy DM01 of the Adopted Barnet Development Management Policies (2012) advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

The application has been assessed by the Tree Officer.

The proposal requires the loss of one tree within G2, T2, T4, T5 and 1 dead tree within G4. Trees T4 and T5 are category U and would have been removed as a matter of good tree management. This is deemed acceptable.

The loss of one tree in G2 and T2 at the front of the property will have an impact on the visual amenity in the local area. Replacement planting will therefore be required to mitigate the loss and a condition has been attached accordingly.

The footprints of the proposed new buildings are located outside the RPA of trees except G1; a row of sycamore trees. However the foundations of the existing building are closer so it is considered there is unlikely to be a significant impact on these trees. This is acceptable.

The Tree Officer has concluded that subject to conditions, the proposal is deemed acceptable.

Impact on archaeology:

The application site is located within an Area of Special Archaeological Interest.

Policy DM06 states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

The Greater London Archaeological Advisory Service (English Heritage) has been consulted as part of this application. They have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

No further assessment or conditions are therefore necessary.

Impact on highways:

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);

Both proposed dwellings would both provide 2 no. off street parking spaces each, and would therefore comply with Policy DM17.

5.4 Response to Public Consultation

- Overall representations objected to the proposals representing overdevelopment, being of inappropriate design considering the prominent location of the site on the Village Green, being dominant, would not preserve or enhance the conservation area, would not respect or sit well with the existing dwellings along this side of the Green, would significantly alter the present appearance and thereby detract from the present character of this Conservation Area; would be contrary to guidance.

As discussed, for the reasons given in the main body of the report, it is considered that the proposed development would preserve the character and appearance of the conservation area and street scene, and would not harm the conservation area's significance as a heritage asset. It is not considered that the proposals would represent overdevelopment.

- House A's proposed stair and bathroom windows on the side elevation would overlook occupiers at Amberley.

A condition has been attached to obscure glaze the first floor windows in the flank elevation facing Amberley.

- House B would overlook the playground of St. Andrews Primary School

Although there is no specific Local Plan policy in regards to safeguarding the amenity of non-residential uses it is noted that there are windows in the side elevation of House B at ground floor and first floor facing the neighbouring school. These windows serve bathroom/W.C and a staircase. A condition has been attached to obscure glaze these windows.

- Access and Egress along the track to the site would be a logistical problem for construction vehicles

It is considered that a Demolition and Construction Management Plan and Logistics Plan, secured through a condition, would be sufficient to address these concerns.

- On behalf of the Hendon and District Archaeological Society (HADAS): This development falls within the Area of Special Archaeological Significance (18a Totteridge), this is not mentioned in any of the supporting documents. Historic England should be consulted on this matter.

As discussed above, the Greater London Archaeological Advisory Service (English Heritage) has been consulted as part of this application. They have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

- On behalf of the Totteridge Manor Association and Totteridge CAAC: The proposed development is situated in the most prominent position overlooking the widest section of the Village Green. The site is not suitable for intensification of use and would dominate the rural enclave of the Village Green. The replacement of a less intrusive building with houses whose bulk, scale and height would be contrary to development plan policy and would not preserve or enhance the character or appearance of the conservation area.
- Totteridge CAAC were consulted at a meeting on 5th June 2017. They raise objection stating: This proposal is wholly inappropriate as it would have a dominant and harmful impact in this most sensitive part of the Totteridge Conservation Area. This proposal would destroy the whole principle of a Conservation Area. It is an absurd application.

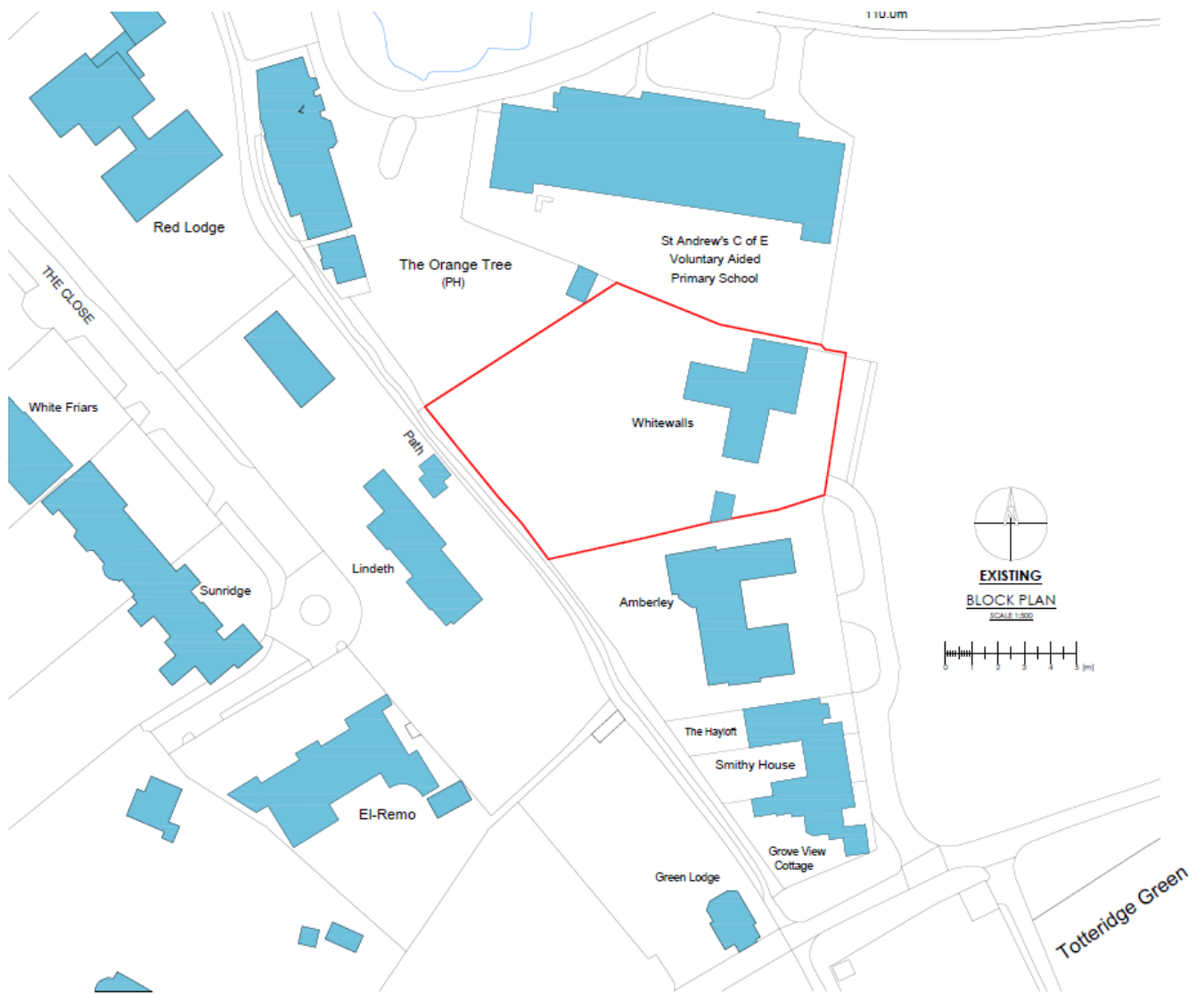
The concerns addressed by both organisations are character and appearance matters. These have been addressed in the main body of the report.

6. Equality and Diversity Issues

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

7. 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 conservation area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. Subject to conditions it is not considered the development would impact trees or highways. This application is therefore recommended for approval.



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Location	37 Park Road Barnet EN5 5SE	
Reference:	17/2906/FUL	Received: 5th May 2017 Accepted: 11th May 2017
Ward:	High Barnet	Expiry 6th July 2017
Applicant:	Ms Alice Rudwick	
Proposal:	Erection of a bin store to front of property and a bin and bike store to the side of property	

Recommendation:

Approved subject to conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 726PR PA00,726PR PA04 (Received 4th July 2017), 726PR PA05 (Received 4th July 2017) and 726PR PA06 (Received 4th July 2017),

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) Prior to commencement of the development details of the refuse collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in accordance with the approved details thereafter.

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

Informative(s):

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

- 2 The applicant is advised that the bin store will need to be located within 10m of public highway with clear access to the bin store on collection days otherwise the dustbins will need to be brought to the edge of public highways. The applicant is advised to contact the Refuse Collection Team for further advice on refuse collection arrangement in the borough.

Officer's Assessment

1. Site Description

This application site relates to a two storey semi-detached property located along Park Road. The property was converted into three flats under planning ref. N01266B . The building is not located within a conservation area and is not listed.

2. Site History

Reference: N01266A
Address: Adjoining 37 Park Road High Barnet
Decision: Approved subject to conditions
Decision Date: 30 January 1968
Description: Erection of four flats and five garages

Reference: N01266B
Address: 37 Park Road High Barnet
Decision: Approved subject to conditions
Decision Date: 19 June 1968
Description: conversion of house into three self-contained flats.

3. Proposal

This proposal is for the erection of a bin and bike store to the side/rear of property.

The store will provide space for 2x bins for each of the 3 flats and bike storage. It will measure 6.1m wide, 1m deep and stand at 1.6m high. The store will be constructed of timber cladding.

The original application also included a refuse store in the front garden. This has now been omitted from the scheme.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties. 5 responses were received, comprising of 5 letters of objection.

The objections received can be summarised as follows:

- Inappropriate location
- Loss of car parking results in harm to residents amenity with increased parking pressure
- change of land use not sought

Highways - No objection 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 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.

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

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

5.3 Assessment of proposals

The proposed timber bin/bike store will measure 6.1m wide, 1m deep and stand at 1.6m high. It will be located to the rear of Dale View along the North/West boundary. Given its modest dimensions, design, materials and siting to the rear it is considered that the proposal would not have a detrimental impact on the character of the site, the character of the surrounding area or the amenity of neighbouring occupiers.

All the concerns raised relate to land ownership and parking issues. The applicant has provided evidence that shows that they own the freehold for No.37, the access road, the turning area in front of the garages and the parking spaces behind No.37. Dale View has access rights to the laneway to access their parking spaces and their garages. It is noted that there are no formal parking spaces in front of the 3 existing garages owned by the residents of Dale View and therefore the development does not result in a loss of parking spaces.

Highways officers have stated that a minimum gap of 6m is required between the garages and the bin/bike store to allow space for cars to manoeuvre. The drawings show that there would be a gap of 7.047m-7.679m would be maintained between the proposed bin store and the garages, this is therefore considered acceptable on highways grounds.

5.4 Response to Public Consultation

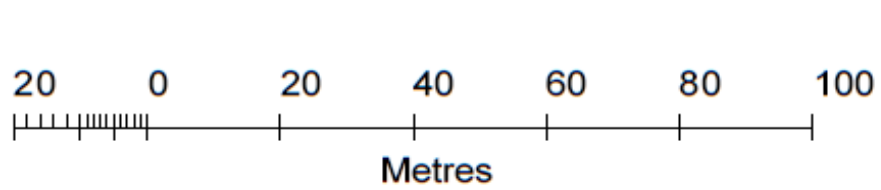
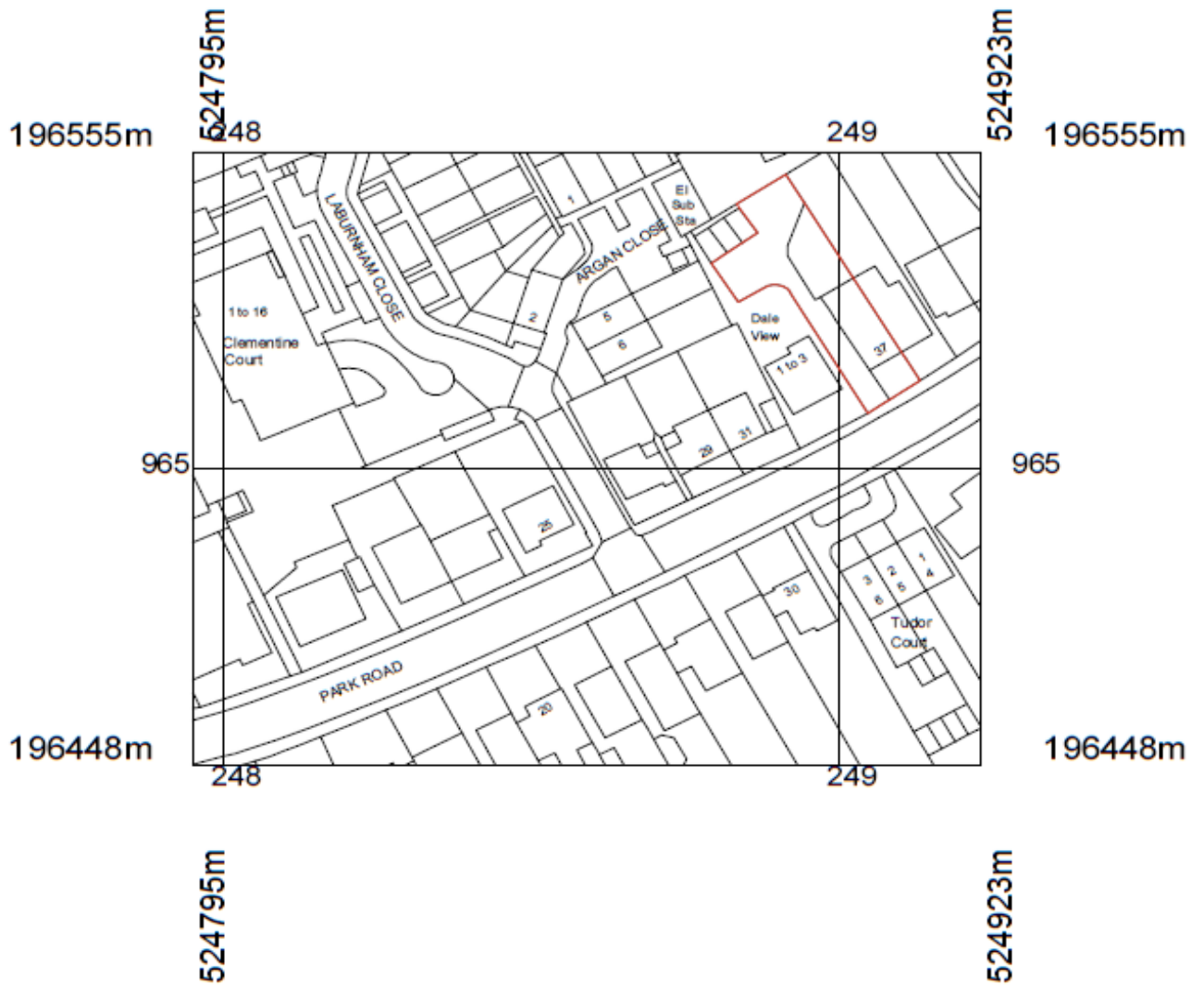
Addressed within the report. In regards to the concern of change of use, the LPA does not consider that this is relevant to proposal as no change of use is proposed.

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.



- 2 The use of the workshop hereby approved shall not commence until the applicant's use of Intec House, Moxon Street for vehicle servicing and repairs has permanently ceased at that premises.

Reason: In the interests of the amenities of the occupants of neighbouring properties (Policy DM01 of the Development Management Policies DPD) and in the interests of Highway Safety (Policy DM17 of the Development Management Policies DPD) as the submitted Transport Assessment states the current proposal is acceptable in transportation terms subject to the use at Intec House ceasing.

- 3 The materials to be used in the external surfaces of the building(s) shall be as approved by application 16/3452/CON in the LPA's decision dated 21/7/16.

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 The development works shall be implemented only in accordance with the Construction Method Statement approved by application 16/7455/CON in the LPA's decision dated 27/1/17.

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 The 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 implemented as approved by application 16/0579/CON at 11/3/16 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 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

- 7 The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved by application 16/4132/CON in the LPA's decision notice dated 11/8/16 have been implemented in their entirety and permanently retained in accordance with the details as approved.

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 2016.

- 8 The cycle storage facilities as approved by application 16/0579/CON in the LPA's decision dated 11/3/16 shall be installed in accordance with the approved details before 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 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 545C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The disabled parking space shall be provided in accordance with the London Plan parking standards and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 10 The details approved by application 17/1846/CON in the LPAs decision dated 23/3/17 in respect of acoustic walls and fencing shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and permanently retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

- 11 Before the building hereby permitted is first occupied the proposed windows serving the basement level in the rear elevation facing east shall be fixed shut and permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 12 The external lighting approved by application 16/1500/CON in the LPA's decision dated 20/4/16 shall be installed in accordance with the details approved under the above application and permanently retained as such thereafter.

Reason: In order to protect the character and appearance of the site, and the amenities of the occupants of neighbouring properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 a) The non-residential development is required to meet the BREEAM 'Very Good' level.
- b) 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 (2011).

- 14 The level of noise emitted from any plant or machinery 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 2011.

- 15 The flat roof over the basement level on the rear (east) elevation shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 16 The development hereby permitted shall be implemented in accordance with the levels as shown on Drawing Nos. 145B, 146D and 547C and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the

safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 17 The use hereby permitted shall not be open to members of the public, and vehicular movements of vehicles for sale or service shall not take place before 07:00 or after 20:00 on weekdays, before 08:00 or after 18:00 on Saturdays or before 10:00 or after 16:00 on Sundays and Bank and Public Holidays.

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

- 18 The workshop shall not operate and no machinery, including the extraction equipment and associated flue shall be operated on the premises before 07:30 or after 19:00 on weekdays, before 08:00 or after 15:00 on Saturdays or at any time on Sundays and Bank and Public Holidays.

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

- 19 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday, or before 05:00 am or after 17:00 Monday to Saturdays. All deliveries taking place between 05:00 and 08:00 shall be to the Parts Delivery and Cage Store area identified on the approved drawings, in accordance with the agent's email dated 22 June 2015.

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that the exhaust fumes extraction flue to the south elevation of the approved building is not covered by this planning application and does not benefit from planning permission. The applicant is reminded that planning permission is required for the flue, and if a planning application is not lodged within 21 days of the date of this decision, this matter will be passed to the Planning Enforcement team.
- 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. 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 been assessed at this time as liable for payment under both CIL charges. 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](http://www.planning.gov.uk)

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

Officer's Assessment

1. Site Description

The application site is a plot of land approximately 0.7ha in area, located to the east of the Chipping Barnet Town Centre. The site contains a car dealership, and at present construction works are progressing in respect of planning permission 15/01638/FUL.

The site is accessed via Victors Way. The original front forecourt area of the site (making up the majority of the site) contained three buildings of approximately 1.5 storeys in height. The showroom to the north was approximately 5 metres high with a flat roof. The first showroom to the south was approximately 6.5 metres high, with the workshop beyond approximately 4 metres high. The second workshop, which was between Hadley House and No. 15 Park Road, and accessed via Park Road, was approximately 7 metres tall to the ridge of its pitched roof.

The site slopes down from front to rear (ie from west to east). The first part of the site has a gentle slope, but further rear slopes down considerably to a lower level some 5 metres below the main site level. The lower area was used generally for washing and parking of cars.

The site is bounded by residential dwellings and some office space to the southern boundary (Park Road). To the east are four storey high residential apartment buildings. To the north are a mixture of residential and industrial buildings (at Moxon Street) and to the west are residential and office buildings fronting Victors Way.

2. Site History

17/0653/FUL: Provision of a substation, and relocation of waste area to south-east of site with new 2.4m high palisade fence enclosure. Provision of car valeting area, relocation of cycle storage structure and installation of air condensers behind new wall-enclosure to north of site. New lighting details. Approved May 2017.

15/01638/FUL: Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping. Approved July 2016.

3. Proposal

This application seeks to vary condition 1 attached to the original grant of planning permission for this building (application reference 15/01638/FUL), to substitute the originally approved plans with an amended set of plans to reflect the minor material amendments made under this application as follows:

Increase to building height

- The overall height of the building has been increased by 50mm

Insertion of new external door

- New staff entrance door to south elevation.

Alterations to site levels

- Minor alterations are proposed to the site levels, to improve drainage

It is noted that these works have already been completed on site and therefore this application seeks retrospective permission for the completed works.

Addition of extractor flue

- A flue has been installed to the side elevation facing Park Road. This application proposes the relocation of that flue to the rear elevation of the building, to extract air (including fumes) from the lower ground floor level workshop. The flue has a total height of 4 metres, and would project approximately 750mm above the acoustic fence to the car park.

4. Public Consultation

Consultation letters were sent to 467 neighbouring properties. A site notice was also displayed. 10 responses have been received, comprising 9 letters of objection and one representation.

The objections received can be summarised as follows:

- Would like to continue the use of garden throughout the year without buildings blocking sunlight.
- Fully against any increase in height of the building, it already blocks light to my first floor flat in the evening/afternoon. If another floor is added we will have no view of the sky whatsoever.
- The noise from building works have been disruptive. Additional work will be unacceptable.
- The approved building is too large.
- Existing structure is larger than had been anticipated and an increase would further obstruct the natural light that properties in flats off Victors Way currently receive.
- Concerns regarding subsequent impact on property prices.
- Building works have cause noise and dust generation.
- New parking spaces are being installed.
- Proposal to add extractor flue near to residential properties is unacceptable.
- Building blocks views of distant hills.

London Borough of Barnet Environmental Health (Scientific Services): The vertical discharge would ensure good wind dispersal. There are over 20 bays but filtration would not normally be required as the discharge is high enough to get the wind to disperse.

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, CS8 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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

Background to this application

Planning permission 15/01638/FUL related to the redevelopment of the existing site, comprising the demolition of all buildings and the construction of one replacement building. The approved replacement building would contain three floors of accommodation. The basement level would have contained 20 service bays, one MOT bay, storage for tools

and parts, and an area for washing, drying and preparing vehicles. The ground floor would have contained a showroom and offices, and the first floor would also have contained offices. The building would measure approximately 45 metres in width, 29.8 metres in depth, 7.2 metres high when measured from the front and 13.8 metres high from the rear.

The approved building would be sited approximately 13.3 metres from Clementine Court and approximately 22.5 metres from Hornbeam Court to the east, 28.5 metres from Hadley House and over 35 metres from Nos. 11 and 15 Park Road to the south, over 60 metres from the nearest neighbouring residential buildings fronting Victors Way and over 41 metres from the nearest residential properties at Moxon Street (No. 46 and 48).

Proposed Amendments

The overall height of the building has been increased by 50mm. The applicant has advised that this is due to the size of the cladding panels which have been used. It is not considered that the increase of 50mm would be particularly noticeable from neighbouring properties in the context of the massing of the development as a whole. Therefore, it is considered that the increased height would not harm the character of the area or the amenities of neighbours.

The new external door would represent a minor change that would not harm the character of the building, or the amenities of neighbours.

The alterations to the site levels do not change the external appearance or topography of the site in a substantial way. They have been designed to improve drainage and accessibility throughout the site. The changes are not considered to harm the character of the area or the amenities of neighbours.

Overall, the proposed amendments are considered to be material but minor, and as a result can be dealt with via the current application. Furthermore, the amendments are considered to be acceptable, and would not harm the character of the area or the amenities of neighbours.

It is noted that this application as originally submitted, also sought planning permission for the flue which has been constructed to the south side of the application building. However, the applicant has since proposed to relocate this flue to the rear of the building. The flue would ensure air circulation within the lower ground floor level workshop, and would extract fumes from the workshop. It is noted that the operating hours of the workshop are restricted by condition, and there are only a relatively low number of bays within the workshop. Having regard to this, and to the height of the flue which has been designed to maximise the dispersal of fumes by the wind, it is not considered that the flue would be harmful to the character or appearance of the building, or the amenities of the occupants of any neighbouring property.

In terms of planning conditions, this application is subject to the same conditions and restrictions as applied to the original grant of planning permission. However as the application is retrospective, and given all the works proposed as part of this application have already been implemented the time limit condition is not required in this instance.

5.4 Response to Public Consultation

- The buildings on-site already benefit from planning permission and the additional 50mm (5cm) in height is not considered to cause any impact on the amenities of neighbours.

- The hours of building/construction works are restricted by planning condition where possible. However, it should be noted that the works subject to this application have already been implemented and therefore no further building works would be necessary under this application. The proposal is not considered to result in any additional works that would impact the neighbouring residents.

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.



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Location	89 Park Road Barnet EN4 9QX	
Reference:	16/3318/FUL	Received: 20th May 2016 Accepted: 25th May 2016
Ward:	East Barnet	Expiry 20th July 2016
Applicant:	Mrs B Ohly	
Proposal:	Erection of 3no. two-storey dwelling house with rooms in roof space and 1no two-storey house following demolition of existing buildings with associated refuse storage, parking and landscaping	

Recommendation: Approved subject to conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1953-SK12 RevB; 1953-04 RevF; 1953-SK11 RevG; 1953-SK Site plan RevH; Revised tree protection plan TH1043 15/05/15 and arboricultural method statement dated 15/05/2015; TH/A3/1043; Trevor Heaps AMS; 1953-SK08 RevH.

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 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.

4 a) No development other than demolition works shall take place until details of the following:

- External materials and hard surfaced areas.

- Window and door details at a scale of 1:20

have been submitted to and approved in writing by the Local Planning Authority.

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

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

5 a) 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).

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

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

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

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

- 9 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 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.

- 12 a) No development shall take place until details of the estate road(s) to be constructed as part of this scheme have been submitted to and approved in writing by the Local Planning Authority.
- b) The estate road(s) to be constructed as part of this development shall be implemented in accordance with the details approved under this condition before the site is first occupied or the use first commences and retained as such thereafter.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 13 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 14 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).

15 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.

16 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing towards each new unit shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C,D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the new houses 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).

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

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

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

- 20 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).

- 21 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 rear elevation of plot D facing Hamilton Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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 £24997.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £96417.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will

incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
- 6 The applicant is advised to contact Thames Water concerning discharge to a public sewer on 0800 009 3921.

Officer's Assessment

1. Site Description

The application site is currently part of Abbey Arts Centre, the site comprises of one main residential unit of two storeys and a number of single and two storey building across the site that serve as art studios.

The Abbey Arts Centre comprises of a collection of buildings, a number of which are rented out to artists continuing the aims of the current owner's father in establishing an artistic community in 1945. The main residential house is a large Victorian villa sitting in some 2 acres. Behind the house is a courtyard surrounded by buildings of various ages. The oldest of these is a listed 13th century tithe barn from Kent that was brought from its original home many years ago and reassembled on the site. This building is timber with brick infill and a clay tiled roof.

The remainder of the courtyard has a number of buildings of varying styles, a traditional cottage, 19th century timber outbuildings, a two to three storey pair of 19th rendered houses behind which is a glazed covered courtyard within which are, what is known as 'the arcade', being shopfronts rescued by the founder when part of East Barnet Village was being demolished.

Part of the reason for the proposed development is to help sustain the art community which has been established at this site.

The proposal seeks to divide the existing site north to south to create a separate site for the creation of 4 new dwellings. The area within the red line of the site contains two existing single storey buildings which sit close to the boundary of the site with Herons Close.

The site is covered by an area TPO with a number of substantial trees that contribute to the character of the area.

The buildings on site are set back from the street frontage on Park Road and as such there is only limited visibility of the buildings on site from the street. The frontage of the site is bounded by entrance gates and a line of trees which further contributes to the enclosed nature of the site.

There are two access points to the site both of which come off Park Road. The site is bounded by four different streets, Park Road to the West (front), Herons Rise to the south (closest to plots A-C), Hamilton Road to the East (rear - closest to plot D) and the Abbey Arts Centre.

There is a level change across the site with the site sitting at a lower level to the properties on Hamilton Road.

There is a Grade II Listed building on the site which is described within the English Heritage listing as a small C13 tithe barn brought from Birchington in Kent. Re-roofed with tiles. Moved to this site as part of a folk museum but later converted to a Church.

There are two access points to the site both of which are gated and sited off Park Road. The main entrance is closest to the Abbey Arts Centre and this appears to be more heavily used than the access point which will facilitate access to the residential dwellings now proposed.

2. Site History

Reference: 15/03697/FUL

Address: Abbey Arts Centre, 89 Park Road, Barnet, EN4 9QX

Decision: Withdrawn

Decision Date: 29 September 2015

Description: Erection of 3no. two-storey dwelling house with rooms in roof space and 1no two-storey house following demolition of existing buildings

3. Proposal

The application relates to the erection of 3no. two-storey dwelling house with rooms in roof space and 1no two-storey house following demolition of existing buildings with associated refuse storage, parking and landscaping.

The buildings to be demolished are an old hunting lodge and a dilapidated studio which is located close to the parking area beside the entrance off the road. The two buildings to be demolished do not appear to be currently in use.

Plots A-C will be two storeys with pitched roof and will be sited parallel to Herons Rise. The plots will be staggered back from each other to create a sense of spacing.

Plot D will be sited to sit parallel with the rear boundary of the site with Hamilton Road and will be set at 90 degrees to plots A-C. It will be flat roofed with a basement level. It will provide family accommodation with 4 double bedrooms.

Due to the natural level change the building A will appear lower than plot C although the actual height of the building will be approximately the same.

Plot A will have a ridge height of 8.3m and eaves height of 5.5m, 10.4m in width and 10m in depth at its maximum.

Plot B will have a height of 8.2m to the ridge and 5.2m to the eaves, 10m in width and 10m in depth.

Plot C will have a height of 8.1m to the main ridge and 5.4m to the eaves. 11.99m in width and 8.03m in depth.

Plot D will have a flat roof to a height of 5.4m, 14.57m in width and 7.8m in depth.

The site will be accessed off Park Road by re-opening an existing entrance to the site. A single road access is provided with parking provided for each of the dwellings.

4. Public Consultation

Consultation letters were sent to 85 neighbouring properties.

6 responses have been received, comprising 5 letters of objection, and 1 letter of comment.

The objections received can be summarised as follows:

First round of consultation on original scheme:

- Impact on amenity - loss of privacy, overlooking, overshadowing, loss of light.
- Character and appearance - out of scale, overbearing.
- Close proximity to Hamilton Road.
- Security concerns.
- Impact on birds and wildlife
- Noise and disturbance as a result of the use
- Loss of trees
- Not optimal use

Comments following consultation on amended plans:

- Overlooking/loss of privacy. Overbearing and out of scale.
- Previous planning objection.

Thames Water - no objection in relation to sewerage infrastructure. Consent from Thames Water is required for surface water discharge to the public sewer.

Trees officer - Subject to conditions, the proposal is acceptable.

Urban design and heritage officer - no objections to principle of development. Proposal has to be sensitive to Listed Building and existing character of the arts centre.

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, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to setting of a Grade II Listed Building. .
- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal will provide sufficient amenity for future occupiers.
- Whether harm would be caused to parking and traffic in the surrounding area.
- Whether harm would be caused to trees and landscaping.

5.3 Assessment of proposals

The application has been amended since first submitted and the changes have been subject to reconsultation. The amendments made include:

Re-siting the proposed dwellings to re-orientate plot C and move it away from the boundary with Hamilton Road.

The design of each of the buildings has been amended so each has a different design.

Re-positioning of buildings to give a staggered building line.

Removal of previously proposed garages to provide greater separation between the buildings.

Reduction in the level of road proposed.

Impact on the character of the area

Land use

The introduction of four new dwellings in this location is considered to be acceptable. The site is flanked on each boundary with residential units. The arts centre itself also comprises of a residential house. The introduction of residential accommodation in this location is considered to be an appropriate land use.

Setting of the Listed Building and Character of the site and surrounding area

Policy DM06 seeks to protect Barnet's heritage assets, it should be noted that there is a grade II listed barn building located on the site of the arts centre which falls outside the red line of the application site but the proximity of the Listed Building is such that an assessment as to whether the proposal will be harmful to the setting of the Listed Building should be made. It is considered that there is sufficient distance between the Listed barn and the proposed dwellings to ensure that the proposed dwellings do not harm the setting of the listed building. The proposal will maintain a green landscaping buffer between the new buildings and the existing buildings by maintaining the substantial planting/trees. This is considered to help ensure that the proposal will not result in harm to the setting of the listed building by maintaining a level of screening as well as distance. The landscaping helps add both a physical barrier and perception of separation between the two developments.

Policy DM01 of the Development Management Plan policies states 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.

The proposal has been amended since its initial submission to remove previously proposed garages and provide a greater degree of spacing between each of the new units to ensure the proposal maintains a suitable degree of separation and maintain the spacious character of the site. The proposal is considered to provide an appropriate number of new buildings and would ensure the proposal does not appear cramped given the size of the site.

Although, the buildings to the north of the site which form part of the Abbey Arts Centre fall outside the red line of the site for the proposed development, the proposal has been designed to ensure it makes reference to this existing development. Each of the units have individual designs to compliment the varying designs of the existing buildings within the Arts Centre, part of the sites positive attribute is the individuality of each of the buildings and the unique nature of the use. To retain this the proposed buildings each have a different design although certain design features like the fenestration detailing including window and doors will match for plots A-C to tie each of the houses together as part of a comprehensive development. The design of the buildings is considered as a positive feature of the proposal.

The proposal has also been amended since its initial submission to reduce the level of hardstanding and roadway to limit the amount of development required for the proposed development and to limit the impact on the root protection area of retained trees. The level of surfacing to providing vehicle movement and parking is considered to be appropriate.

Impact on the amenities of neighbours

Barnet's SPD Residential Design Guidance indicates that a distance of 10.5m should be maintained between habitable room windows and neighbouring gardens and 21m between facing habitable room windows.

Plots B and C meet the 10.5m standard, the rear of the buildings will face towards the side elevation of Kingslea 1 Herons Rise and as such there is no overlooking between habitable room windows.

Plot A will be set at an angle to the neighbouring property at Laguna House, Herons Rise. Given the position of the two buildings it is not considered that there will any overlooking or loss of privacy as a result of the proposal. It is also considered that there is sufficient distance to prevent the proposal appearing overbearing

It is noted that plot D sits closer to the rear boundary of the garden space of properties along Hamilton Road than the recommended 10.5m. The proposal has been designed to take into account the level change between plot D and Hamilton Road with properties along Hamilton Road being set at a higher level. Given the existing level change, it is not considered that the proposal will have a harmful impact on the amenity of the residential occupiers and associated rear garden space along Hamilton Road. At first floor level plot D will have high level windows in the rear elevation to further mitigate any impact on the residential occupiers. In this specific circumstance it is considered acceptable to have a building closer than 10.5m. The level change also ensures that the proposal will not appear overbearing or visually obtrusive. The section plan provided as part of the application demonstrates that the new building will have a flat roof which will have a height of 4.25m when measured from the lowest point of the rear gardens of Hamilton Road at a distance of approximately 4m from the common boundary. By virtue of the proposed

height and distance maintained the proposal is considered to have an acceptable relationship with the properties along Hamilton Road. The proposal maintains a 21m distance between habitable room windows and as such meets this element of the guidance.

Each of the units are considered to be designed in such a way that they do not appear visually obtrusive or overbearing when viewed from the neighbouring buildings on both Herons Rise and Hamilton Road.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. Given the properties location it is not sited immediately adjacent to neighbouring buildings.

By virtue of their scale, siting and design it is considered that the houses would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties.

Amenity of future occupiers

The proposed works would result in the creation of four single family dwellings. Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

The proposed houses meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed houses would have access to sufficient private amenity space in the form of rear garden space for plots A-C and plot D will have a side amenity area. In this circumstance, amenity space to the side of the property is considered to be appropriate considering that it provide an adequate level of privacy to the future occupiers of this property.

The basement level of plot D will be a games/music room and as such the limited light/outlook is not considered to be a concern as it does not provide habitable accommodation.

Traffic and parking

The proposal will use an existing entrance to the site to provide access to the new dwellings. There will be one access to the site off Park Road, it is not considered the use of this to facilitate access to the development will be harmful to the freeflow of traffic on Park Road. Parking for the development will be provided within the site, each development benefitting from 2 parking spaces.

2 parking spaces are also located close to the entrance of the site which may facilitate visitor parking.

Given the number of parking spaces provided on site it is not considered that the proposal will have a harmful impact on the parking availability on Park Road.

Trees and Landscaping

A TPO covers the majority of trees growing on the site.

The proposed new buildings are all located outside the root protection areas of retained trees. No trees are shown to be removed for this proposal.

The new access road to the proposed buildings on the site passes over the root protection area of retained and protected trees. The tree protection plan shows the use of no-dig surfacing to reduce the impact of this on trees to an acceptable level. Plot B is acceptable as there is no impact on trees.

Entrance and access - development traffic and vehicles accessing the property post development are shown to be using a narrow track to the east of the main entrance. Alongside this access road/track are mature trees which may be affected by large vehicles entering the site. Further information regarding this matter is required.

No-dig surfacing is proposed at the entrance and along the main access road. This approach is acceptable.

A number of conditions related to trees are proposed.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy

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

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

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal. The proposal has been amended since its initial submission and this has been subject to public consultation. The amendments result in plot C being re-orientated to improve the relationship with the properties in Herons Rise.

6. Equality and Diversity Issues

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

7. Conclusion

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

RESOLVED that the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)



Key

- Site boundary
- Proposed buildings
- Existing buildings
- Proposed drainage
- Existing drainage
- Gravel road

88 PARK ROAD EN4

<p>88 PARK ROAD EN4</p> <p>Site plan</p> <p>Scale: 1:500</p> <p>Date: 15.11.2018</p> <p>Author: [Name]</p> <p>Client: [Name]</p>	
<p>88 PARK ROAD EN4</p> <p>Site plan</p> <p>Scale: 1:500</p> <p>Date: 15.11.2018</p> <p>Author: [Name]</p> <p>Client: [Name]</p>	<p>88 PARK ROAD EN4</p> <p>Site plan</p> <p>Scale: 1:500</p> <p>Date: 15.11.2018</p> <p>Author: [Name]</p> <p>Client: [Name]</p>

Informative(s):

- 1 The plans accompanying this application are:

U/S/Block(Block Plan), U/S/001(Proposed Side), U/S/002(Proposed Rear), U/S/003(Proposed Front Elevation), U/S/004(Proposed First Floor), U/S/005(Proposed Ground Floor), U/S/007(Existing Ground Floor), Site Location Plan, Planning Statement prepared by Orb Property Planning (April 2017).

- 2 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.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £2905 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £11205 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 Extension: 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site relates to a single storey building which was previously used as a shop occupying a triangular shaped plot of land located on the south eastern side of Union Street. The site lies within the Wood Street Conservation Area and Area of Special Character.

2. Site History

Application Number: N08422C
Application Type: Listed Building Consent
Decision: Refuse
Decision Date: 03/09/1991
Proposal: Demolition of 63a Union Street. (CONSERVATION AREA CONSENT)

Application Number: N08422D
Application Type: Full Application
Decision: Refuse
Decision Date: 03/09/1991
Proposal: Erection of two storey building for use as professional offices with parking provision for two cars.

Application Number: N08422B
Application Type: Full Application
Decision: Refuse
Decision Date: 23/04/1991
Proposal: Erection of Two Storey Building for use as Professional Offices with Parking Provision for Two Cars.

Application Number: N08422A
Application Type: Full Application
Decision: Withdrawn
Decision Date: 06/01/1987
Proposal: Change of use of part of ground floor and first floor from shop to offices, single storey side and rear extension to form shop and shop storage.

Application Number: N08422
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 21/01/1987
Proposal: Change of use from retail to residential and two storey extension.

Application Number: N08422E
Application Type: Full Application
Decision: Refuse
Decision Date: 12/04/1995
Proposal: Two storey office (Class B1) building.

Application Number: 03468/10
Application Type: Full Application
Decision: Refuse
Decision Date: 22/11/2010
Proposal: Demolition of existing single storey shop unit and erection of a two storey building adjacent to No.63 Union Street providing 4 No. one bed self contained units with entrance off Coe's Alley.

Reasons

- The proposed development, by reason of its size, design, siting, mass and bulk would result in a visually obtrusive, overly dominant and unsympathetic form of development which would fail to harmonise with the existing adjacent development and fail to preserve or enhance this part of the Wood Street Conservation Areas.
- The proposed roof forms of the new building would be out of keeping with the prevalent roof forms in the immediate locality and therefore would result in a visually obtrusive form of development which would fail to preserve or enhance the character and appearance of this part of Union Street and Wood Street Conservation Area
- The proposed flat roof by reason of its size, design and siting would be out of keeping with the prevalent roof forms in the immediate locality and therefore would detract from the character and appearance of this part of Union Street and the Wood Street Conservation Area, failing to preserve or enhance the Conservation Area.
- The proposed development, by reason of its size, design, mass, bulk and proximity to neighbouring properties along Coes Alley would result a visually obtrusive and overbearing form of development which would result in a significant loss of outlook and a sense of enclosure as perceived from the ground and first floor windows of properties in Coes Alley to the detriment of the residential and visual amenities of the occupiers of these properties.
- The proposed development does not include private amenity space which would be detrimental to the residential amenities of the future occupiers of these units.
- The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development.
- The development does not include a formal undertaking to amend the Traffic Regulation Order that covers the Controlled Parking Zone.

Application Number: 03989/10
Application Type: Conservation Area Consent
Decision: Refuse
Decision Date: 22/11/2010
Proposal: Demolition of single storey shop units.

Application Number: B/05050/11
Application Type: Full Application
Decision: Refuse
Decision Date: 06.08.2012
Appeal: Dismissed
Proposal: Demolition of existing shop and construction of two storey new dwelling.

Reasons

- The proposed development, by reason of its size, design, siting, mass and bulk would result in a visually obtrusive, discordant, overly dominant and unsympathetic form of development which would fail to harmonise with existing and neighbouring development and would fail to preserve or enhance this part of the Wood Street Conservation Area
- The proposed development, by reason of its size, design, mass, bulk and proximity to neighbouring properties along Coes Alley would result in a visually intrusive and overbearing form of development which would result in a significant loss of outlook and a sense of enclosure as perceived from the ground and first floor windows of properties in Coes Alley to the detriment of the residential and visual amenities of the occupiers of these properties
- The proposed new dwelling, by reason of its design and siting would restrict outlook and light to and from the new dwelling as well as resulting in a perceived sense of enclosure from the ground floor windows and a significant amount of overlooking and resultant loss of privacy to the proposed amenity space from the first floor windows in No.65 and 67 Union Street detrimental to the residential and visual amenities of the future occupiers of this dwelling.
- The proposed development fails to provide sufficient quality usable private amenity space which would be detrimental to the residential amenities of the future occupiers of these units.
- The development does not include a formal undertaking to meet the extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development.

Application Number: B/05078/11
 Application Type: Conservation Area Consent
 Decision: Refuse
 Decision Date: 06.08.2012
 Proposal: Demolition of existing shop and construction of two storey new dwelling. (CONSERVATION AREA CONSENT)

Reason

The proposed demolition of the existing shop building in the absence of a suitable scheme for the redevelopment of the site would be harmful to the character and appearance of the Wood Street Conservation Area, thus failing to preserve or enhance this part of the Conservation Area.

3. Proposal

This application seeks consent for the demolition of existing shop and construction of two storey building to provide 2no. self-contained flats and one parking space adjacent to No.63 Union Street.

This application follows the submission of previous applications for the demolition of the existing building. The most recent application was for a two storey single family dwelling which was refused in August 2012 under reference B/05050/11. A subsequent appeal was dismissed (May 2013), and the Inspector concluded that

- The scheme, including the demolition, would enhance the character and appearance of the CA
- The living conditions of future residents would be unacceptable in view of the poor quality of the external amenity space proposed.
- The proposed scale of the dwelling would have harmful consequences on neighbours, by reason of its oppressive nature, materially affecting outlook.

The existing building is single storey and occupies much of the south eastern part of the site abutting the boundaries with both 63 Union Street and Coes Cottage.

The proposed development would consist of 2 x 1 bed flats arranged over two floors. The proposed building would be L shaped comprising of two and single storeys. Whilst the new building would not be physically linked to No.63 Union Street it would practically abut the flank wall of this dwelling. The proposed building would have a maximum width of 6.4m, fronting Union Street with a depth of approx. 11m. The two storey element would be to a depth of approx. 8.6m and the single storey a depth of approx. 2.9m.

The proposed 2 storey element would have a height of 5m to the eaves and 6.7m to the ridge of the hipped pitched roof. For comparison, the height of No.63 is 5.45m to the eaves and 7.5m to the ridge. The single storey would be 3m high and would have a flat roof.

The new dwelling would be set back from the front boundary by 0.3m and set in from the side boundary (south western boundary) by a maximum of 4.8m.

There would be an enlarged patio door facing Coes Alley. A single roof light is proposed to the single storey element of the proposal.

One parking space would be provided to the side of the new dwelling on the south western part of the site.

The main front wall of the adjoining terrace is some 1.75m back from the back edge of the pavement.

4. Public Consultation

The application has been referred to the committee by Councillor Prentice.

Site Notice: dated 24/4/2017

Press Notice: dated 27/4/2017

61 consultation letters were sent to neighbouring properties.

62 letters were received, 7 were letters of objections and 55 were support.

Summary of Neighbours Objections

- Retain the shop. Losing too many shops and the area will soon be accommodation only.
- The first floor is much larger than the substituted drawing which was rejected by the planning authority but was not taken into consideration by the planners.
- Impact on existing outlook from the upper windows of No 65 and 67 Coes Alley.
- Lack of amenity space - small flats is in greater need of external to offset the feeling of being confined.
- The incorporation of large sliding folding doors opening directly onto the 'parking area' will encourage occupants of the ground floor flat to believe the area in front of the these doors is their (overlooked and inadequate) amenity space, and use it to the detriment and disturbance of the neighbouring properties and would have a similar effect to the refused scheme.

- Proposed screening using trees would be inadequate and there is potential for significant harm caused to foundations of the adjacent cottages, damage to footpath and pipes.
- The proposed flat roof to single storey at the rear of the property would be out of keeping with the character of the area.
- The proposed flat roof could be used as a roof terrace
- The proposed roof light would give rise to noise and disturbance due to its location.
- Greater consideration should be given to a design of a building which truly harmonises without having detrimental effect upon neighbours.
- Insufficient parking space.
- The proposed flats would not meet minimum standards
- The drawings fail to show the proposed building in juxtaposition with the surrounding properties so the relationship with these buildings cannot be clearly assessed.
- The drawings are inaccurate, it does not reflect the position of the fenestration of the cottages.
- The drawings provide no information on fencing, screening, walls to the perimeter or heights, landscaping etc.
- Applicant canvassing for support should not influence the granting of approval for any building just to affect change.
- The design is different from the previous scheme considered by the Planning Inspector.
- Provision of f-street parking would require a cross over, and it would have a negative impact on the outlook from the Coe's Alley properties.
- The fumes from the parked car could be directed towards front doors and existing windows of existing properties on Coe's Alley.
- Proposal would block sunlight to number 65 Union Street. The property is just behind the shop at the corner with Coe's Alley.
- Impact on the light and outlook of No 65, 67 and 69 Union Street.

Support

- The application addresses all the previous concerns
- The application is in keeping with the unique character of the conservation area and can only enhance the surroundings
- The proposal if made from same bricks as 61 and 63 would appear as natural additions.
- The site remains an eyesore
- It will enhance the area besides the safety factor
- It would be a great improvement
- There is a need for more housing
- Two small flats appear an ideal solution
- Parking would not affect emissions and the parking would not affect road and pedestrian safety.

Internal / other consultations:

A letter of support was received from the local MP Rt Hon Theresa Villiers. She stated that she is keen to see the site improved and supports the applicants plan to demolish and construct a two storey building which would provide 2 self contained flats.

Keith West, Chairman of the Union Street Residents Association wrote on behalf of the USRA to support the proposal subject to the use of appropriate materials that would be sympathetic to the conservation area with matching brick or rendered, slate roof and four pane sash style windows.

Monken Hadley & Wood Street CAAC: Details of fencing, paving etc. required. Windows to be in painted timber.

Urban Design and Heritage - Objection: It is still felt that the proposed parking space and the proposed flat roof single storey are not characteristic of the areas and would introduce an alien development that would not preserve or enhance the character or appearance of the Conservation Area and would be detrimental to the character and appearance of the streetscene.

Highways: To comply with DM17, 1 parking space must be provided. 1 parking space is being proposed which is acceptable on highway grounds.

- There are no details in relation to the size of the off street parking space. The applicant will be required to provide a parking layout plan.
- There is currently a crossover at the site; however it is not in the location of the proposed parking space. The applicant will be required to provide an appropriate access.
- To comply with the London plan 2 cycle spaces must be provided. No cycle parking has been provided with this application.
- No detail on the refuse storage location or collection arrangements have been provided.

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, DM06, DM17.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

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

Wood Street Conservation Area Character Appraisal.

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 Conservation Area;
- 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 and future occupiers.

5.3 Assessment of proposals

Impact on the character of the area

This application seeks permission to demolish the existing shop unit and erect a part two storey, part single storey building. The application follows a recent refusal for proposed development on the site. The proposed development differs from previous development which was for a two storey dwelling and included private amenity area and car parking space.

Whilst the existing building holds no designation and therefore the principle of demolishing the building is accepted, the site is located within the Wood Street Conservation Area which is a designated heritage asset; any replacement dwelling house should be of a high quality design that makes a positive contribution to the conservation area.

Union Street is predominantly residential in character with some retail and office use. The buildings are mainly Victorian, modest in scale and appearance and were laid out in a tight grain with a strong building line characteristic of 18th and early 19th century street layouts. Although the appeal inspector found the development proposed as part of the previous application to be acceptable purely in design terms (para 13 of appeal reference APP/N5090/A/12/2189785); this proposal is different as it is for a part two storey and part single storey development. The single storey would have a flat roof. The proposed single storey with a flat roof would be out of keeping as it is not a characteristic found in this part of the Conservation Area. In addition, the proposed building would be visually obtrusive and overly dominant when viewed as part of the street scene due to the prominent position of the site. It would fail to harmonise with the existing development around it. The design also differs to the appeal scheme in that the eaves to ridge height has reduced giving a smaller roof which is at odds with the neighbouring property. The fenestration is also different and modern glazed doors are proposed to the side elevation.

The new dwelling would still sit forward of the building line of the terraces to which it abuts. It is noted within the Wood Street Conservation Area that there is a strong building line along Union Street evidenced by the rows of Victorian terraces. By sitting forward of this, the new dwelling disrupts the building line resulting in a discordant and unsympathetic form of development.

The relationship between the new dwelling and No.63 Union Street is particularly uncomfortable as a result of the differing eaves and ridge heights, worsened by the staggered building line. By not only sitting forward of No.63 Union Street but also being smaller in height, the proposal results in a visually obtrusive form of development which appears to have no relationship with that around it. It would be overly dominant on this part of Union Street, failing to harmonise with what is around it. This scheme has failed to give enough consideration as to the link between the terrace and this site and results in a scheme which will fail to preserve or enhance this part of the Conservation Area.

It is acknowledged that the existing site is run down, worsened over a period of time as a result of graffiti, littering and dumping of rubbish. However any redevelopment scheme must have regard for the established character of this area. The design of the new dwelling is not considered to represent an acceptable or appropriate form of development. Any new development should look to preserve, improve or enhance the Conservation Area which has not been achieved with this scheme. The NPPF states that LPA's should look for opportunities for new development within CA's 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. The proposal proposes using the same material as adjoining properties, this is a welcome gesture, however the scheme lacks details and does not show the proposed building in relation to the adjoining properties, hence a useful comparison in relation to the positioning of the fenestration and eaves height cannot be made.

In addition the Urban Design and Heritage officer is also concerned that the proposed parking to the side of the proposed house would introduce a form of development that would not be in keeping with the character of the area.

Impact on the amenities of neighbours

The proposed new dwelling is considered to result in a visually intrusive and overbearing form of development which would result in a significant loss of outlook and a sense of

enclosure from all front facing windows within the properties in Coes Alley. The previous application was dismissed at appeal for this reason. The appeal decision acknowledged the challenges the rather unusual local layout presents in designing for the appeal site which is also of restricted size. The Inspector states in paras. 15 & 16 that:

"The two-storey cottages to the rear (Nos 65-69 Union Street) face the site at an angle, and are very close, separated only by the width of Coes Alley, a pedestrian walkway. The ground floor windows of Nos 65 & 67 look directly towards the shop. The rooms they serve have a poor outlook, and are open to view by passing pedestrians, thus impairing their privacy. The upper floor windows of the cottages, however, are less constrained, and the occupants are able to see over the flat roof of the shop. The proposed dwelling, by reason of its scale and closeness, would deprive the residents of the cottages of much of the existing outlook from the upper windows, and they would consequently feel increasingly hemmed-in by development. The occupants of the two cottages would perceive the proposed dwelling, in view of its close proximity, as oppressive in its effects".

Although the building has been stepped back to allow approx. 5m set back between the properties on Coes Ally and the application site, due to the proposed height and close proximity of the development the outlook and light afforded to and from No.65 and 67 Coes Cottage would be significantly worsened than existing as a result of this proposal. The proposed development would make those properties less pleasant places in which to live, would allow for little outlook apart from onto a two storey flank wall and would have a significantly harmful impact on the amenities of those living in these properties. In addition it is noted that the plans submitted with the application do not accurately reflect the existing fenestrations of the cottages. Moreover, the style of roof to the rear has changed. whereas the appeal scheme incorporated a sloping roof to reduce bulk at the rear, this has not been carried through to the current scheme.

The proposal to have a patio door on the ground floor flat opening outwards to Coes Ally would lead to loss of privacy, outlook, noise and disturbance as the space could potentially be used as amenity space by the future occupiers.

The proposal would have a material impact on the amenities of the adjoining neighbours contrary to Council's policies.

Impact on the amenities of future occupiers

The proposed development is for 2 x 1 bed flats. The ground floor flat would have a gross floor area of approximately 43sqm and the upper flat approx. 37.8sqm. The bedroom sizes are 8m and 7.4m respectively and would be for single persons; however the proposal does not include internal storage space. The proposed flats would comply with the minimum flat space standards for one person accommodation in accordance with the London Plan Minor Alterations 2016 and Barnet's Sustainable Design and Construction SPD.

Outdoor amenity space: The proposal does not include amenity space. The outdoor Amenity Space Requirements for Barnet state that 5sqm of amenity space will be required per habitable space for flats. The proposal has approx. 4 habitable rooms; the amenity space requirement would be 20sqm.

Lack of private amenity space is considered to be unacceptable as this site is not considered to be within the Chipping Barnet Town Centre. Given the predominant character of the locality the provision of private amenity space is considered to be required for any new residential development on this site.

The ground floor flat would have a rather large patio door opening to the car parking area with no provision for fencing or boundary treatment. Although the statement submitted with the application suggests the planting of trees, these are not shown on the plan. Furthermore the use of trees for privacy screening would not be deemed appropriate. Furthermore the potential impact of matured trees on the existing properties in Coes Alley is a matter of concern for objectors which is shared by officers. Given the close proximity of the proposal to the cottages in Coes Alley, there is the potential for overlooking and loss of privacy to the occupants of the ground floor flats and neighbouring properties. In deciding the recent appeal, the Inspector noted that

"the ground floor windows of Nos 65 & 67 look directly towards the shop. The rooms they serve have a poor outlook, and are open to view by passing pedestrians, thus impairing their privacy". The lack of appropriate boundary treatment for the proposed development would result in the ground floor living room being open to views from passing pedestrians resulting in loss of privacy. In addition, the first floor window would have windows opening unto Coes Alley, due to the limited setback distance of approx. 5m would create overlooking and loss of privacy. "

The previous application was for a house with habitable rooms at both levels to serve the dwelling. The current proposal is for 2 flats. Outlook particularly for the ground floor flat would be limited, particularly if a fence or similar is proposed to address the mutual overlooking issue. This would further limit outlook for the lower flat.

The lack of amenity space, privacy and outlook to the proposed dwellings is completely unacceptable and contrary to Council policies which aim to safeguard the amenities of existing and future occupiers of not just new developments but existing developments, the development would not be well laid out nor would it represent high quality of design and therefore would be contrary to policy DM01.

Impact on the traffic and highways

This proposal includes a parking space on site, the Council's Highways Authority noted in their response that

- there is no detail in relation to the size of the off street parking space
- There is currently a crossover at the site, however it is not in the location of the proposed parking space
- No cycle parking has been provided with this application
- No details on the refuse storage location or collection arrangements have been provided.

If the Council was minded to approve the application, the applicant would be required to provide a parking layout plan and an appropriate access (cross over). In addition they would be required to provide 2 cycle spaces to comply with the London Plan (2016).

Refuse Collection Arrangements:

No details on the refuse storage location or collection arrangements have been provided. If the Council was minded to approve the application, the applicant would be required to provide further details relating to refuse storage.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and

a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve at least 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

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

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

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would be unacceptable. It is the LPA's opinion that the proposed two storey development on this site is considered to be unacceptable. The relationship between the site and neighbouring properties in Coes Alley and Union Street and the site's location within the Wood Street Conservation Area are considered to be significant constraints on the redevelopment of this site. It is considered that any significant development, particularly at two storeys would have a considerable impact on the amenities of those living in properties along Coes Alley.

The proposal is considered to be visually obtrusive, overly dominant and subsequently detrimental to the character and appearance of the general locality and this part of the Wood Street Conservation Area. It would also result in a significant loss of amenity to the occupiers of neighbouring residential properties and fails to propose a suitable degree of amenity for the future occupiers of the proposed flats.

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



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