

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 26TH MARCH, 2018**

**AT 6.00 PM**

**VENUE**

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

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

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

Alison Cornelius  
Tim Roberts

Laurie Williams  
Reema Patel

Kathy Levine

**Substitute Members**

Caroline Stock  
Philip Cohen  
Sachin Rajput

David Longstaff  
Paul Edwards

Andreas Ioannidis  
Pauline Coakley Webb

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

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**Andrew Charlwood – Head of Governance**

Governance Service contact: Naomi Kwasa 020 8359 4144 [naomi.kwasa@Barnet.gov.uk](mailto:naomi.kwasa@Barnet.gov.uk)  
[governanceservice@barnet.gov.uk](mailto:governanceservice@barnet.gov.uk)

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**



## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 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)	
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7.	7 Edward Road Barnet EN4 8AY (East Barnet)	29 - 46
8.	12A Crescent Rise Barnet EN4 9RR (East Barnet)	47 - 64
9.	The Old Peoples Welfare Association The Fern Room Salisbury Road Barnet EN5 4JP (High Barnet)	65 - 98
10.	6 Bosworth Road Barnet EN5 5LX (High Barnet)	99 - 116
11.	Barnet Physic Well, Well Approach, Barnet (Underhill) - 18/0425/Ful	117 - 124
12.	Barnet Physic Well, Well Approach, Barnet (Underhill) - 18/0399/LBC	125 - 130
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15.	101 Greenway London N20 8EL (Totteridge)	147 - 158
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17.	33 Puller Road Barnet EN5 4HG (High Barnet)	187 - 206

18.	Any item(s) the Chairman decides are urgent	

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# Decisions of the Chipping Barnet Area Planning Committee

22 February 2018

Members Present:-

AGENDA ITEM 1

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

Councillor Alison Cornelius  
Councillor Tim Roberts  
Councillor Laurie Williams

Councillor Reema Patel  
Councillor Kathy Levine

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 18 January 2018 be agreed as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor Wendy Prentice declared a non-pecuniary interest in Item 10 as she knows the applicant. Councillor Prentice took part in the consideration and determination of the item.

## 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. 420- 428 OAKLEIGH ROAD NORTH LONDON N20 0RZ (COPPETTS)

The Committee received the report and addendum. Representations were heard from the applicant's agent.

A vote was taken on approving the application as follows:

For	6
Against	0
Abstained	1

**RESOLVED that**

**1. the application be approved subject to the conditions detailed in the report and subject to the addendum and any amendments come back to the committee;**

**2. 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/obligations or reasons for refusal 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).**

**7. MACRORY WARD SOLICITORS 27 STATION ROAD BARNET EN5 1PH (OAKLEIGH)**

The Committee received the report and addendum. Representations were heard from the applicant's agent.

A vote was taken on approving the application as follows:

For	7
Against	0
Abstained	0

**RESOLVED that**

**1. the application be approved subject to the conditions detailed in the report and subject to the addendum and any amendments come back to the committee;**

**2. 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/obligations or reasons for refusal 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).**

**8. 155 AND 157 CHANCTONBURY WAY LONDON N12 7AE (TOTTERIDGE)**

The Committee received the report and addendum. Representations were heard from the applicant's agent.

It was moved by Councillor Cornelius and seconded by Councillor Williams to include an additional condition as follows:

New condition 15

"a) No further site works or development 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.”

A vote was taken as follows:

For	7
Against	0
Abstained	0

A vote was taken on approving the application, with amended and additional conditions as follows:

For	6
Against	0
Abstained	1

**RESOLVED that**

**1. the application be approved, with amended and additional conditions set out in the addendum and following amendments discussed at the meeting:**

**Amendment to condition 11**

**“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A; B; C; D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of No.155 and No.157 Chanctonbury Way hereby approved.”**

**Amendment to condition 12(a)**

**a) No development shall take place until 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, has been submitted to and agreed in writing by the Local Planning Authority.”**

**Amendment to condition 14**

**a) The development hereby permitted shall be implemented in its entirety and completed in full in accordance with the plans hereby approved within 12 months of the commencement of the development hereby approved. If the**

development hereby permitted is not implemented in its entirety and completed in full in accordance with the plans hereby approved within 12 months of the commencement of the 4 development any buildings or structures erected at the site in connection with this permission shall be demolished and removed from the site in their entirety within 3 months of the failure to complete the development within 12 months of the development being commenced.

Reason: To safeguard the amenities of the occupiers 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).”

**New condition 15**

“a) No further site works or development 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.”

2. 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/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his/her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**9. NORTH MIDDLESEX GOLF CLUB, FRIERN BARNET LANE, LONDON, N20 0NL (OAKLEIGH)**

The Committee received the report and addendum.

A vote was taken on approving the application as follows:

For	7
Against	0



**RESOLVED that**

- 1. the application be approved subject to the conditions detailed in the report;**
- 2. 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/obligations or reasons for refusal 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).**

**10. WESSEX COURT 51 WEST END LANE BARNET EN5 2RA (UNDERHILL)**

The Committee received the report and addendum. Representations were heard from Mrs Lydia Bowyer and the applicant's agent.

Following the Committee's discussion, the Chairman referred the application to the main Planning Committee, in accordance with her right stated in the Council's Constitution, Article 2, 2.3 (e);

*'The Chairman or three Members of an Area Planning Committee may refer an item to the Planning Committee for determination by indicating before the vote is taken that they wish to refer the item and providing reasons for the referral'.*

The application was referred for the following reasons:

- Some members of the Committee expressed the view that they had inadequate information to determine this application. In order for this application to be determined, officers are requested to provide further information in relation to the calculation of amenity space and the total amount of flats and parking being provided under the development proposed under the planning application in comparison to the total site as a whole. This information should be provided by officers to the Planning Committee.
- The Chairman was also mindful of the previous appeal decision on this site by an Inspector on a similar application. The Planning Committee needs to take the Inspector's decision into account as a material planning consideration when determining this application.

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

None.

The meeting finished at 20:20

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**Location** 1489 High Road London N20 9PJ

**Reference:** 17/7803/FUL

Received: 11th December 2017

Accepted: 29th December 2017

**Ward:** Totteridge

Expiry 23rd February 2018

**Applicant:** Mr S Douglas

**Proposal:** Demolition of 2no existing buildings and the erection of a three-storey building comprising of 5no self-contained flats including rooms in the roofspace. Excavation and construction of basement level habitable spaces. Associated alterations to hard and soft landscaping and provision for 5no parking spaces with refuse and recycling storage

AGENDA ITEM 6

**Recommendation:** Approve 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/obligations or reasons for refusal 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:

6159-PL-101 (Location Plan), 6159-PL-102 (Block Plan), 6159-PL-103A (Site Plan), 6159-PL-104A (Ground Plan), 6159-PL-105A (First Floor Plan), 6159-PL-106 (Second Floor Plan), 6159-PL-107A (Roof Plan), 6159-PL-108 (Front (NE)Elevation), 6159-PL-109 (Rear (SW) Elevation), 6159-PL-110 (Side (SE) Elevation), 6159-PL-111 (Side (NW) Elevation), 6159-PL-112 (Streetscene), 6159-PL-114A (Basement Plan), 6159-PL-115A (Site Plan -Previous Applications), 6159-PL-116 (Bin Store 1), 6159-PL-117 (Bin Store 2), 6159-PL-118 (Cycle Store).

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.

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

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

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

- 5 a) No development other than demolition works shall take place until 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.

- 6 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing Nos. 6159-PL-103 Rev A shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8 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.

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 10 a) 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).

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

- 12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing Hamilton House and 1493 High 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).

- 13 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.

- 15 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.

- 16 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

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

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02

of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 19 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing Hamilton House and 1493 High Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://www.planningportal.gov.uk/cil).

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the



Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 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](mailto:crossovers@barnet.gov.uk).
- 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.

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, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP

- 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

## **Officer's Assessment**

### **1. Site Description**

The application relates to a pair of two-storey, semi-detached, single-family dwellings located on the western side of the High Road.

The existing dwellings each have a 2-storey front gabled feature with a bay window at ground floor level. There is an existing single storey garage to the side of the property at No.1489, which provides a large gap between the flank wall of the property and the neighbouring block of flats at No.1487. There is also an area of hardstanding to the front of each of the dwellings, providing enough parking space for approximately 2 cars per dwelling. There is a dense hedge and a number of mature trees lining the front and side boundaries of the site.

To the south lies a three-storey block of six flats (Hamilton House - No.1487) and to the north lies a pair of 2-storey, semi-detached single-family dwellings (No.s 1493 & 1495).

Properties in the vicinity are predominately residential in character. This part of the High Road consists of a mixture of single-family dwellings and purpose-built blocks of flats. Most dwellings are no more than 2-storeys, however the blocks of flats are generally three stories in height.

The properties along this part of the High Road have strong front building lines which follow the shape of the road.

### **2. Site History**

Reference: 17/2071/FUL

Address: 1489 High Road London N20 9PJ

Decision: Withdrawn

Decision Date: 21.06.2017

Description: Demolition of 2no existing buildings and the erection of a three-storey building comprising of 5no self-contained flats including rooms in the roofspace. Excavation and construction of basement level habitable spaces. Associated alterations to hard and soft landscaping and provision for 5no parking spaces with refuse and recycling storage

Reference: B/04974/10

Address: 1489-1491 High Road, London, N20 9PJ

Decision: Refused and dismissed on appeal

Decision Date: 28.01.2011

Description: Erection of a two storey residential building plus rooms in roof space to create nine apartments. Formation of vehicular access and parking for 9No. cars.

Reason(s)

1. The proposed development by reason of its size, bulk, mass, design and siting would result in a cramped form of development, detrimental to the character and appearance of the streetscene and general locality, contrary to Planning Policy Statement 1 (PPS1) - Delivering sustainable development; Policy 4B.8 of the Mayor's London Plan; and policies GBEnv1, GBEnv2, D1, D2, D3, D4 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

2. The proposed development would by reason of its size, mass, bulk, design and siting, be overbearing and visually obtrusive detrimental to the residential and visual amenities of neighbouring occupiers, contrary to policies GBEnv1, GBEnv2, D1, D2, D5 and H16 of the Adopted London Borough of Barnet Unitary Development Plan 2006.

3. The proposal by reason of its size and design would result in an inappropriate form of development, out of character and scale with surrounding development, detrimental to the character and appearance of the streetscene, general locality and visual amenity of neighbouring residential occupiers contrary to policies GBEnv1, D1 and D2 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

4. The proposal by reason of its size, siting, in particular the rearward projection beyond the rear building lines of neighbouring residential properties, and proximity to neighbouring properties would cause an unacceptable loss of outlook, contrary to policy D5 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

5. The proposed development by reason of its design and siting would result in an unacceptable level of overlooking into neighbouring gardens and neighbouring windows, resulting a significant loss of privacy to neighbouring occupiers, harmful to residential amenity and contrary to policy H17 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

6. The proposed development, by reason of the excessive amount of hard surfacing and lack of soft landscaping at the front would result in a form of development which would be detrimental to the character and appearance of the streetscene and would result in an unsatisfactory appearance to the resultant development contrary to policies GBEnv1, D2 and H16 of the Adopted London Borough of Barnet Unitary Development Plan 2006.

7. The development does not include formal undertakings to provide appropriate library services, health facilities and education contributions to meet the demand for library, health and educational needs in the area generated by the development contrary to policies CS2, CS8 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan 2006 and Supplementary Planning Document: Planning Obligations, Supplementary Planning Document: Contributions to Education; Supplementary Planning Document: Contributions to Health Facilities from Development; and Supplementary Planning Document: Contributions to Libraries.

Reference: N15462/07

Address: 1489 High Road London London N20 9PJ

Decision: Refused

Decision Date: 20.03.2007

Description: Two storey side and single storey rear extensions and alterations to roof to facilitate a loft conversion.

Reference: N15462A/07

Address: 1489-1491 High Road London N20 9PJ

Decision: Approved subject to conditions.

Decision Date: 23.07.2007

Description: Two storey side and single storey rear extensions and alterations to roof to facilitate a loft conversion.

### 3. Proposal

Demolition of 2no existing buildings and the erection of a three-storey building comprising of 5no self-contained flats including rooms in the roofspace. Excavation and construction of basement level habitable spaces. Associated alterations to hard and soft landscaping and provision for 5no parking spaces with refuse and recycling storage.

The proposed scheme consists of 5 x 3 bedroom flats arranged in a single building of 3-storeys with rooms in the roofspace and a partial basement, together with on-site car parking (5 spaces).

Basement comprising of two playrooms measuring 50sqm each. The basement will be accessed internally and have two lightwells.

Ground Floor Plan would comprise of 2 x 3 bed/ 6persons flats measuring 114sqm (Flat1) and 114sqm (Flat 2) respectively.

First floor would comprise of 2 x 3 bed/ 6persons flats; the dimensions of the units are 105.6sqm (flat 3) and 106sqm (flat 4).

Second floor 1 x 3 bed/ 6persons flat (Flat 5) measuring 160sqm.

The proposed development would have a roof terrace, one dormer to the front and 2 dormers to the rear with nine rooflights.

A lift has been provided as part of the development.

Two positions at the side of the proposed house have been identified for the bin stores. The bin store would be metal frames with timber panels measuring approx. 2.1m x 4.9m x 1.7m.

5 no. Otis Stainless steel Sheffield cycle stands will be located at the rear of the property.

### 4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.

5 responses have been received, comprising 4 letters of objections and 1 letter of representation.

The comments received can be summarised as follows:

- Building looks attractive (the representation)
- rear building line projects beyond other buildings
- overlooking
- loss of light to Flats 2, 4 & 6 Hamilton House
- Location of bins would result in noise, smells and flies
- Impact of excavation for basement
- poor outlook for future occupiers
- parking
- construction traffic blocking entrance to Hamilton House

A representation was received from Friern Barnet and Whetstone Residents' Association

The comments are as follows:

1. the proposed location of a refuse bin store adjacent to the neighbouring Hamilton House is likely to be detrimental to the amenity of the occupiers of that property.

It is noted from the Design and Assess Statement that the planning department did not want bin storage in the front area of the building (the design solution adopted for Hamilton House) and thus the applicant has sited bin storage adjacent to the site boundary with Hamilton House. That it is necessary to do this suggests that the applicant is seeking to locate too large a building on the site- i.e. too wide for the width of the double plot. It is suggested that the bin storage adjacent to Hamilton House should not be a free standing store adjacent to the boundary, but instead should be incorporated within the main structure of the proposed building, even if this requires a re-design of the internal

arrangements or even a reduction in the number of units to be constructed. Incorporation within the main structure is the approach adopted on the other side of the proposed building.

2. the proposed basement rooms - which are clearly intended as habitable rooms- are served by lightwells. Thus they will have insufficient outlook. The Council's Residential Design Guidance SPD states at para. 7.5, concerning residential amenity, that " All habitable rooms should contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant.", whilst para. 12.4, in respect of basements, provides that "Open lightwells....will be resisted". The proposal conflicts with Development Management Policy DM01, para. e, which requires that " Development proposals should be designed to allow for adequate....outlook for...potential occupiers and users."

## **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 Mayors 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.

#### The Draft Mayors London Plan 2018

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

- Provide 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**

#### Principle of Development

The principle of having self-contained units in this area is considered to be acceptable. The prevailing character along this part of the High Road would not be compromised by the addition of a purpose built apartment block, as there are existing flatted developments adjacent to and in close proximity to the application site.

#### Impact on the character of the area

The proposed development involves the demolition of the pair of semi-detached dwellings and the construction of a two storey block (with rooms in the roof space) of 5 apartments, providing 5 3-bedroom flats; parking for 5 cars to the front of the property.

The proposed building has been revised following the previous application and appeal decision. The proposed building would have a maximum width of 16m - sitting approximately 2.9m - 5.1m from the property at No.1493 and approximately 4m - 6.8m from Hamilton House and a maximum depth into the site of approx. 18.6m at ground floor level and 16.5m at first floor level. The proposed building sits in line with the established front building line and extends beyond the established rear building line of adjacent properties along the High Road. At ground floor level this projection is approximately 2m further than the rear building line of No.1493 (to the north), with an outrigger set back approx. 5.1m from the flank wall of No. 1493 and extending beyond the proposed rear building line by approx. 2.9m. At the boundary with Hamilton House (to the south), the proposed building will be the same building line at the rear, with an outrigger set back



approximately 6.8m from the flank wall of Hamilton House, and projecting further by approx. 2.9m. At first floor level, the outrigger is set back approx. 6.8m from the flank wall of Hamilton House and projects further by approx. 1m.

The proposed development has been amended to take into account the Planning Inspector's decision (APP/N55090/A/11/2146646 dated 30/08/11), widening the gaps between the proposed building and the adjoining properties and balancing the height and scale of the proposed building with Hamilton House. The gap between the proposed building and No 1493 and Hamilton House has been increased significantly.

The design of the proposed building is contemporary with two front gables with rooms in the roof space and a terrace. The materials proposed will be a combination of brick and render, with reconstituted tile for the roof. This part of the High Road consists of a mixture of single-family dwellings and purpose-built blocks of flats. Most dwellings are no more than 2-storeys, however the blocks of flats are generally three storeys in height. The proposed design, scale, bulk and height will be in keeping with the character of the immediate area which has various roof forms and building design.

#### Impact on the amenities of future occupiers

It is considered that the current application, as amended complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space for future occupier. The proposal will comprise of 5x 3 bed / 6 persons units. Accordingly, the London Plan and the Councils Sustainable Design and Construction SPD require a minimum gross internal floor area of 95sqm respectively. All the flats would meet the minimum space and room standards requirement. The proposed gross internal floor space for the apartments range from 105.6sqm to 160 sqm

In view of this the flats would meet the minimum space and room standards required by the London Plan.

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room.

It is noted that the existing residential units have access to a communal amenity space. The amenity space requirement is 150m<sup>2</sup> (30 habitable x 5 m<sup>2</sup>). The rear garden measuring 363m<sup>2</sup> would be communal. In addition, the proposed development would include private balconies and terraces. It is considered that the proposed development would provide a satisfactory level of amenity for 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 proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units

An appropriate area for the storage of recycling and refuse bins has been provided at the side of the proposed building, and cycle storage is also provided at the rear. This is considered to be acceptable.

#### Impact on the amenities of neighbours

In terms of the impact of the proposal on the amenity of neighbouring residents, 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.

The proposal has been designed to reduce the impact of the proposal at the rear by applying a 45 degree splay angle and setting away from the neighbouring buildings to achieve a significant gap between Hamilton House and the proposed building (minimum set back will be 4000mm) and between the proposed building and 1493 High Road (minimum set back will be 2995mm).

The proposal would include balconies to the front and rear; windows to the north east and south- east elevations, the windows would be at the ground and first floors. The windows would not give rise to overlooking or loss of privacy due to the relationship with the adjoining properties and the distance with the buildings at the rear is more than 22m.

#### highway

According to the Highways Authority, the site is located within PTAL rating of 2a and the parking provision of 5 parking spaces would be sufficient for the proposed residential development.

The proposed 5 Cycle parking spaces would be in accordance with the London Plan Cycle Parking Standards.

There is new vehicular and pedestrian access proposed for the development, any works proposed on public highway to facilitate the development would need to be undertaken under S278 of the Highways Act. A separate application to be made to the Highway Authority for works under S278 of the Highways Act would be required.

#### 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 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 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 considerations 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 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** 7 Edward Road Barnet EN4 8AY

**Reference:** 17/7933/FUL

Received: 15th December 2017

AGENDA ITEM 7

Accepted: 15th December 2017

**Ward:** East Barnet

Expiry 9th February 2018

**Applicant:** Mr Sherman

**Proposal:** Demolition of existing detached house and erection of 5no terraced houses.  
Associated amenity space, cycle/refuse storage and off-street parking

**Recommendation:** Approve 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/obligations or reasons for refusal 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:

201774.P.001 (OS Map)

201774.P.002 B (Existing & Proposed Block Plan)

201774.P.101 C (Proposed Ground & First Floor Plans)

201774.P.301 C (Existing & Proposed Streetscape)

201774.P.302 C (Proposed Elevations)

Highways Statement (received 24.01.17)

Planning Statement (received 15.12.17)

Sustainability Statement (received 15.12.17)

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 sample 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 2016.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

## 6 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 7
- a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8
- 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).

- 9
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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



(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 201774.P.002 B (received 29.01.2018) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 11 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).

- 12 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations as illustrated on drawing number 201774.P.302 Rev C 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).

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

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

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this

permission, shall be placed at any time in the side elevations of proposed units Nos 3 and No7.

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).

- 15 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.

- 16 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 19 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://www.planningportal.gov.uk/cil).

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 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](mailto:crossovers@barnet.gov.uk).
- 5 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the north-eastern side of Edward Road and consists of a vacant plot of land (Nos 3-5) and a two-storey family dwelling (No.7). The existing dwelling is originally a detached property however is now linked with No.9 with a single storey addition. The redundant plot is currently used for the storage of various materials.

The road is predominantly residential with some industrial buildings to the west. The site is located on the southern outskirts of the New Barnet Town Centre. The street is characterised by a mix of properties with the majority being terraced. However, the adjoining sites comprise a detached property (No.1) and end terrace (No.9). The style of properties is varied, but there is an established building line.

### **2. Site History**

Reference: B/00086/10

Address: 7 Edward Road, Barnet, EN4 8AY

Decision: Refused

Decision Date: 9 March 2010

Description: Erection of two 2-storey detached houses following demolition of garage on land adjoining No. 7 Edward Road.

Reference: N15573A/08

Address: 3-5 Edward Road, Barnet, EN4 8AY

Decision: Approved with conditions

Decision Date: 18 March 2008

Description: Erection of 1 No. two storey house with rooms in roof space.

Reference: B/04474/08

Address: 7 Edward Road, Barnet, EN4 8AY

Decision: Refused

Decision Date: 11 February 2009

Description: Demolition of sheds and garage attached to No. 7 Edward Road and the construction of 2No. 4 bed houses

### **3. Proposal**

This application seeks consent for the demolition of the existing property at No.7 and erection of 5no terraced houses, with associated amenity space, cycle/refuse storage and off-street parking. The proposal would provide 5 x 3 bedroom units with each dwelling provided with 1no off-street parking space.

The application has been amended during the course of the application to include the following:

- Removal of cat-slide roof to proposed end of terrace unit adjacent to No.9.

### **4. Public Consultation**

Consultation letters were sent to 85 neighbouring properties.

10 responses have been received, comprising 9 letters of objection and 1 letter of support.

The letters of objection raise the following concerns:

- Proposed scheme is out of character with the existing street
- Previous applications on the site previously refused
- Impact on parking provision
- Impact to highway safety caused through additional vehicles
- Overdevelopment and overcrowding of a densely populated area
- Loss of light and overshadowing
- Overlooking
- Additional noise generated by the proposal
- Planning obligations not met towards education and health services
- No.7 is not a detached property

Theresa Villiers MP has submitted an objection to the application, raising the following consideration:

- No.7 is not a detached house. Concern on this property during demolition
- Provision of 5 on-site parking spaces is not sufficient and will have adverse impact on Edward Road

Cllr Philip Cohen has submitted an objection to the application, raising the following considerations:

- Impact on parking provision
- Inappropriate provision of luxury housing. Barnet is short of affordable housing
- Demolition of No.7 is unnecessary. No.7 is wrongly described as a detached house.
- Building works at this end of Edward Road would put at risk car, cyclist and pedestrian users of Margaret Road.

The representation in support is noted below:

- Proposal is in keeping with the area;
- Bring much needed homes for families
- Removal of a long term eyesore.

### Statutory Consultees

**Traffic and Development** - 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 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.

### The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### 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, CS13, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction 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 the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide a satisfactory level of amenity for future occupants;
- Whether harm would be caused to highway safety.



### **5.3 Assessment of proposals**

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Edward Road has a varied character in terms of property types, architectural detailing and materials. However, all the properties are two-storeys in height and follow an established building line. There is little in the way of off-street parking except for a small number of properties.

The proposal involves the demolition of the existing property at No.7. While the representations received have raised concerns relating to the loss of this building, it does not hold any protected designation which would prohibit its demolition. Nos 3 and 5 consist of an existing vacant plot. The street is residential in character and therefore the principle of demolition of the existing building and the redevelopment of a residential scheme is considered to be acceptable, subject to compliance with all other relevant policies.

The application proposes a row of 5no. terrace properties. The proposed footprint would follow the established building line with the front and rear elevations being approximately in-line with the properties to the south. The height of the building replicates the height of neighbouring two storey dwellings located in the area and respects the sloping nature of the site. There would be a separation distance of approximately 1 metre to both neighbouring properties which is considered to provide a suitable separation between the neighbouring properties and setting for the proposed development. A proposed modern development in terms of its external appearance is not considered to have a detrimental impact on the character and appearance of the host site or the street scene. The proposed rear dormers are considered to be of an appropriate scale to the roof structure and appear subordinate in nature. The size and siting of the proposed front rooflights are also considered to be acceptable.

Overall, the proposal is considered to comply with the requirements of policy DM01 in terms of its design, scale, height and layout and have an acceptable impact in terms of the character and appearance of the surrounding area.

#### Impact of the proposal on the amenities of neighbours

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The site is surrounded by residential properties. In terms of the impact on the neighbouring properties on Edward Road, the proposed footprint would align approximately with the front and rear building lines of the properties to the south. It is therefore not considered that the proposal would have an overbearing or overshadowing impact on the adjacent properties. No.1 is orientated away from the proposal and there is a single storey garage at the side which separates the existing building and the proposed dwelling. There is a window at first floor level of No.1 but it is considered that there would be no significant loss of light due to the orientation and separation distance of 4m between flank walls of No.1 and proposed house at No.3. There are no windows in the side elevation of No.9. The windows that are proposed in the side elevations of proposed dwellings 3 and 7 are illustrated as being fitted with obscure glazing. A condition will be attached to ensure that obscure glazing is fitted. To the rear the proposal would exceed the recommended 21m separation between habitable windows. As such the proposal is not considered to adversely impact the properties to the east.

Overall, it is not considered that the proposed terraced dwellings would result in a loss of light, outlook or privacy for neighbouring occupiers.

#### The quality of accommodation for future occupants

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed dwellings would measure:

House 3 - 3B4P - 92sq.m  
House 3A - 3B5P - 99sq.m  
House 5 - 3B5P - 99sq.m  
House 5A - 3B5P - 99sq.m  
House 7 - 3B4P - 90sq.m

The proposal would provide 5 family dwellings which is supported under policy DM08. Following a review of the internal floor plans, all the proposed units are deemed to meet the minimum internal space standards. All of the units would be dual aspect and considered to have acceptable levels of outlook and daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that for developments with up to five habitable rooms 55 m<sup>2</sup> of amenity space should be provided. All the proposed units would have 5 habitable rooms and rear gardens measuring from 55 to 63sq.m. As such, the proposal meets this requirement and is therefore acceptable in this respect.

#### Impact of the proposal on highway safety

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

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

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal would provide 3 x 2-bed units and would have the following parking requirements:

5 x 3bd                      1.0 - 1.5              5.0 - 7.5

The application would provide 1 off-street parking space per dwelling, five spaces in total. The Council's Traffic and Development service comment that the application site is located within a PTAL area of 3 (average) in which there are bus and train services available. The High Barnet London Underground station lies just outside the PTAL calculation zone. The development is not located in a controlled parking zone. The proposed parking provision of 1 space per dwelling is considered to be acceptable by the Highway's Officer and is considered to be a suitable level of off-street parking provision to stop the likelihood of overspill parking by future residents. A parking survey has been submitted as part of the application which advises that there is sufficient space to accommodate any over spill parking. The details of this survey are accepted by the Highway's Officer.

The Highways Officer notes that objections have been raised in terms of the highway width, however there is sufficient width for vehicles to pass at this point. Overall the proposal is not considered to generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

The proposed refuse stores are considered to be provided within a suitable proximity from the public highway and can be easily accessed by refuse operatives.

#### Refuse and Recycling

It is proposed to site the refuse and recycling stores at the front of the site. A condition will be attached to seek details of enclosure or screening in order to ensure there is adequate mitigation to reduce the visual impact of the proposed refuse stores.

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

Concerns raised in the letters of representation are mainly addressed in the report, however, the following comments are also made:

**Impact of proposed design** - the proposed design, scale, layout and height is considered to be acceptable and would not have an adverse impact on the character and appearance of the street scene or surrounding area.

**Previous applications have been refused** - the previous applications were of a different form and nature in that they proposed the erection of two detached dwellings in the vacant plot between Nos 1 and 7. This application is substantially different and is assessed on its own merit.

**Impact on highways** - The application and its impacts has been assessed by the Council's Traffic and development service who have raised no objections to the proposal. The proposed parking provision is in accordance with the requirements of policy DM17.

**Impact on amenity** - the proposal is not considered to result in a detrimental impacts on the residential amenity of neighbouring occupiers. The proposed residential use is considered to be acceptable in this location and is not considered to generate a level of noise which would not be appropriate for this area.

**Planning obligations are not met** - in this instance, obligations are not required to be secured as part of the planning permission. The development will be CIL liable and the purpose of CIL money collected will be used to help provide for community infrastructure.

**The existing property is not detached** - It is acknowledged that there is a single storey side extension between the original building of No.7 and the neighbouring property at No.9. However, this is not considered to be substantial which would merit the property being considered a semi-detached terrace. The properties are very different in style and the single storey side extension is a later addition. That said, this element is not considered significant in terms of the assessment of the application. Concerns have been raised in relation to the proposed impacts of demolition, however, this is not a material planning issue and any damage caused would be covered under the Party Wall Act of Building Regulations.

**Proposed housing is not appropriate** - the proposal due to its number of units is not liable to provide affordable housing.

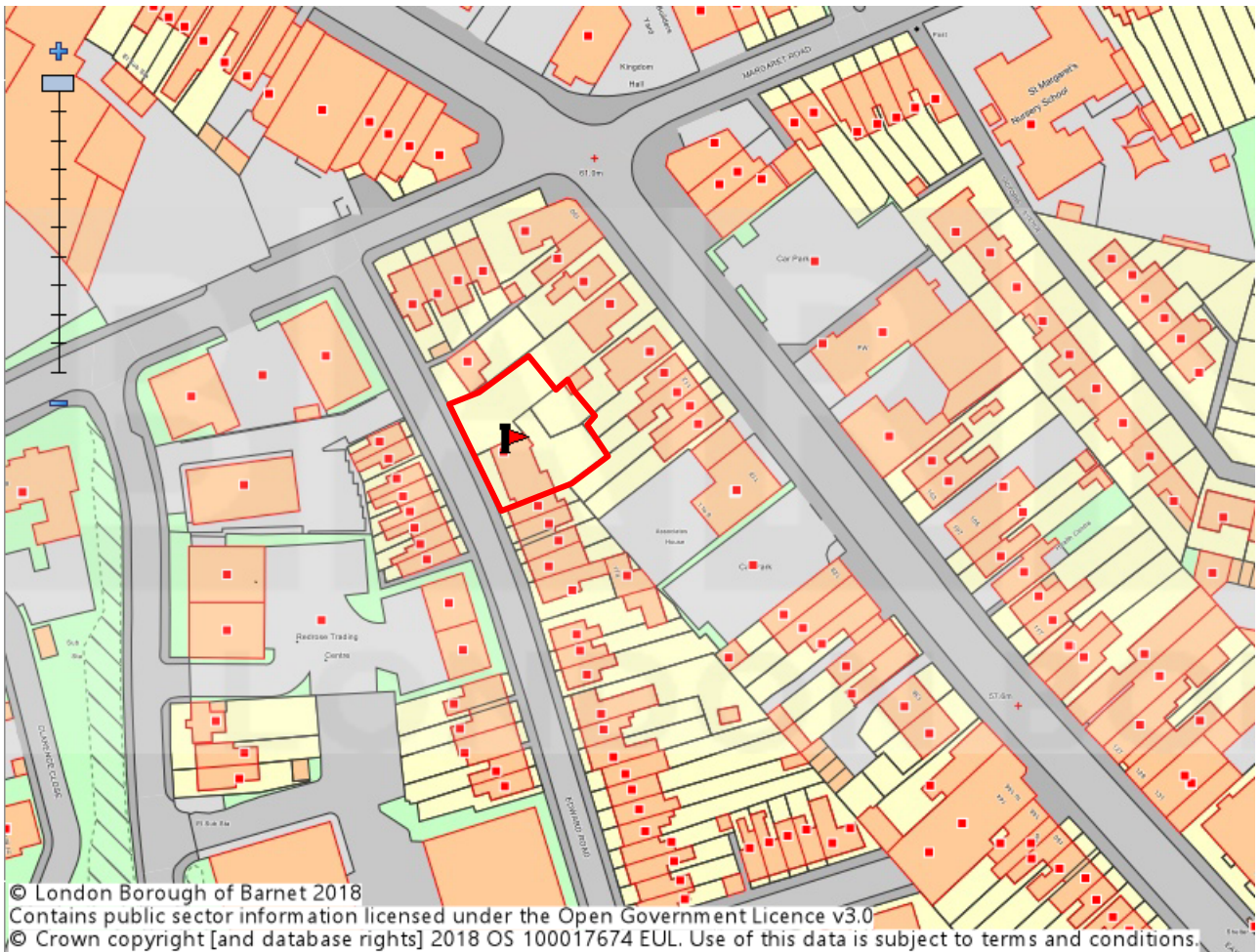
**Impact of demolition and construction works** - these matters are not controlled by the planning process and are covered by separate legislation such as building control, environmental health and highways.

## **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, future occupants of the development or highway safety. This application is therefore recommended for APPROVAL.



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**Location**                            **12A Crescent Rise Barnet EN4 9RR**

**Reference:**                        **18/0226/FUL**

Received: 11th January 2018

Accepted: 11th January 2018

**Ward:**                                East Barnet

Expiry 8th March 2018

**Applicant:**                        Mr Marc Zitren

**Proposal:**                        Demolition of existing bungalow and erection of 3no, two-storey dwelling houses with associated landscaping, parking, cycle and refuse storage

**AGENDA ITEM 8**

**Recommendation:** Approve 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/obligations or reasons for refusal 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:
  - Location Plan
  - Existing Floorplans and Elevations (D/A450/1A Rev. A)
  - Proposed Floorplans and Elevations (D/1450/2B Rev. B)

The above were received on 22.01.2018.

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 2016.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted



September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 Before the development hereby permitted is first occupied, enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins, shall be implemented in accordance with the approved plans and retained as such thereafter.

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

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

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

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

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

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. D/1450/2B Rev. B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 9 Before the development hereby permitted is first occupied, cycle parking and storage shall be implemented in accordance with the approved plans and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 10 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).

- 11 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).

- 12 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 13 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.

- 14 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.

- 15 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 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](mailto:crossovers@barnet.gov.uk).

## **Officer's Assessment**

### **1. Site Description**

The application site is a single storey bungalow located on the south side of Crescent Rise. The plot in which the application site resides is larger than adjacent plots and is sited on a bend in the road. Crescent Rise is characterised by two-storey semi-detached properties, which include single storey side garages that enable a good level of visual separation between adjacent buildings. A number of properties within the street benefit from single, two-storey side and roof extensions. There is a single storey structure located to the west of the application site which resides within the curtilage of 19 Brookhill Road.

The application site is not located within a conservation area and is neither a statutory or locally listed building. There are no TPOs located within the curtilage of the application site.

### **2. Site History**

Reference: N00194

Address: Between 12 and 13 Crescent Rise, New Barnet, EN4 9RR

Description: The erection of detached bungalow and garage

Decision: Approved subject to conditions

Decision Date: 25/10/1965

Reference: N00194a

Address: 12 Crescent Rise, New Barnet, EN4 9RR

Description: Single-storey rear extension

Decision: Lawful

Decision Date: 14/09/1988

### **3. Proposal**

- Demolition of the existing bungalow;
- Creation of 3x 2.5 storey 3-bedroom family houses;
- 4.no off-street parking spaces;
- Associated cycle, amenity and refuse provision.

### **4. Public Consultation**

Consultation letters were sent to 74 neighbouring properties. 5 responses were received comprising 5.no letters of objection. These can be summarised as follows:

- Proposal represents an over-development of 3-storey houses on the plot of one single bungalow;
- The proposed car parking provision is insufficient for the expected number of residents of these new houses;
- The proposed development will lead to more parked cars on the street, which will cause an even greater impact for emergency vehicles and recycling trucks to access Crescent Rise;
- The addition of 3 houses is a 21.4% increase in habitation within this very small cul-de-sac;

- The three proposed dwellings would be out of keeping in a small cul-de-sac of semi-detached houses;
- Although the existing building is not a semi-detached property, its small size and height means it does not detrimentally impact the character of the road;
- The proposed garage will inevitably be re-utilised for storage/living space and therefore only three parking spaces will be provided in reality;
- In light of the lack of on street parking availability, the development should as a minimum meet the best possible standard of 1.5 parking spaces per 3 bedroom house which could be met if the development was in character with the rest of the road;
- Should any development be approved on this site, a considerate Construction Management Plan would be key as there is no on-street capacity for construction/trade vehicles, or skips without severely impacting residents, or even blocking this small cul-de-sac;
- Crescent Rise is already struggling with overflow parking from Charlotte Court and Brookhill Nursery; this development will cause greater parking stress;
- Understand development of the site is likely. However, 2 x 2 storey houses with garages would be a better compromise and would be more in keeping with the style of existing properties.

## **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.

#### The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

## **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 property, the street scene and the wider locality;
- Whether harm would be caused to the amenity of neighbouring residents;
- Whether the proposed development provides sufficient living standards for future occupiers;
- Whether harm would be caused to parking and traffic in the surrounding area;
- Whether sufficient refuse storage has been provided.

## **5.3 Assessment of proposals**

### **Character and appearance**

This application seeks planning permission for the demolition of the existing bungalow and the erection of 3x 3-bed dwelling houses. Policy DM01 states that:

b. 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 application site is the largest residential plot in Crescent Rise in both size and width. The existing bungalow at the application site is the only single storey dwelling on a street characterised by two-storey semi-detached buildings. Therefore, in terms of character perspective the bungalow is considered to be out of keeping with the adjacent 2 storey dwellings located on Crescent Rise.

The proposed development has been designed to appear as a pair of semi-detached dwellings and therefore visually align with and protect the character of the wider streetscene. The semi-detached properties within Crescent Rise are characterised by a pitched hip-end roof form and attached single storey garages which ensure a good level of visual separation between each semi-detached pairing. The facades are characterised by light brown brick, limited design detailing and single storey front porches. There are examples of design variance within the street, where semi-detached pairings are larger in width, do not include single storey garages and have made alterations to the roof such as side dormers. This is particularly evident at nos.3-4 Crescent Rise, where the building has a wider ridge run and greater first floor bulk than adjacent semi-detached pairings along Crescent Rise. Furthermore, they do not incorporate single storey garages common within the design of adjacent semi-detached pairings. The width of their cumulative plot is 17.4m which is 1m smaller than the width of the application site (18.4m). On the other hand, the application site has been designed to replicate the semi-detached pairings on the street,



incorporating a pitched hip-end roof form, a modest single storey front porch, matching facing materials and a single storey side garage to reinforce the visual separation intrinsic to the character of Crescent Rise. Only 1.no garage has been provided as part of the proposed development, as it is considered that there is a significant set-back between the application site and no.12 Crescent Rise, which is further reinforced by the presence of a single storey outbuilding in-between the aforementioned site's which resides within the rear curtilage of no.19 Brookhill Road. As the outbuilding cannot be built up to two storey level at any stage, it is considered that appropriate levels of visual separation will be maintained between the application site and no.12 Crescent Rise. Therefore, despite the application site being wider than nos.3-4 Crescent Rise, it has a comparable first floor level width and provides a better level of visual separation between neighbouring properties than is evident between nos.2 and 3 Crescent Rise for example. In view of adjacent properties within Crescent Rise, the proposed development is considered to be a design solution which is proportionate to its larger plot size and from a visual perspective would respect and protect the established character of the street. Therefore, it is not considered that the proposed development would be out of character with adjacent dwellings along Crescent Rise and would not cause significant harm to the appearance of the streetscene.

In regards to the broader question of character as to whether the creation of 3.no dwellings at the application site would constitute over development, a number of factors have been considered. Firstly, the London Plan (2016) suggests that suburban areas with a PTAL of 2/3 should feature densities of between 35-65 u/ha. The proposed scheme features 50 u/ha and is therefore within the acceptable range. Secondly, the application site is the largest and widest plot on the street and as discussed above does not result in a built form that is out of character with adjacent dwellings within Crescent Rise. Thirdly, as will be demonstrated below, the proposed development exceeds minimum internal and external space standards and complies with local policy in regards to parking requirements. Given the adjacent plot sizes along Crescent Rise are too small to accommodate 3.no units it is not considered that the proposed development would establish a harmful design principle within the street. As the proposed dwelling meets the amenity standards outlined within the London Plan (2016) and Sustainable Design and Construction SPD (2016), conforms to recommended density levels within the London Plan (2016) and does not cause harm to the visual appearance of the street, it is not considered that the creation of 3.no dwellings at the application site would cause harm to the character of Crescent Rise by way of overdevelopment. It is considered that the proposed development provides a pragmatic design solution to a plot which is materially larger (18.4m) than adjacent plot sizes, where the average width is around 8m.

The proposed dwellings have been designed to provide soft landscaping to the front of the site that will enhance the appearance of Crescent Rise. From a review of adjacent dwellings, a number of front gardens have been lost to hard standing for the purposes of parking cars. The proposed design provides sufficient capacity for both on-site parking and soft landscaping. A condition will be attached to any permission to ensure soft landscaping is provided to an acceptable design.

In summary, the design complies with Policy DM01 in that it respects local appearance, scale, and pattern of development. It proposes a design solution that responds to the uncharacteristically large plot size within Crescent Rise by appearing proportionate and comfortable within its allocated space. Furthermore, it enhances the visual appearance of the street through the creation of a front garden, provides good levels of visual separation between adjacent properties and replicates design features characteristic within the street. Indeed, it provides a level of visual bulk which is comparable to the semi-detached pairing at nos.3 and 4 Crescent Rise, albeit on a larger plot, with scope to provide a single storey

garage and better levels of visual separation between neighbouring properties. The proposed development is not considered to represent over development given its larger plot size and the fact, as will be demonstrated below, it exceeds minimum internal and external space standards and complies with policy DM17 in regards to parking requirements. Consequently, it is not considered that the proposed development would cause significant harm to the character and appearance of the application site or wider streetscene and would therefore be recommended for approval.

## **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed dwellings would not cause significant harm to the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy or overbearing. In regards to the adjacent property at no.13 Crescent Rise, the proposed development has been set-down to match the eaves height at no.13 to limit perceived overbearing and to maintain and protect neighbouring amenity. The proposed design has provided a first floor set-back between the flank wall and site boundary with no.13 of 3m, 2m more than the set-back recommended within Section 14 of the Residential Design Guidance SPD (2016) for first floor side extensions adjacent to a neighbouring site boundary. Given the first floor set-back of 3m and the orientation of no.13, a 45 degree view is maintained for first floor flank and rear windows at no.13. Furthermore, given the north-south orientation of the site, no.13 would benefit from good levels of outlook and daylight / sunlight to habitable rooms to the rear of the property. There is a single storey element which would be built up to the site boundary with no.13. However, the proposed height would only be 0.5m higher than the boundary fence and therefore would have limited impact on neighbouring amenity. It should be noted that the application site already sits to the rear of no.13 at more than single storey level (accounting for the pitched roof of the bungalow) and as a result the single storey garage of no.13 sits in front of the existing bungalow along the site boundary. As outlined in the character section above, it is considered that there would be a good degree of visual separation between the application site and no.13 given the proposed dimensions and set-backs.

In regards to no.12, the proposed development would be lower in height by 1.5m (measured to the eaves of the two-storey element). Furthermore, the application site and no.12 are separated by 13m at first floor level which is considered to provide adequate distance to protect against overshadowing and a loss of outlook. Indeed, given the north-south orientation of the site and the aforementioned separation between the application site and no.12, it is expected that no.12 will receive good levels of daylight / sunlight to habitable rooms to the rear of the property. As no flank wall windows have been included within the proposed development, it is not considered that neighbouring privacy will be compromised.

Section 2.4 of the Sustainable Design and Construction SPD (2016), states that a minimum of 10.5m needs to be retained between the rear wall of the proposed development and the boundary to the rear of the application site. The proposed development retains a distance of 11.5m.

In regards to an increase in the level of site activity, a concern raised by the some of the public comments received, it is considered that the proposed increase is acceptable. As outlined in the character section above and the question of overdevelopment, the application site has the largest plot size within Crescent Rise and contains a bungalow that is out of character with the adjacent two-storey semi-detached properties in regards to building scale and occupancy levels. Therefore, it is accepted that there is scope to increase the height and density at the application site. Given the size of the plot and the adjacent pattern of development, it is considered that a large 4-bed semi-detached property could be built on site that complies with character, amenity and highways considerations. Therefore, it is considered that 2.no, 4-bed, 8-person dwellings would be reasonable and would consequently result in a potential site occupancy level of 16.no people. The proposed development also has a potential occupancy level of 16 people (see living standards section below). It is therefore considered that the impact of the proposed development on levels of site activity is proportionate and would not result in an over intensification of use on-site that would result in harm to the residential amenity of neighbouring occupiers.

In summary, it is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy, overbearing or an over intensification of use. The set-back between the application site and neighbouring properties is in compliance with local design policy as outlined in Section 14 of the Residential Design Guidance SPD (2016) and serves to provide a good level of visual separation and an unhindered 45 degree viewshed at first floor level for neighbouring occupiers. Furthermore, it is considered that any increase in the level of site activity over and above the existing bungalow use would be proportionate and would not cause significant harm to the residential amenity of neighbouring occupiers. The proposed design also allows for sufficient distance between the rear elevation of the 3.no dwellings and the site boundary to the rear of the application site. The application complies with DM01, the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016). Consequently, it is recommended for approval on amenity grounds.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. The proposed dwellings have the following gia:

House A: 3-bed, 5-person, 3-storey: 132.95m<sup>2</sup> provided (99m<sup>2</sup> required)  
House B: 3-bed, 6-person, 3-storey: 125.65m<sup>2</sup> provided (108m<sup>2</sup> required)  
House C: 3-bed, 5-person, 3-storey: 121.79m<sup>2</sup> provided (99m<sup>2</sup> required)

As demonstrated above, all proposed dwellings would exceed the minimum space standards as outlined within section 2.1 of the Sustainable Design SPD (Oct 2016).

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;

- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

All proposed dwellings meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and provide reasonable levels of outlook to all habitable rooms.

It is considered that each dwelling would benefit from a good level of dual aspect outlook, with the levels of natural light / sunlight provided to all habitable rooms in excess of BRE guidelines.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for houses with up to 5 habitable rooms, 55m<sup>2</sup> of usable amenity space should be provided. The proposed dwellings would each provide south-facing usable amenity space in excess of the minimum standards outlined above:

House A: 97.08m<sup>2</sup>

House B: 58.95m<sup>2</sup>

House C: 60.81m<sup>2</sup>

Based on the information above, the proposed dwellings are considered to provide a good level of amenity for future occupiers. Both internal and external areas of the proposed development exceed minimum space standards and each dwelling would benefit for a good level of dual aspect outlook and daylight / sunlight provision. Consequently, the application is recommended for approval on living standards for future occupier grounds.

## Highways

The proposed development would provide 4.no on-site parking spaces. 2.no parking spaces are allocated to House A via an integral garage and driveway and House B and C each have 1.no parking space via a front driveway. Based on a review of Policy DM17, the proposed development would have a parking requirement of 3 to 4.5 spaces. The PTAL rating for the site is 2. The application was reviewed by Highways who confirmed that they were satisfied the proposed development was acceptable on highways grounds, stating it provided a 'suitable level of off street parking provision to stop the likelihood of overspill parking by future residents of the development.

2.no secure and weatherproof cycle spaces have been provided for each dwelling in compliance with Policy 6.9 of the London Plan (2016). The location and method of storage is considered acceptable and will be secured via condition.

## **Refuse**

The applicant has provided refuse and recycling bins to the front of each dwelling in compliance with Barnet's Waste and Recycling Strategy (2017). Storage and screening provision has been provided to protect the visual appearance of the application site and wider streetscene. This will be secured by refuse and soft landscaping conditions.

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

Public comments have been received and addressed in the report above. For clarity please see below:

- Proposal represents an over-development of 3-storey houses on the plot of one single bungalow:

This has been addressed in both the character and amenity section.

- The proposed car parking provision is insufficient for the expected number of residents of these new houses:

The proposed parking provision meets local policy and was considered acceptable by the highways department.

- The proposed development will lead to more parked cars on the street, which will cause an even greater impact for emergency vehicles and recycling trucks to access Crescent Rise:

The proposed development complies with local policy and is considered self-sufficient in terms of parking.

- The addition of 3 houses is a 21.4% increase in habitation within this very small cul-de-sac:

This is addressed in the amenity section where site activity is discussed.

- The three proposed dwellings would be out of keeping in a small cul-de-sac of semi-detached houses:

This is addressed in the character section.

- Although the existing building is not a semi-detached property, its small size and height means it does not detrimentally impact the character of the road:

This is noted.

- The proposed garage will inevitably be re-utilised for storage/living space and therefore only three parking spaces will be provided in reality:

This is an assumption. An assessment has to be made on the plans submitted.

- In light of the lack of on street parking availability, the development should as a minimum meet the best possible standard of 1.5 parking spaces per 3 bedroom house which could be met if the development was in character with the rest of the road:

The application was reviewed by Highways who considered the 4.no spaces provided acceptable.

- Should any development be approved on this site, a considerate Construction Management Plan would be key as there is no on-street capacity for construction/trade vehicles, or skips without severely impacting residents, or even blocking this small cul-de-sac:

This will be conditioned.

- Crescent Rise is already struggling with overflow parking from Charlotte Court and Brookhill Nursery; this development will cause greater parking stress:

As outlined above, it is considered that the proposed development is self-sufficient in regards to parking. Parking associated with uses not on the street does not preclude future development on Crescent Rise. The proposed development is considered in compliance with Policy DM17.

- Understand development of the site is likely. However, 2 x 2 storey houses with garages would be a better compromise and would be more in keeping with the style of existing properties:

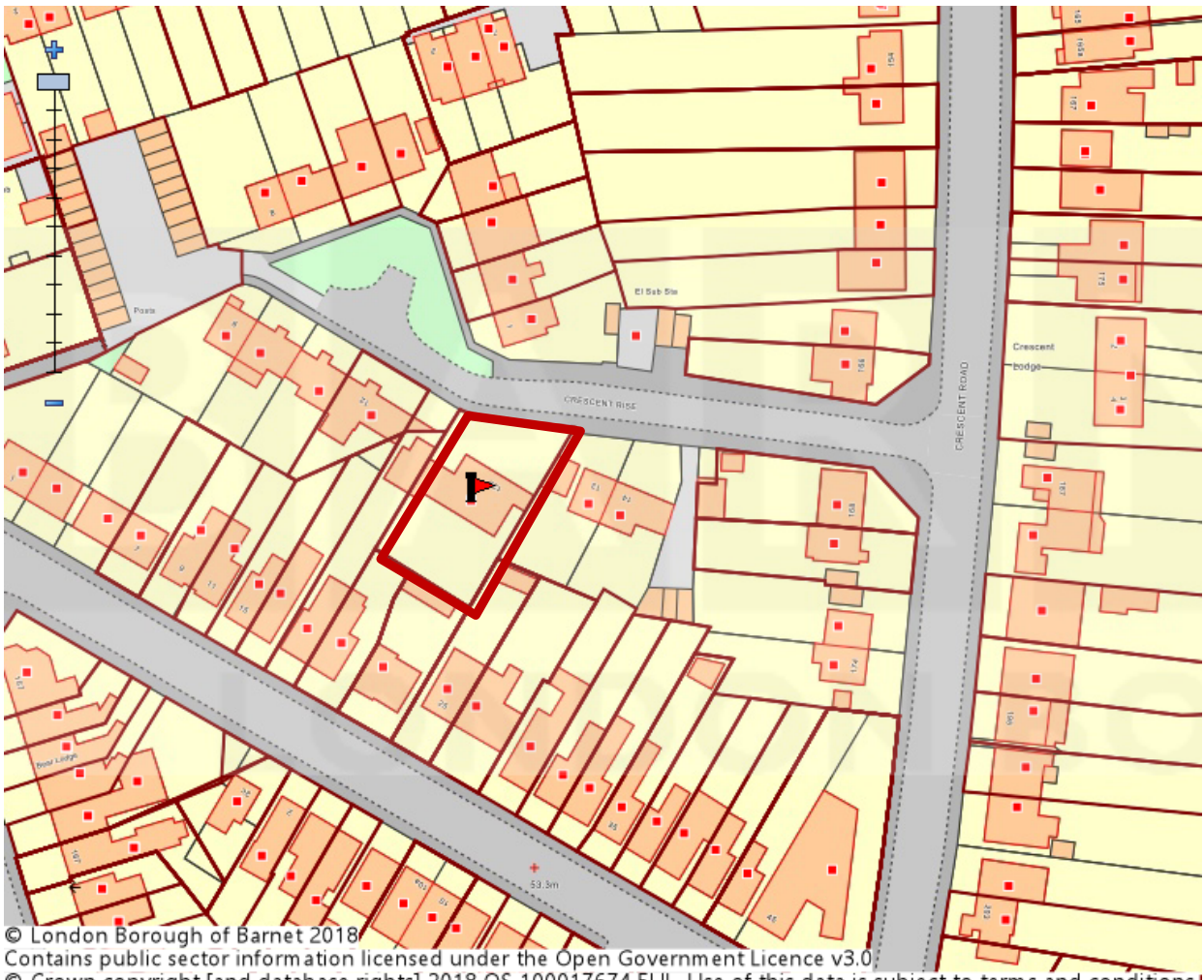
As outlined in both the character and amenity sections, it is considered that the proposed development would not cause harm to the character and appearance of the application site and wider streetscene. Furthermore, given the size of the plot, two large semi-detached properties on the application site would be expected to have the same occupancy level (16 people) as the proposed development and therefore it is not considered that the proposed level of site activity would be out of character or harmful to neighbouring residential amenity.

## **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 proposed development is considered to have an acceptable impact on the character and appearance of the application site and would provide a good level of amenity for future occupiers. Furthermore, it is not considered that significant harm would be caused to the residential amenity of neighbouring occupiers. Therefore, the application is recommended for approval.



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**Location**                      **The Old Peoples Welfare Association The Fern Room Salisbury Road  
Barnet EN5 4JP**

**AGENDA ITEM 9**

**Reference:**                      **17/7422/FUL**

Received: 23rd November 2017

Accepted: 29th November 2017

Ward:                                High Barnet

Expiry 28th February 2018

Applicant:

Proposal:                              Demolition of existing building and redevelopment of the site comprising construction of a new three storey building, providing 151.5 sqm community space (D1 Use Class) and 10no. self-contained flats (Use Class C3). Associated amenity space, car parking, refuse storage, cycle store and landscaping. (Amended drawings with changes to the car parking arrangements).

**Recommendation:** Approve subject to s106

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/obligations or reasons for refusal 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. Provision of a Community Access and Management Plan.

The Community Access and Management Plan is to include the following information:

- a) How the developer will ensure that the site is available for community use
  - b) Details of the facilities that will be available, pricing policy, hours of use, management responsibilities, internal fit-out and timetable for implementation of the Community Access and Management Plan
  - c) Detail for a mechanism for review
  - d) Details of the timetable for review
4. Provision of monitoring costs for the Community Access and Management Plan - £500

## 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 any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

- Existing Block Plan (491.(1).0.001)
- Existing Ground Floor Plan (491.(1).0.002)
- Existing Roof Plan (491.(1).0.003)
- Existing South Elevation (491.(1).0.004)
- Existing West Elevation (491.(1).0.005)
- Existing North Elevation (491.(1).0.006)
- Existing East Elevation (491.(1).0.007)
- Existing Section AA (491.(1).0.008)
- Existing Section BB (491.(1).0.009)
  
- Proposed Location Plan (491.(1).1.000 Rev. A)
- Proposed Block Plan (491.(1).1.001 Rev. A)
- Proposed Ground Floor Plan (491.(1).1.002 Rev. B)
- Proposed First Floor Plan (491.(1).1.003 Rev. A)
- Proposed Second Floor Plan (491.(1).1.004 Rev. A)
- Proposed Roof Plan (491.(1).1.005 Rev. A)
- Proposed Front Elevation (491.(1).2.001 Rev. B)
- Proposed West Elevation (491.(1).2.002 Rev. A)
- Proposed North Elevation (491.(1).2.003 Rev. A)
- Proposed Section AA (491.(1).3.001 Rev. A)
- Proposed Section BB (491.(1).3.002 Rev. A)
- Proposed Section CC (491.(1).3.003 Rev. B)
- Proposed Section DD (491.(1).3.004 Rev. B)
- Proposed Car Park Swept Path Analysis (173570-SK03 Rev. A)
  
- Daylight and Sunlight Assessment (T16 Design - February 2018 - Issue 4)
- Archaeological Desk Based Assessment (Cgms Heritage - September 2017)
- Energy Strategy (Metropolis Green - 6 November 2017)
- Flood Risk Statement and Sustainable Drainage Strategy (Ardent Consulting Engineers - November 2017)
- Noise and Vibration Impact Assessment (November 2017)
- Sustainability Statement (Metropolis Green - 6 November 2017)
- Operations Statement (March 2017)

The 'existing' plans and assessment documents were received on 23.11.2017 and the 'proposed' plans were received on 08.03.2018 and 14.03.2018.

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 2016.

4 a) No development other than demolition works shall take place until details and samples 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 2016.

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

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with

the information approved under this condition in perpetuity once occupation of the site has commenced.

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

6 a) A scheme of hard and soft landscaping, including a maintenance plan for the soft landscaping, and 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 October 2016) and 7.21 of the London Plan 2016.

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

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

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

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

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

9 Prior to occupation of the development the proposed parking spaces within the parking area as shown in 491.(1).1.002 Rev. B submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. 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 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 CS9 of the Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

10 Prior to occupation of the development hereby approved, the electric vehicle charging points within the parking area shown in drawing no. 491.(1).1.0002 Rev. B shall be provided and thereafter maintained as such.

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

11 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).

12 The ground floor premises shall be used as a community centre as set out in the application documents and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

13 The D1 use hereby permitted shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 10am or after 4pm on Sundays and Bank and Public Holidays.

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

14 The green roof 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).

15 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 6.00 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).

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

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

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

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 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of

the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

19 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

20 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:

- details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- site preparation and construction stages of the development;
- 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;
- 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;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- 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;
- noise mitigation measures for all plant and processors;
- staff travel arrangement;
- details of contractors compound and car parking arrangements;
- details of interim car parking management arrangements for the duration of construction;
- provision of a competent banksman;
- details of a community liaison contact for the duration of all works associated with the development;
- details of site hoarding;
- confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- confirmation that an asbestos survey has been carried out;
- confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

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.

21 The measures detailed within the Noise and Vibration Impact assessment (ref: 173570-04, dated November 2017) 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), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

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

This sound insulation shall ensure that the levels of noise generated from the D1 use hereby approved as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

23 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.



24 a) No development other than demolition works shall take place until details of the appearance, materials, living wall and opening mechanism for electronically controlled access gates have been submitted to and approved in writing by the Local Planning Authority. Details of a maintenance plan for the living wall hereby approved shall also be provided.

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 shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

25 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol in accordance with the details shown on drawing no. 491.(1).1.002 Rev. B The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

26 a) The building hereby approved shall not be occupied until details of the means of management of security access for both residents and any non-resident member of the D1 use have been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented:

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 2016 and advice in the Mayor's Housing SPG.

27 a) No external lighting shall be installed and used in relation to the D1 use until details of the appearance and luminance of the proposed lighting has 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.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 June 2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

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

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 6 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 9 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the

development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 10 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The application site is a 0.06 hectare (ha) irregular shaped plot located on the northern side of Salisbury Road within the High Barnet Ward. The site currently comprises of a single storey pitched roof building that provides 196m<sup>2</sup> of community (D1) floorspace. The building is currently let to Barnet's Old People's Welfare Association (BOPW). The building, given its age and construction, is currently in a poor state of repair and does not provide facilities which are considered to be fit-for-purpose or in compliance with modern construction and sustainability standards. As a result of the shortcomings of the structure only around half of the building is currently in use. The building's design and external facing materials while modest in scale appear somewhat out of character with the prevailing two and three-storey buildings surrounding the application site. Hardstanding is located to the front of the building which provides an area used as 5.no informal parking spaces. The application site is within the Chipping Barnet Town Centre as outlined within Map 2 contained within Barnet's Development Management Policies (2012).

The area surrounding the application site is mixed in character. To the west of the site is predominantly characterised by two storey residential dwellings, with other examples of three-storeys evident. The exception to residential uses along Salisbury Road to the west of the site are The Stables, which is a church and community centre located immediately to the west of the application site, and a multi-storey car park sited at the junction with Staplyton Road. Opposite the site to the south are two and three-storey residential properties which connect with three-storey units at the junction with the High Street which contain banks at grade and form part of the Primary Shopping Frontage of Chipping Barnet Town Centre. The Wood Street Conservation Area includes some of the area to the south-east of Salisbury Road, but is primarily focused along the High Street and the streets to the south of Salisbury Road. The application site is not located within the Wood Street Conservation area, nor is the majority of Salisbury Road. To the north of the site is a service road that serves the Spires Shopping Centre. The Spires Shopping Centre, along with the Chipping Barnet Town Centre, is located within 40m of the application site and contains a mix of retail, office and community uses.

As aforementioned, the application site is not located within a conservation area, although the Wood Street Conservation Area is located nearby at the junction with Salisbury Road and the High Street. The application site is not a listed building, resides within a Flood Zone 1 Area and is located within the Chipping Barnet Area of Special Archaeological Significance. The site benefits from a PTAL (Public Transport Accessibility Level) of 3.

### **2. Site History**

n/a

### **3. Proposal**

- Demolition of existing building;
- Construction of a three-storey building containing 10.no flats (C3) and 151.5m<sup>2</sup> of community space (D1);
- 9.no on-site parking spaces from residential use and 1.no parking space for community use;
- Associated hard and soft landscaping, cycle parking and refuse and recycling storage.

#### 4. Public Consultation

Consultation letters were sent to 313 neighbouring properties. 44 responses were received comprising 2.no letters of support, 1.no representation and 41.no objections. Barnet Residents Association, The Stables and the BOPW were all consulted on the proposal. Any comments received have been summarised and included with other neighbour comments below:

##### Support:

- Good to see some higher quality modern architecture in the centre of Barnet which reflects some of the history of the area and local context.

##### Representation:

- Pleased some of the public comments have been incorporated into the proposed development;
- Community space would be an improvement to the existing community centre although there needs to be commitment to re-house the existing community users at an affordable rent;
- Concern that the proposed community space is unsuitable for other community uses such as a day care centre given there is not outdoor play area, or a sports centre given the restricted floor-to-ceiling height and glass wall;
- Concerns about the design and viability of the proposed landscaping due to the overhanging cantilevered floors above.

##### Object:

- Proposed design is incongruous and inconsiderate of Wood Street Conservation Area and historical character of Chipping Barnet Town Centre;
- Proposed design is discordant and out of character with surrounding buildings and uses along Salisbury Road;
- This is not the place for a modern statement building;
- Significant parking and traffic congestion issues along Salisbury Road. Therefore, more homes will result in more parking and traffic issues;
- 2.no on-street parking bays to the front of the development would reduce the width of the road and result in difficulty for buses and other larger vehicles to pass;
- No guarantee who will run or use the community area;
- Not opposed to the redevelopment of the site although a modern design would damage attempts to protect the historic character of Chipping Barnet;
- The design should use recent developments like the OWCH building on Union Street which is a modern design but responds better to local character and design detailing;
- Balconies should not be at the front of the building as they will likely be used for storage / drying washing and overlook a busy street;
- No seating has been provided to the front of the community use;
- There is no parking for mobility vehicles although elderly and disabled people use the community centre;
- There will be traffic congestion as cars queue to enter and exit the on-site parking area;
- No parking spaces should be provided on-site as there are many public transport links nearby, the site is close to the town centre and the Mayors recent draft transport strategy wants to reduce cars in these locations;
- The design does not provide visual interest at street level;



- The design is too close to the public footpath and boundary with The Stables;
- The design will block light into the Stables and reduce the quality of the church's courtyard which is used for community based activities;
- Future of the Old Peoples Welfare Association is in doubt; its future should be secured;
- The ground level entrance is uninviting and the garage façade is not an appealing feature;
- Doubts whether there is sufficient demand for a mixed-use community facility in a town where we have six such venues already;
- A lack of soft landscaping to the front of the application site. Front gardens are characteristic along Salisbury Road.

Statutory Consultees:

Environmental Health: Acceptable subject to conditions and informatives

Highways: Acceptable subject to condition and informatives

Sustainable Urban Drainage: Acceptable subject to informatives

Historic England: No objection

Greater London Archaeology Advisory Service: No objection

Fire Brigade: No objection

Heritage: No objection given discussions were held between the applicant and Officers regarding the proposal and its design prior to formal submission

Urban Design: No objection

## **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.

## Draft Mayor's London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### 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, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM11, DM13, DM17.

### Supplementary Planning Documents

- Chipping Barnet Town Centre Strategy (2013)
- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of site redevelopment;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the amenity of neighbouring residents;
- Whether a sufficient level of amenity has been provided for future occupiers;
- Whether harm would be caused to parking and traffic in the surrounding area;
- Whether sufficient refuse storage has been provided.

## 5.3 Assessment of proposals

### Principle of Site Redevelopment

The application seeks planning permission for the redevelopment of the application site by demolishing the existing community centre and constructing a three-storey building which will contain 10 no self-contained flats, 151.5m<sup>2</sup> of community floor space at ground floor and 10 no on-site parking spaces. The comprehensive redevelopment of the site will result in the loss of the existing community centre which as explained above is in a poor state of repair, underutilised due to its deteriorating condition and fails to meet modern design and building specifications. The proposal would result in the loss of a building which while modest in scale, is considered to be something of an anomaly as far as the Town Centre location is concerned. Indeed, it is considered to be out of character with the surrounding built form given its layout, scale, design and facing materials.

Compounded by the poor state of repair, the existing building is not considered to either maintain or enhance the appearance of the application site and the wider character of the Chipping Barnet Town Centre. Indeed, if left in its current form, it is likely that the building will continue to deteriorate and ultimately cease to provide any meaningful function for the community use in which it serves and result in a building that will detract still further from the wider character and appearance of the application site and Chipping Barnet Town Centre. As outlined within a number of the public comments received, it is acknowledged

that there is the opportunity to redevelop the site to improve its use, visual appearance and wider contribution to the vibrancy and vitality of the Chipping Barnet Town Centre. To unlock the full potential of the site, and to provide a scheme that responds well to the constraints of the site, it is considered that the demolition of the existing building is necessary. Retention of what is currently there is not considered to be an option from the point of view of seeking a quality redevelopment of the site.

Although the retention of the building is not considered to be something that the Council would insist upon, any redevelopment of the site must consider the impact on the existing community use. Policy DM13 states that:

a: Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

Paragraph 14.1.9 of Policy DM13 notes that the 'Redevelopment of a community or educational facility will be permitted where ... the criteria set out in the policy are met. It needs to be clear that the existing community's needs would still be met.'

As the applicant has not sought to demonstrate that there is no continued demand for community use on the site, or provided an alternative location for the existing community use, it is the quality of the re-provided community use that needs to be assessed to ensure policy compliance.

Existing Use:

The existing building has a total of 196m<sup>2</sup> of community floorspace although, as outlined above, given the building's poor state of repair, light optimisation and building insulation, only around a half of the available floorspace is currently used. Indeed, the building is no longer fit-for-purpose and fails to meet current building and sustainability standards. The building is currently leased to Barnet's Old People's Welfare Association (BOPW), although the lease on the property is soon to expire. The applicant states that the BOPW run activities from the site at the following times:

- 8:30am to 4pm Wednesday & Friday
- 9am to 12:15pm Saturday

Given the building provides activities for elderly people, mobility and accessibility are important elements of the community use. At present, a pick up and drop off service is provided via a mini-bus which collects 6.no people per day. Outside operational hours, the minibus is often parked within the area of hardstanding at the front of the site.

Re-provided Community Floorspace:

The proposed community use provides 151.5m<sup>2</sup> of high quality flexible use floorspace. While it provides 44.5m<sup>2</sup> less than the current community centre, it is considered that the new community space is a significantly better and more accessible space than existing and designed to higher building and sustainability standards. The new community space would benefit from better amenity facilities for future users, higher levels of natural light

due to full height glazing to the front of the site and a more flexible and functional open plan space which can accommodate a different range of educational and recreational activities. As outlined above, only around half of the existing community centre is used due to the site's poor state of repair and accessibility. Therefore, while smaller, the new community space would unlock a larger and more accessible and usable space for future users through the incorporation of better design and building standards. Policy 3.16 of the London Plan (2016) states that, 'Multi-use community centres that provide flexible and accessible spaces adaptable to communities' needs should be encouraged.' Given the flexibility of the re-provided space, the community centre can easily be adapted to meet the needs of a number of different community end-users and therefore provides a wider community benefit in line with the London Plan (2016). It is considered that the new community floorspace in terms of its design, construction and future use would be to a higher quality than the existing and address both DM13 of Barnet's Development Management Policies (2012) and Policy 3.16 of the London Plan (2016).

#### Needs of existing community use:

It is acknowledged that the BOPW currently use the site and therefore any redesign should consider their needs. During both the design and public consultation processes, discussions were held with BOPW to understand what their needs were and whether or not the new community space met their requirements. No objection was subsequently received and no concerns were raised regarding the viability of the new community space for use by the BOPW. The applicant has confirmed that following their discussions with the BOPW they communicated that they were satisfied with the re-provided community space and supportive of the proposal. Confirmation was also received from the applicant that BOPW have an alternative premises which they can use during construction as well as after completion of the development should they choose to do so.

It is noted that the use of the existing community centre by BOPW is only on certain days and times of the week. Therefore, there is capacity outside of these times to accommodate additional community uses. The new community space will also be available for use by BOPW, although not exclusively. As a result, the Council considers that the community space must not only address the explicit needs of BOPW, but demonstrate flexibility in design to ensure it can accommodate a number of different community end-users. For the avoidance of doubt, it is difficult for a Planning Authority to insist on a community space being only available for one specific community group unless this would be supported by policy. The objective of having the space available to all users, including the BOPW is manifest in the proposed open plan design which can be easily adapted for use by different community groups and end-users. As outlined above, the new community floorspace provides a greater level of usable space than the existing community centre and a design which provides a more flexible area that can be better adapted for BOPW's specific needs. Furthermore, the applicant has confirmed that the new community space will be fully fitted out at completion and ready for community use. This will be secured by condition and would ensure that future burdens are not imposed on users which could result in the space actually being less attractive. As a result, it is considered that the proposed community space would adequately accommodate the current activities of the BOPW, whilst providing improved kitchen, washrooms and storage facilities. A management plan will be conditioned and controlled through a Section 106 legal agreement to address the use and operation of the community space, including access for the BOPW at certain times during the week.

#### Site Accessibility:

The current site accommodates 5.no informal parking spaces to the front of the community centre. A mini-bus is often parked to the front of the community centre which is used to collect and drop-off attendees of the site. The proposed development will result in the loss of these informal parking spaces, but provides 1.no secured on-site parking space for the community use in line with the London Plan (2016). Due to site constraints and the form that the development is taking, mini-bus parking on-site is not possible. There is capacity on-street to the front of the site to collect and drop off attendees of the community centre, but there is no provision for the permanent parking of a mini-bus on-site. It is considered that to provide such space would have a significant impact on the overall quality of development proposed and would not be something that would be required by policy in any event. The mini-bus currently provides 6.no collections and drop-offs only. This implies that the majority of users of the community centre currently access the site without the need of the mini-bus and, therefore, its use only meets a small portion of the community centre attendees. Given the new community space will not be used exclusively by BOPW, it would be unreasonable to fundamentally alter the design and viability of the development to accommodate a permanent mini-bus parking space to the front of the site. The provision of 1.no secured on-site parking space for use by community members, in addition to paid parking bays along Salisbury Road, is considered to provide an acceptable level of site access for members of the BOPW and other end-users. Furthermore, the removal of informal parking to the front of the site to be replaced within an integral garage is considered a better design solution and helps to provide a more coherent building line and vibrant public realm. A Community Access and Management Plan will be secured by condition to agree an appropriate mechanism for site parking and access for community groups.

In summary, it is considered that the re-provision of community use complies with Policy DM13 in that it provides a new community use of 'at least equivalent quality' and would address the diverse needs of both the existing and future community users via a flexible open plan space. The proposal provides a new community space which is to modern design and building standards, creates a space which is adaptable to meet the needs of a number of different end-users including BOPW, and accommodates on-site parking provision in line with London Plan (2016) standards. The new space is smaller than the existing, but given the deteriorating condition of portions of the existing building, it provides a greater amount of usable space for future users in real terms. The open plan design does not preclude use of the site by the BOPW, but rather provides a more flexible use that can be adapted to meet the BOPW's exact requirements, whilst also complying with Policy 3.16 of the London Plan (2016) around the creation of a space that can be used by a number of different community end-users. The site is considered to provide an acceptable level of on-site parking for community use in line with the London Plan (2016), particularly given the site is located within a town centre and accessible location. The 1.no on-site community parking space has been designed to meet wheelchair standards and can be used by the BOPW to provide secure access to the site for members who are unable to access the site via public transport. As outlined above, a Community Access and Management Plan will be secured by condition to address site access and use. Based on the above, it is deemed that the re-provision of community space is acceptable and in line with both Policy 3.16 of the London Plan (2016) and Policy DM13 of Barnet's Development Management Policies.

As the proposal includes the re-provision of community space to an acceptable quality and given Salisbury Road is predominantly characterised by residential dwellings and flats, it is considered that the introduction of a residential use at the application site is acceptable in-principle. Therefore, subject to character, amenity and highways considerations, no

objection would be made to a residential and community mixed-use development at the application site.

## **Character and Appearance**

The application site is located within the Chipping Barnet Town Centre and within area no.3 of the Chipping Barnet Town Centre Strategy (2013) which is defined as the 'High Street (The spires to the Market - Principle Retail Area)'. The other three character areas outlined in the aforementioned town centre strategy document include area no.1 'Cultural Quarter', area no.2 the 'Historic Heart' and area no.4 'Hadley Edge'. The Chipping Barnet Town Centre Strategy (2013) states that, 'The overall character (of area no.3 'High Street') is of a mixed quality, small town high street. There are opportunities to improve the streetscape.' Furthermore, paragraph 3.2.6 states that along the High Street one of the local policy objectives is to 'Identify development sites and encourage development on these to bring investment and new uses to the town centre.' The application site can therefore be considered to be in an area where development opportunity is encouraged and where there is scope to improve both the quality of development and the appearance of the wider streetscape. The application site is proximally located to, but not located within the Wood Street Conservation Area which predominantly fronts onto the High Street and not along Salisbury Road. It is not defined within local policy documents as being part of the 'Cultural Quarter' or 'Historic Heart'.

Policy DM01 states that

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. 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.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.

It is acknowledged that the proposed development would introduce a more contemporary design within the Salisbury Road streetscape. The protruding boxed design, flat roof form and three-storey scale would appear different to adjacent two-storey pitched roof Victorian terraced properties. However, DM01 does not state that all development must be the same. Indeed, it states that proposals should preserve or enhance local character and respect appearance. This is a distinction worth particular consideration.

Firstly, the character and built form of Salisbury Road needs to be examined. Between Staplyton Road and the High Street there is evidence of three-storey buildings with flat, pitched and mansard style roofs, two-storey pitched roofed Victorian terraced properties, a multi-storey car park and immediately to the east and south of the application site, three-storey flats and retail uses. Indeed, it could be argued that the three-storey buildings immediately adjoining the site to the east and south of the application site have very little in common with the two-storey residential dwellings along Salisbury Road to the west, in terms of appearance, scale, materials and design detailing. Moreover, it is considered that the section of Salisbury Road in which the application site is located, is characterised by three-storey development incorporating both flat and pitched roof forms and varying design details. This mixed character does not mean that any development is acceptable at the

application site. It merely serves to demonstrate that Salisbury Road is not uniform in its design, scale and external finish and that there is scope for considered design variance.

Secondly, the current site's design merits need to be considered to understand the proposals impact on the character and appearance of the application site. The application site comprises a single storey pitched roof building which is of a design and scale that it out of character with the prevailing two and three-storey buildings along Salisbury Road. The wooden façade painted white does not draw upon any design characteristics evident within the existing streetscene. To the front of the site is a large area of hardstanding which is used as informal parking spaces for the community centre. For a street where front gardens are characteristic, the hard surfacing to the front of the application site neither maintains nor enhances the character and appearance of the street. It provides an austere, hard and poor level of street engagement and vibrancy. Aside from the well documented internal deficiencies of the site, the external appearance is in a poor state of repair and does little to contribute to the appearance of the application site and streetscene, or announce the arrival into the Chipping Barnet Town Centre. It is a site which is out of character with the adjacent streetscape and a design which detracts from the appearance of the application site and wider Chipping Barnet Town Centre. Therefore, the loss of the single storey structure is considered to be an opportunity to improve the appearance and vibrancy of the application site.

In summary, it is considered that the application site resides within a street and section of Salisbury Road which has a mixed character where there is scope for considered design variance, and in an area where development is encouraged within the local town centre policy. Furthermore, it is deemed that the current single storey structure on the application site is out of character with the prevailing design and scale of buildings along Salisbury Road and does little to enhance the character and appearance of Salisbury Road and the Chipping Barnet Town Centre. Consequently, the redevelopment of the site would represent an opportunity to improve the site's poor visual aesthetic and provide high quality residential units and community space within a town centre location.

The proposed development incorporates a contemporary design which introduces a three-storey flat roofed form, with a staggered building façade and protruding boxed design. At street level the building is split between an integral garage and the aforementioned community centre. The garage screen and gates have incorporated a green living wall to improve the appearance of the site and despite site constraints, provide a visual link to the green infrastructure provided by front gardens common along Salisbury Road. The community centre has a full height clear glazed façade which includes areas of soft landscaping between the glazing and public realm. This again is to improve the building's relationship with the public realm and to create a level of visual interest and streetscene vibrancy in line with DM01. It is considered to be a significant improvement from the current hardstanding and informal surface level car park to the front of the application site. Public comments have been raised regarding the viability of the 5.no planters along the front of the proposed building due to the overhanging first and second floors. A hard and soft landscaping plan including details regarding the planter's long-term maintenance will be secured via condition. A comment was also received as to why benches were not located to the front of the site given it is a community centre. However, due to space constraints the design has not sought to restrict pedestrian flow along Salisbury Road, or to and from the Community Centre. Instead, planters have been proposed which in conjunction with the extensive living wall to the front of the garage will provide a level of softness, texture and colour to the ground floor façade. The first and second floor levels incorporate a staggered boxed façade which frames larger glazed windows used to optimise the level of light and outlook received by future occupiers and to enable private

amenity space via balconies to be provided for each unit. Concern has been raised by public comments that the balconies will just be used to dry laundry and therefore they should be orientated to the rear of the site to protect the site's appearance. However, it is considered that the balconies add a level of vibrancy and activity which is common within town centre locations and given the north-south orientation of the building, locating the balconies on the southern elevation enables future occupiers to benefit from good levels of direct sunlight; an important component in the creation of good amenity space.

The building is clad in brick to better integrate with the established character of Salisbury Road. A condition will be attached to any permission to ensure the brick used protects the visual appearance of Salisbury Road. Again, this is considered a significant improvement to the white wooden clad finish of the existing building. The scale and height of the proposed development has been designed to align with the adjoining three-storey mixed-use development fronting onto the High Street, sit comparable in height to the three-storey residential flats opposite and to respect the ridge height of The Stables adjacent to the application site to the west. The staggered façade not only breaks up the visual bulk and massing of the building, but as shown in the visuals submitted with this application, helps to better respond to the curve in Salisbury Road and transition between different building lines. The proposed design restores and better reinforces a coherent building line which was lost due to the current buildings orientation and hardstanding to the front of the site that has been used as informal parking. On the roof of the proposed building there will be a green roof and photovoltaic panels which will significantly improve the sustainability of building and serve to meet the Mayor's stated objectives within Policies 5.3, 5.11 and 5.13 of the London Plan (2016).

It is acknowledged that the proposed design has raised concern amongst many of those who have submitted responses to the public consultation. The applicant engaged with neighbouring residents prior to the submission of the proposed design via a public consultation process and has amended their design to take on board a number of concerns raised. Design changes have included a change to the proposed facing materials used. Ultimately, design is often a matter of subjectivity and it is difficult to incorporate the preferences of all third parties into any design. What is to be considered is not whether the design is universally liked, as indeed public consultation does not account for all local opinion, but whether the design amongst other criteria complies with Policy DM01. It is considered that the proposed development results in a good design which demonstrates high levels of environmental awareness, is built to a scale, mass and height within respects adjacent built form and provides visual interest and vibrancy to a site which at present has an austere and dated appearance. Furthermore, the proposed development would introduce a more contemporary design within a section of Salisbury Road which has an established mixed character and on a site which is currently out of character with adjacent built forms. The proposed design optimises residential amenity for future occupiers, maximises the site's sustainability, improves its ecology and results in a design which would respect adjacent building scales and forms. While the architectural design merits of the proposed development will provoke subjective debate, the design is not considered to detract from the established mixed character of this section of Salisbury Road, but is deemed to provide a high quality form of residential accommodation and community facilities which will regenerate a site which is currently underutilised and detracts from the character, appearance and vibrancy of Salisbury Road and the Chipping Barnet Town Centre. Consequently, the application is recommended for approval on character and appearance grounds.

## **Neighbouring Amenity**



Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is not considered that the proposed development would result in harm to the residential amenity of neighbouring occupiers. The applicant has submitted a Daylight / Sunlight Report which assesses the impact of the proposed development on residential units opposite the application site. The test undertaken (Vertical Sky Component) demonstrates that all windows evaluated retain over 80% of their current levels of daylight. This is in compliance with BRE guidance. The rear of the site looks onto a service road and therefore has no implications for residential amenity. While not a residential form of accommodation, analysis was also undertaken to understand the impact on The Stables immediately to the west of the application site. The applicant wanted to ensure that the impact on the church and community based activities held at The Stables would not be significantly harmed as a result of the proposed development. The Vertical Sky Component test conducted showed that over 80% of the current daylight levels received by The Stables would be retained which is considered acceptable. It is deemed that any development that maximised the potential of the application site and was built to a three-storey level comparable to adjacent buildings within this section of Salisbury Road, would have some impact on The Stables and neighbouring residential units. However, the applicant has demonstrated that the proposed design would maintain acceptable levels of daylight / sunlight provision for neighbouring units in excess of the BRE guidelines.

In regards to overlooking, overbearing, or an increased sense of enclosure, it is considered that the proposed development would have an acceptable impact. It is acknowledged that the proposed development will build up to the public footpath where the current single storey building has a greater set-back. It will therefore inevitably have some impact on neighbouring occupiers as outlined above. However, it is considered that the proposed development has merely reinforced the natural building line along the north of Salisbury Road and built to a height and scale deemed appropriate for the application site in line with adjacent three-storey residential development within this section of Salisbury Road. The impact of the development would not be so significant as to justify the refusal of planning permission on amenity grounds. The site is surrounded by a Church (The Stables), the rear of a mixed-use building fronting onto the High Street (no.99) and a service road to the rear. It is therefore considered that there would be no harmful impact from an overlooking, overbearing, enclosure perspective.

It is acknowledged that the proposed development would result in an increased level of site activity. However, the increase is considered acceptable and appropriate considering its town centre location and level of site accessibility, particularly given the proposed development is self-sufficient and self-contained in regards to parking, cycle and refuse. Furthermore, the applicant has submitted a Transport Statement which shows an increase of only 1.no two-way movement per hour during the weekday period as a result of the development. This is not expected to cause significant harm to the residential amenity of neighbouring occupiers, or result in a significant increase in vehicular traffic along Salisbury Road. It should also be noted that the corner of Salisbury Road and the High Street which is 32m from the application site, forms part of the primary shopping frontage and therefore attracts a high level of footfall. Therefore, it is considered that the increase in the level of site activity as a result of the proposed development would be acceptable.

In regards to the new community use, this replaces a larger community centre which if in full working condition could accommodate a larger number of users. The new community use provides on-site parking in line with the London Plan (2016) requirements and therefore is considered to have an acceptable impact on the public highway and adjacent residential occupiers. A Community Access and Management Plan will be secured via condition to ensure neighbouring residential amenity is protected during the hours that the community centre is in use.

In summary, it is considered that the proposed development would not result in significant harm to the residential amenity of neighbouring occupiers by way of a loss of outlook, daylight / sunlight and privacy. The increase in the level of site activity is considered acceptable given the site's town centre location and level of accessibility and the resulting impact of additional trip generation along Salisbury Road is considered limited and manageable. The new community centre replaces an older community centre which if in full working condition could accommodate a larger number of end-users than the proposed. The community use also has on-site parking provision in line with the London Plan (2016) to mitigate disruption to the public highway. As outlined above, a Community Access and Management Plan will be secured by condition to protect neighbouring residential amenity whilst the community centre is in use. Consequently, the application is recommended for approval on amenity grounds.

### **Future Occupier Amenity**

#### Minimum Internal Space:

The London Plan (2016) and section 2.1 of the Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (gia) space requirements for residential units. Following a review of the internal floor plans, all units are deemed to meet the minimum internal space standards:

Flat 1: 3-bed, 5-person, 1-storey - 87m<sup>2</sup> provided (86m<sup>2</sup> required)  
Flat 2: 2-bed, 3-person, 1-storey - 65m<sup>2</sup> provided (61m<sup>2</sup> required)  
Flat 3: 2-bed, 4-person, 1-storey - 76m<sup>2</sup> provided (70m<sup>2</sup> required)  
Flat 4: 2-bed, 4-person, 1-storey - 74m<sup>2</sup> provided (70m<sup>2</sup> required)  
Flat 5: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided (61m<sup>2</sup> required)  
Flat 6: 3-bed, 5-person, 1-storey - 87m<sup>2</sup> provided (86m<sup>2</sup> required)  
Flat 7: 2-bed, 3-person, 1-storey - 65m<sup>2</sup> provided (61m<sup>2</sup> required)  
Flat 8: 2-bed, 4-person, 1-storey - 76m<sup>2</sup> provided (70m<sup>2</sup> required)  
Flat 9: 2-bed, 4-person, 1-storey - 74m<sup>2</sup> provided (70m<sup>2</sup> required)  
Flat 10: 2-bed, 3-person, 1-storey - 61m<sup>2</sup> provided (61m<sup>2</sup> required)

Furthermore, Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed single and double bedrooms meet these standards.

#### Outlook and Daylight / Sunlight:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that all units benefit from an adequate outlook, with acceptable levels of daylight / sunlight provided to all habitable rooms. All but 2.no of the units benefit from south facing outlook. Flats nos. 5 and 10 which do not benefit from south-facing outlook have been subject to a daylight assessment (Average Daylight Factor) which demonstrates that the daylight received by both units is in excess of BRE guidance.

Floor-to-ceiling heights:

Table 3.3 of Policy 3.5 of the London Plan (2016), states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed units meets this standard.

Amenity Space:

Table 2.3 of Section 2.3 of the Sustainable Design & Construction SPD (2016), states that for flats, 5m<sup>2</sup> of usable amenity space is required per habitable room. Each unit provides usable amenity space by way of private balconies, although they don't meet the minimum standards outlined above. Given the constraints of the site, in addition to its town centre location, it is considered that the amenity space provided is on balance acceptable. Paragraph 2.3.3 of the aforementioned SPD states that 'Higher density development, such as flats may not always be able to provide amenity space to the standards outlined in Table 2.3.' Furthermore, paragraph 8.2 of the Residential Design Guidance SPD (2016), states that 'Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible.' It is considered that the large front and rear balconies provide an acceptable level of usable amenity space considering the site's location and constraints. Moreover, King George Fields, a large publically accessible recreational space is located 400m from the application site and provides a good level of additional amenity space. Based on the above, no objection would be made on amenity space grounds for this town centre development.

In summary, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers. All units meet the minimum internal space standards, supply levels of daylight / sunlight that meet BRE guidelines and provide private usable amenity space which considering the site's physical constraints and town centre location is deemed acceptable.

## Highways

The proposed development provides 10.no on-site parking spaces via an integral ground floor parking garage. Of the 10.no parking spaces proposed, 9.no would be allocated for use by the residential units and 1.no for the community use. The on-site parking garage will be secured by an electronically operated gate, which following amendments will include a living wall to provide better street level aesthetic value. 1.no residential and 1.no community parking space will be wheelchair accessible and 3.no electric charging points will be provided in line with Policy 6.13 of the London Plan (2016). The layout of the on-site parking spaces have been revised following discussion with Highways to ensure all cars

that access the parking garage can exit in forward gear. The original proposal had 2.no on-street parking spaces proposed on Salisbury Road. However, following consultation with Officers, these were removed given that their size and siting would lead to a reduction in the overall width of the public footpath which would have been unacceptable in regards to the free flow of pedestrian movement past the site. Aside from the existing pay and display parking spaces on Salisbury Road, no additional on-street parking will be provided. Salisbury Road is subject to a Controlled Parking Zone (CPZ) with the parking bays opposite for permit holders only between Monday to Saturday 8am-6.30pm and parking bays outside The Stables for Resident Permit Holders only.

#### Residential Use:

The original parking arrangement proposed 10.no spaces for future residential occupiers. However, following further review, 1.no parking space was reallocated for community use to ensure compliance with the London Plan (2016) and to ensure the re-provision of community space enabled multi-modes of transport to the site for a range of different end-users. Consequently, 9.no parking spaces have been designated for use by future residential occupiers. Despite this reduction, it is considered that 9.no parking spaces for residential use would be acceptable give the site's town centre location and level of accessibility (PTAL 3). In regards to whether or not the proposal would result in any increased pressure on parking capacity along Salisbury Road and if so, whether the local road network could accommodate any overspill without impacting on pedestrian and highway safety, the applicant has submitted a Transport Statement which demonstrates that the total projected car ownership of the development would be 7.no cars. Furthermore, the applicant has confirmed that they will restrict on-site parking via Tenancy Agreement for 1.no proposed flat to ensure a ratio of 1.no parking space per flat. The Highways Department sought to ensure that on-site parking was provided for existing BOPW and future community centre users, as well as residential occupiers. Consequently, it was agreed that 1.no residential parking space would instead be allocated for use by the community centre. Given that Highway Officers were originally satisfied that the 1.no community space could be accommodated via on-street parking, it is considered that any overspill of residential parking by the single car that is no longer proposed to be provided on-site, could also be accommodated by current on-street parking provision.

A concern was raised during public consultation about potential congestion caused by cars entering and exiting the site. However, the integral garage will be fob key operated which enables approaching vehicles to activate the electronically operated garage gate in advance of arriving outside the site. Furthermore, the layout of the on-site parking spaces has been revised following discussion with Highways to ensure all cars that access the parking garage can exit in forward gear. Highways have reviewed the entering / exiting arrangements for the garage and are satisfied it would not result in significant harm to the free flow of traffic along Salisbury Road.

21.no cycle parking spaces are proposed in compliance with Policy 6.9 of the London Plan (2016). These are located in the residential lobby. This is deemed to be acceptable and will be secured via condition.

#### Community use:

As outlined above, the 1.no parking space provided for community use would comply with the requirements set out in Policy 6.13 of the London Plan (2016). The parking space would be designed to be wheelchair accessible, with access to the parking garage via a fob key. A Community Access and Management Plan which addresses fob key allocation

will be secured by condition. Consideration has been given to the loss of the mini-bus parking space within the principle section above. It is deemed that as the proposed community use provides secure on-site parking in compliance with the London Plan (2016) and given the accessible town centre location in which the application site resides, that sufficient site access provision have been provided for users of the community centre who are unable to travel via public transport.

2.no cycle parking spaces have been provided within the internal storage room to the rear of the community space in compliance with Policy 6.9 of the London Plan (2016). This is deemed to be acceptable and will be secured via condition.

In summary, it is considered that the proposed development is acceptable on highways grounds. A Community Access and Management Plan will be secured via condition to clarify site access, including fob distribution. The provision of 9.no parking spaces for use by future residential occupiers given the site's town centre location and PTAL rating (3) is considered to be acceptable and would reduce the impact of the development on existing street parking capacity and neighbouring amenity. The 1.no secure on-site parking space proposed for the community use is in compliance with the London Plan (2016) and ensures there is on-site provision for existing and future users of the community space that are unable to access the site via public transport. This is particularly relevant in addressing the needs of the BOPW.

## **Refuse**

Refuse and recycling bins have been located to the rear of the site within the parking garage section of the development. This has direct access via the lobby for residential occupiers. The management company for the community space will have fob key access to the parking garage and refuse storage. As the refuse storage is located in a secure area, refuse collection services will not have direct access to the bins. Therefore, a refuse collection point has been designated to the front of the site where bins will be dropped off and collected by the management company on collection day. A refuse and recycling strategy will secured be condition to ensure bin collection and storage is appropriately managed.

## **5.4 Response to Public Consultation**

All public comments have been received and acknowledged. Where they address material considerations, they have been discussed in the report above. For clarity please see below:

- Good to see some higher quality modern architecture in the centre of Barnet which reflects some of the history of the area and local context.

This is noted.

- Pleased some of the public comments have been incorporated into the proposed development.

This is noted.

- Community space would be an improvement to the existing community centre although there needs to be commitment to re-house the existing community users at an affordable rent.

A Community Access and Management Plan will be secured by condition to ensure existing community users have appropriate access to the new community space.

- Concern that the proposed community space is unsuitable for other community uses such as a day care centre given there is not outdoor play area, or sports centre given the floor-to-ceiling height and glass wall.

This is noted. However, it is considered that the open plan design could be adapted to host a number of different community-led recreational and educational based activities. It should also be noted that the existing community centre does not have external amenity space.

- Concerns about the design and viability of the proposed landscaping due to the overhanging cantilevered floors above.

A Hard and Soft Landscaping Plan including details pertaining to the maintenance of site planting will be secured via condition.

- Proposed design is incongruous and inconsiderate of Wood Street Conservation Area and historical character of Chipping Barnet Town Centre.

This is addressed within the character section above.

- Proposed design is discordant and out of character with surrounding buildings and uses along Salisbury Road.

This is addressed within the character section above.

- This is not the place for a modern statement building.

This is addressed within the character section above.

- Significant parking and traffic congestion issues along Salisbury Road. Therefore, more homes will result in more parking and traffic issues.

This has been addressed in both the amenity and highways sections.

- 2. no on-street parking bays to the front of the development would reduce the width of the road and result in difficulty for buses and other larger vehicles to pass.

These have been removed from the proposed development.

- No guarantee who will run or use the community area.

A Community Access and Management Plan will be secured by condition to ensure an appropriate management mechanism is in place for the community use.

- Not opposed to the redevelopment of the site although a modern design would damage attempts to protect the historic character of Chipping Barnet.

This is addressed within the character section above.

- The design should use recent developments like the OWCH building on Union Street which is a modern design which better responds to local character and design detailing.

This is addressed within the character section above.

- Balconies should not be at the front of the building as they will likely be used for storage / drying washing and overlook a busy street

This is addressed within the character section above.

- No seating has been provided to the front of the community use.

This is addressed within the character section above.

- There is no parking for mobility vehicles although elderly and disabled people use the community centre.

1. no secure on-site parking space has been provided for community users. This has been designed to meet wheelchair accessibility standards.

- There will be traffic congestion as cars queue to enter and exit the on-site parking area.

This is addressed in the highways section above.

- No parking spaces should be provided on-site as there is many public transport links nearby, the site is close to the town centre and the Mayors recent draft transport strategy wants to reduce cars in these locations.

This is noted. The site has been designed to be self-contained and to minimise any harmful impact on adjacent on-street parking capacity and neighbouring occupier amenity.

- The design does not provide visual interest at street level.

This has been addressed within the character section above.

- The design is too close to the public footpath and boundary with The Stables.

This has been addressed within the character section above.

- The design will block light into the Stables and reduce the quality of the church's courtyard which is used for community based activities.

This has been addressed in the amenity section above.

- Future of the Old Peoples Welfare Association is in doubt; its future should be secured.

The proposed development has been designed with input from the BOPW. Conditions will be attached to any permission relating to management and use of the community space.

- The ground level entrance is uninviting and the garage façade is not an appealing feature.

The garage has been amended to introduce a living wall. This is considered to significantly improve the visual appearance at ground floor level. This is addressed in the character section above.

- Doubts whether there is sufficient demand for a mixed-use community facility in a town where we have six such venues already.

This is a re-provision of an existing community use. The applicant did not seek to demonstrate that the existing community use was no longer viable or needed.

- A lack of soft landscaping to the front of the application site. Front gardens are characteristic along Salisbury Road.

The revised plans include enhanced soft landscaping via a living wall and 5.no planters.

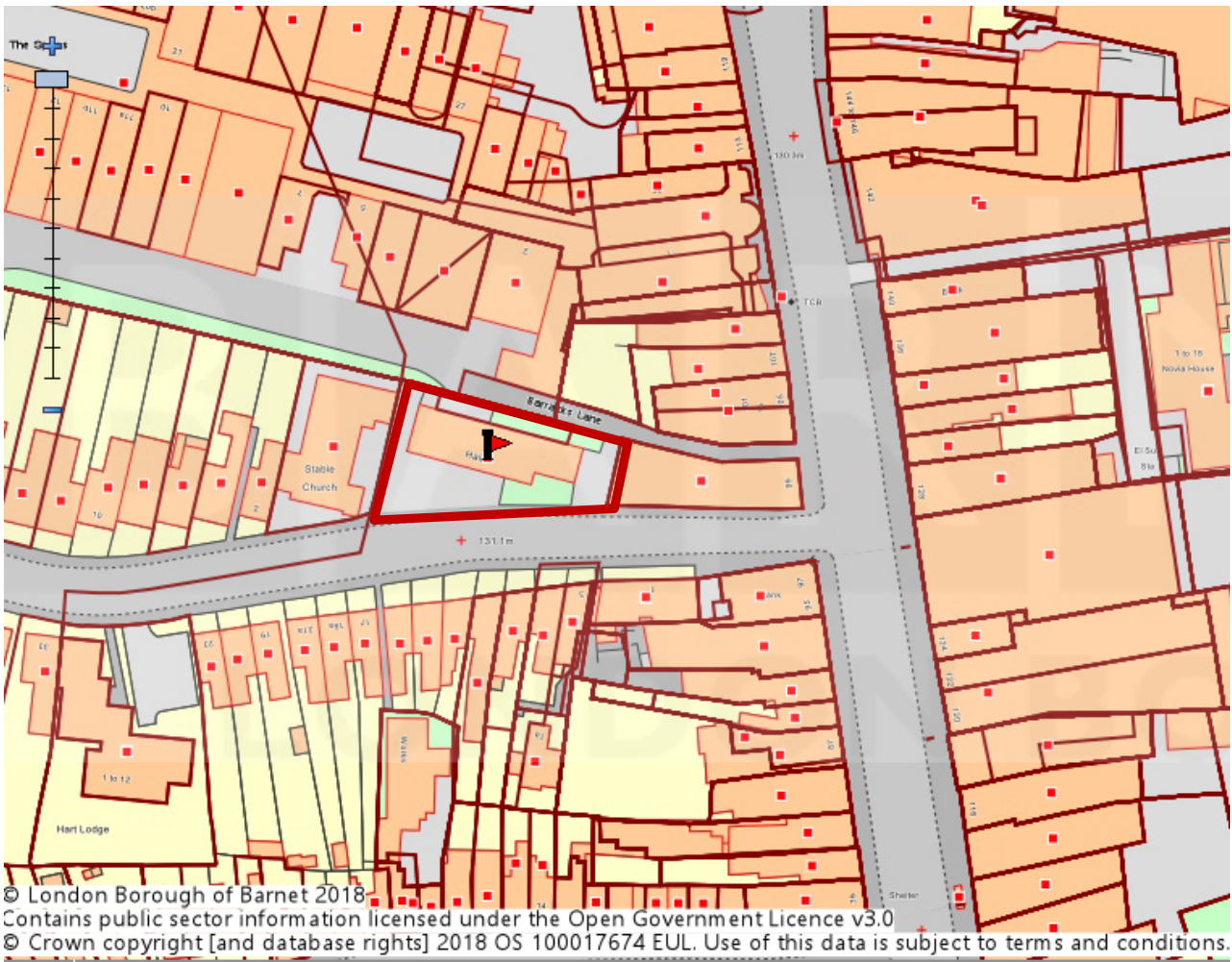
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

It is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the wider streetscene and Chipping Barnet Town Centre, and provide a good level of amenity for future occupiers. It would ensure that community floorspace is retained on the site in a form, design and finish that compensates for the reduction in the size of the space. Furthermore, the proposed development is not considered to result in significant harm to the residential amenity of neighbouring occupiers and is deemed acceptable on highways grounds. Consequently, the application is recommended for approval.





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**Location**                    **6 Bosworth Road Barnet EN5 5LX**

**Reference:**                **17/7712/FUL**

Received: 6th December 2017

Accepted: 6th December 2017

Ward:                        High Barnet

Expiry 31st January 2018

Applicant:                 Mr Paul Artemi

Proposal:                    Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces

AGENDA ITEM 10

**Recommendation:** Approve 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/obligations or reasons for refusal 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:

1750-01-E ( Existing and Proposed Street Scenes and Location Plan), 1750-02-E (Existing and Proposed site plans and Section A-A), 1750-03-E (Proposed Ground and First Floor Plans), 1750-04-D (Proposed Second and Third Floor Plans), 1750-05-D (Proposed Roof Plan). 1750.06.12.17 (Planning Statement).

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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 2016.

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

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

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

6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing the building known as Catherine Court 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).

- 7 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 facing no.8/10 Bosworth Road and Catherine Court.

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).

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

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

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

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

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

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

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

- 10 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority including details of the enclosure of amenity space for the ground floor flat.

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

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

- 11 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.

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

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

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

- 14 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 London Plan (2015).

- 15 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).

- 16 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

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

- 17 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1750-02 E; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 18 Prior to the commencement of the development, a detailed drawing of the one way access arrangement with vehicular entrance from public highway shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the proposed one way operation has been implemented and signed in accordance with the approved details. The access thereafter shall only be used as approved.

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.

- 19 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. 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.

- 3 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. 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.

- 4 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

5 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

- 7 With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## **Officer's Assessment**

Officer's Assessment

### **1. Site Description**

The application site is currently a cleared site, the detached bungalow which stood on the site has been demolished. The site is located on the northern side of Bosworth Road within the High Barnet ward. Nos. 8-10 Bosworth Road is a two storey semi-detached property located to the west of the application site. Catherine Court is a 3 storey detached building located to the east of the application site.

Due to the change in ground levels, the building is sited at a higher level than the road.

The area has a mixed character with a variety of flatted development, of varying heights, and semi-detached single family dwellings.

The application site is not located within a conservation area and nor does it contain a listed building.

### **2. Site History**

Reference: N15865/07

Address: 6 Bosworth Road, Barnet, EN5 5LX

Decision: Withdrawn

Decision Date: 9 January 2008

Description: Demolition of existing bungalow and erection of two dwelling houses (2 storey plus accommodation in roofspace to front and single storey plus accommodation in roofspace to rear).

Reference: N15865A/08

Address: 6 Bosworth Road, Barnet, EN5 5LX

Decision: Refused

Decision Date: 2 April 2008

Description: Demolition of existing bungalow and erection of two dwelling houses (2 storey plus accommodation in roofspace to front and single storey plus accommodation in roofspace to rear).

Reference: 16/0276/FUL

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

Decision: Approved subject to conditions.

Decision Date: 20 May 2016

Reference: 16/7668/OUT

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

Decision: Approved subject to conditions.

Decision Date: 03 February 2017

Reference: 17/6330/FUL

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces

Decision: Refused.

Decision Date: 05 December 2017

Reason(s)

The proposed dwelling by reason of its size, siting, and design would result in loss of outlook and an increased sense of enclosure to No. 8 - 10 Bosworth Road contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2012).

Reference: 17/7331/CON

Address: 6 Bosworth Road, Barnet, EN5 5LX

Proposal: Submission of details of condition 19 (Demolition and Construction Method Statement) pursuant to planning permission 16/0276/FUL dated 20/05/16

Decision: Refused.

Decision Date: 28 December 2017

Reason(s)

o Insufficient information has been provided in the Construction Method Statement (condition 19) to enable officers to properly assess that the interests of good air quality have been met, contrary to 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).

### 3. Proposal

The application seeks planning consent for the demolition of existing detached bungalow and erection of a three storey detached block with rooms in roofspace and rear dormer to provide 6no. self-contained flats with associated amenity space, refuse storage and off-street parking spaces.

The proposed flats would be comprised of:

- 2 x studio flat approx. 32sqm (1 person)
- 3 x 2 bed flats approx. 61 sqm (3 persons)
- 1 x 2 bed flat approx. 68sqm (4 persons)

The proposed block of flats would be approx. 6.8m high and have a three storey front and rear outriggers. The dimensions for the proposed developments is as follows:

The western wing

Ground floor - the depth will be approx. 9.4m, width 5.4m, narrowing to 3.4m at the rear

Second floor - the depth would be 8.8m , width at the front is approx. 5.4m and at the rear 3.4m.

Third Floor - depth will be 8.8m, width would be 3.5 at the front widening to 4.4m to the rear.

Eastern Wing

Ground floor - the depth will be approx. 15.3m, width 4.7m and 6.4m at the rear

Second floor - the depth would be approx. 15.3, width at the front 4.7m and at the rear 6.4m

Third floor - depth approx. 14.4m, width 5.5m at the front and 4.2m at the rear

The depth of the bay windows to the front and rear would be approx. 1m

The proposal is almost identical to the application approved by Committee in May 2016 (16/0276/FUL) and an outline application (16/7668/OUT) approved under delegated authority. The outline application (16/7668/OUT) introduced an internal lift access and dormer to provide adequate internal space for the lift and the stairwell. Another application (17/6330/FUL) was made "to take account of; the real width of walls, the real thickness of floors, the actual size and over-run height of a lift shaft that will allow the installation of a Building Regulations Part M2 lift car and to correct a drawing error to align the first, second and third floor rear wall with the ground floor wall of the undercroft". This application was refused on the basis that it would result in loss of outlook and an increased sense of enclosure to No. 8 - 10 Bosworth Road.

The plans have been revised at the first and second floor to broadly have the same depth as the approved plans. In addition, the revisions include realigning the position of the building to take into account the site survey carried out; realigning the ground floor rear wall of the undercroft so that it aligns with the step in the side wall of 8/10 Bosworth Road.

Following submission, the design of the upper floors was changed to provide a bay to the front and rear of the 1st and 2nd floor studio flats to achieve the required space standards. The proposed bays mimic the front window bays of Nos. 8, 10 and 12 Bosworth Road. The rear bay has been designed to ensure that it does not breach a line drawn at 45° from the rear corner of the building so as not to affect the amenities of occupiers of Nos 8 and 10 Bosworth Road.

The proposed flank wall of the development will have the same depth at 8.5m as the approved plan at ground floor and upper floors. The proposed will be setback from the boundary with 8 Bosworth Road by approx. 1.5m, the proposed set back would be more generous than the approved setback which is approx. 0.8m. The proposed development would be set back from Catherine Court by approx. 1.9m this would be closer than the approved scheme which is 2.4m.

The proposed dormer projects from the rear roof plane of the main body of the proposed block of flats to the western roof plane of the three storey rear outrigger. The proposed dormer has a pitched roof with an eaves height of 1.5 metres and ridge height of 3.25 metres. It has a maximum width of 2.3 metres and a maximum depth of 5.45 metres.

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

Consultation letters were sent to 79 neighbouring properties.

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

The objections received can be summarised as follows:

- Demolition of the bungalow took place prior to the application
- Parking
- Access to proposed car park is narrow
- Demolition has resulted in subsidence as No 8, 12 and Catherine Court were built on London Clay.
- Property values

- Impact on character of the area

A site notice was erected on 21/12/2017.

Consultee Comments:

Thames Water - No Objection.

Highways: Recommend approval subject to conditions and informatives

## **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 MALP

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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### 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, CS15.

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

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

### Supplementary Planning Documents

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:

- The principle of the development and whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal;
- The living conditions of future occupier;
- The impact on the amenities of neighbouring occupiers;
- Parking and highways.

### Principle of the development and impact on the character

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

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

The existing building is not of any architectural merit and therefore the principle of demolition of the existing single family bungalow is considered to be acceptable.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area. In this case, it would be considered that flatted development would be suitable on this site. The Council's Characterisation Study identifies an array of different typologies within the New Barnet area. In the immediate vicinity, there are two purpose built blocks of flats; Catherine Court immediately to the east of the host site and Sandford Court to the west. Whilst it is acknowledged that the road is predominantly characterised by single family dwelling houses,



there are examples of flatted development on the road, particularly within 20 metres of the site and as such the erection of a block of flats is considered to be acceptable given the varied character of the area.

The previous applications were approved on the basis that the front flank wall of the three storey front outrigger of the proposed block of flats has a width of 5.65 metres and it would project beyond the building line of the existing bungalow, in line with the front elevations of Nos. 8-10 Bosworth Road. The front elevation wall of the proposed block of flats is positioned at approximately the same level as the front elevation wall of the existing bungalow on the site so therefore the relationship between the front elevation of the property on the application site and the front elevation of Catherine Court will be unchanged. The proposed front bay window will project beyond the front building line by approx. 0.6m and the rear bay window will project beyond the rear building line by approx. 0.5m. The additional depth created by the addition of the bay windows will not unduly impact upon the character of the area. It is considered therefore that the building will relate positively to the varied building lines of both adjoining buildings. However at the rear, the outermost rear building line would not reflect that of Nos. 8-10 Bosworth Road and No. 12 Bosworth Road.

The proposed dormer is as approved previously. Due to its size, height and position, the proposed dormer that projects from the rear roof plane to the western roof plane of the three storey rear outrigger is not considered to visually over dominate the rear elevation of the proposed block of flats and nor would it have a negative impact on the character of the streetscene.

There are other examples of undercroft parking on this section of the road, both at Sandford Court and at Catherine Court and as such this would not be feature out of character with other development on the road. A condition requiring further details of the one way access arrangement prior to commencement will be attached in the event of planning permission being granted.

The proposal includes a new fence, however details were not shown on the plan. Details of the proposed fence at the boundary with No 8 - 10 Bosworth Road, would be required and a condition attached in the event of planning permission being granted.

#### Impact on amenity of neighbouring & future occupiers

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (October 2016) and the London Plan (MALP 2016). In addition, flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The units all comply with the minimum space standards in this regard the proposal would provide adequate accommodation for future occupiers.

The flats would benefit from a large communal garden at the rear of the site and the ground floor would have a private garden, which would be in excess of the minimum standards of

outdoor amenity space required as stipulated in the Sustainable Design and Construction SPD.

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

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed. Officers do not consider that there would be an unacceptable level of overlooking into the gardens of adjacent occupiers. The windows on the flank elevation do not serve habitable rooms and therefore these will be conditioned to be obscured glazed.

The approved plans (16/0276/FUL) of the wing adjacent to No 8-10 Bosworth Road had a depth of 8.45m on the ground, first and second floor. The plans were approved by Committee members on the basis of the report which stated that "with regards to the impact on no.8 and 10 Bosworth Road, the scheme has been amended to recess the building line at this boundary to the same level as the building line of no.8 and 10.

The setback between the application site and 8 and 10 Bosworth Road would increase by approx. 0.7m.

The projecting wing of the proposed development would be sited approximately 4.8m from the boundary with no.8 and 10 Bosworth Close and although the outlook from the windows of the neighbouring property would be reduced, it is not considered that this would be to an unacceptable level given the distance from the boundary and the depth of this wing matching the depth of the wing at no.8 and 10."

The three storey rear outrigger would project approximately 3.3m beyond the rear elevation of Catherine Court. It would be set back approximately 1.7 metres from the western side elevation of this property. Given the distance from the boundary and relatively modest projection, it is not considered that this would appear overbearing or result in loss of outlook to the detriment of these occupiers. It should be noted that the approved plans shows a setback of approx. 2.4m, the difference therefore is not so significant as to have an impact on the occupiers of Catherine Court.

There are several examples of flatted development in the area surrounding the application site. Parking spaces located at the rear of properties are also a characteristic of the area, with Catherine Court being an example of a property with parking at the rear. For these reasons it is considered that the proposal would not result in the occupiers of neighbouring and adjoining properties suffering a material loss of amenity as a result of future occupiers of the proposed block of flats coming and going from the application site and using the parking facilities.

#### Highways

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

The applicant is making provision for 6 car parking spaces at the rear of the site. The proposed car parking provision is in accordance with Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

Highways officers requested that the doors used to access the meter cupboard along the vehicular access to the car parking area must not open outwards as this will cause health and safety issues. The plan has been revised to reflect this.

Further details of the height of the undercroft access to the car parking area need to be provided and approved prior to commencement of the development. A condition will be attached in the event the application is granted.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport is required

The application is recommended for approval on highway grounds, subject to conditions and informatives.

#### Waste and Recycling

Policy CS14 of the Council's Core Strategy dealing with waste requires developments to provide waste and recycling facilities which fit current and future collection practices and targets. A refuse and recycling storage location is shown on the plans. The refuse storage facilities would be located underneath the undercroft. However information has not been provided as to the size of the refuse bins. A condition requesting details of refuse and recycling storage facilities would be required in the event planning permission is granted.

#### 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 did not carry out an energy assessment for the proposed development. However according to the planning statement, the developer will ensure CO2 emissions from the development will be reduced to zero. And the level of carbon dioxide emission will be less than required by the national 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).

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

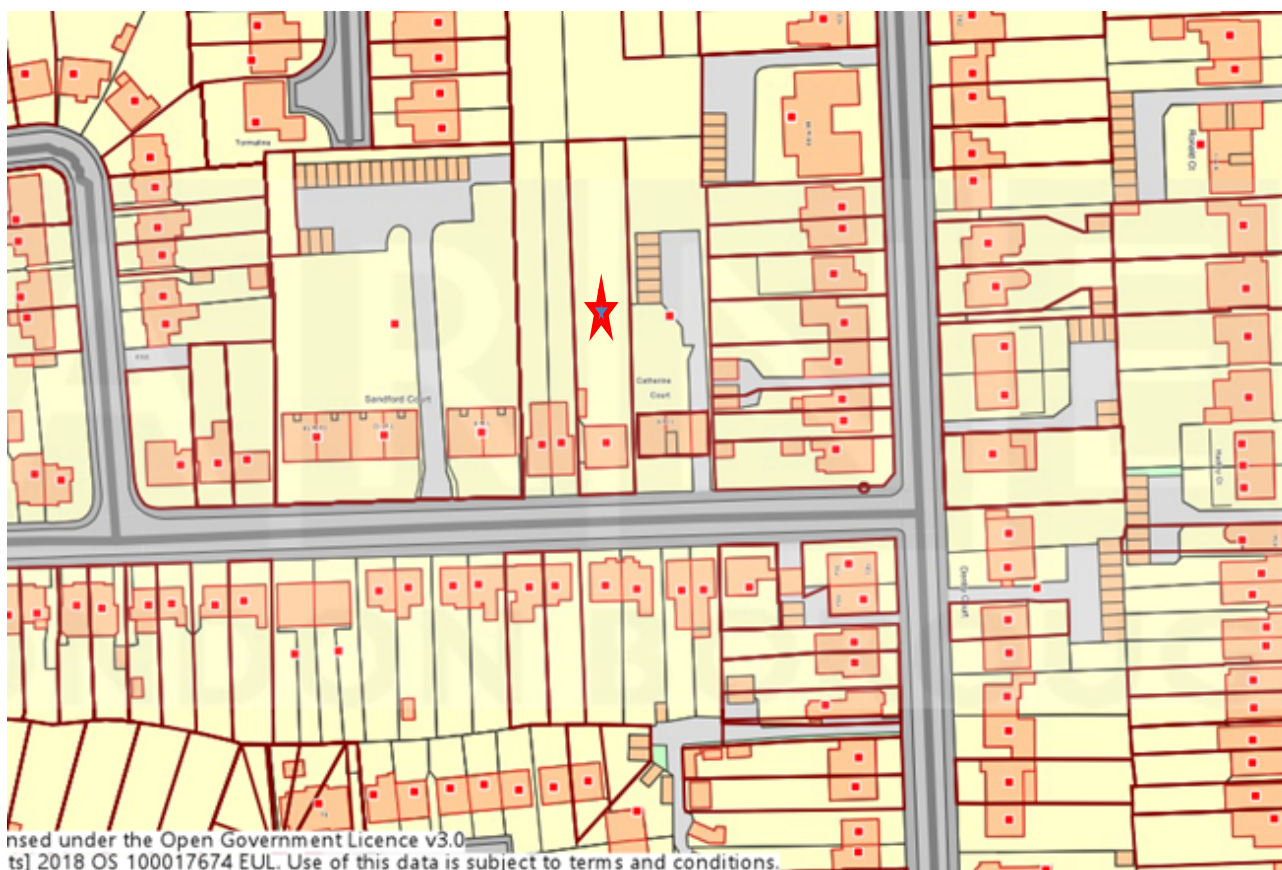
- Demolition of the bungalow took place prior to the application. The site has the benefit of planning permission, nevertheless, it should be noted that planning permission is not required for the demolition of a building outside a conservation area.
- Parking. This has been addressed in the sections above.
- Demolition has resulted in subsidence as No 8, 12 and Catherine Court was built on London Clay. Issues of subsidence is not a planning matter and cannot be taken into consideration in assessing the plans.
- Property values. Property values is not a matter for planning considerations and therefore cannot be taken into consideration in assessing the plans.
- Impact on character of the area. Considered as part of the assessment above.
- Access to proposed car park is narrow - This has been addressed in the sections 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**                                      **Barnet Physic Well, Well Approach, Barnet**

**Reference:**                                      **18/0425/FUL**

Received: 19th January 2018

Accepted: 19th January 2018

**Ward:**    Underhill

Expiry 16th March 2018

**Applicant:**                                      Miladin Stevanovic

**Proposal:**                                      External fabric restoration to existing Physic Well including roof coverings replacement, timber repair and replacement, replacement windows, brick repair, surface water drainage and electrical upgrade

**AGENDA ITEM 11**

**Recommendation:** Approve 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/obligations or reasons for refusal 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: EX.001, EX.002, EX.003, EX.004, EX.005, EX.006, EX.007, EX.008, EX.009, EX.010, EX.011, EX.012, EX.013, EX.014, EX.015, EX.016, EX.017, EX.018, EX.019, EX.020, EX.021, EX.022, EX.023, EX.024, EX.025, AL.001, AL.002, AL.003, AL.004, AL.005B, AL.006, AL.007A, AL.008, AL.009, AL.010, AL.011, AL.012, AL.013, AL.014, AL.015, AL.016, AL.017, AL.018, AL.019, AL.020, AL.021, AL.022, AL.023, AL.024, Building Survey (Commissioned by Historic England, MRDA, March 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) No development works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved

have been submitted to and approved in writing by the Local Planning Authority. The material samples required are:

- Clay roof tile
- Brick to infill panels and including mortar and pointing sample panel
- Samples of new seasoned oak timber
- Cast ironwork to rainwater goods
- 'French' drainage channel
- Detailed drawings of proposed windows at 1:20

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 2016.

- 4 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).

- 5 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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**

Barnet Physic Well is a two storey mock Tudor structure associated with the well it covers. The property itself is listed Grade II and is a stand-alone structure and not within a conservation area. It is currently on the Historic England Heritage at Risk Register.

The list description is as follows: Timber framed, cruciform cover to well. (Circa 1937) C20. Herringbone brick and plaster panels. Spring discovered circa 1650. Beneath the well house is the original C17 barrel vaulted brick well chamber with brick floor and 2 shallow pools and associated pipework.

The structure is located on the end of a small crescent shaped common, in the centre of the Wellhouse Estate. This was laid out in the 1920s to provide approximately 180 new council homes around the site of the well. The structure lies at the end of Well Approach and was intended to be the centre piece of an area of parks and fountains, a scheme that was never realised. Nevertheless the structure remains distinctive among the surrounding streets of two storey semi-detached houses.

### **2. Site History**

There has been no formal previous planning history. The Barnet Physic Well was constructed in 1937 in the mock Tudor style as a means to commemorate the rediscovery and reopening of the seventeenth century well. It was not a very substantial structure and although it has survived to the present day, it is now badly decayed.

### **3. Proposal**

External fabric restoration to the existing Physic Well structure including roof coverings replacement, timber repair and replacement, replacement windows, brick repair, surface water drainage and electrical upgrade.

The building has been neglected over the years and is now in a poor state following a lack of regular maintenance. This application is to carry out necessary repairs, including a new roof covering, new windows and shutters, rainwater goods, surface water drainage and electrical supply.

### **4. Public Consultation**

Consultation letters were sent to 36 neighbouring properties. A site notice was erected on 25.01.2018 and a press notice published 25.01.2018. No responses have been received.

Conservation Officer: Supports the proposal subject to conditions to ensure appropriate materials and restoration takes place at the site.

Historic England: Welcome the proposed works which aim to repair the building's external envelope, making it watertight and weatherproof, in order to put the building in use and ultimately lead to its removal from the heritage at risk register.

### **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.

Draft London Plan 2017: Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10.
- Relevant Development Management Policies: DM01, DM02, DM06, DM13.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

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

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

### **5.3 Assessment of proposals**

#### Background and use

Capita CSG Building Services have been commissioned by the London Borough of Barnet to submit a planning application on their behalf, to complete external fabric restoration works for the Barnet Physic Well. The work will be commissioned directly by Barnet Council following a tender exercise via Barnet Procurement to commission a suitable contractor.

There is no proposal to introduce a new function for the building, although its original purpose, as a medical facility, has long fallen out of use. It has been vacant for at least twenty years and the intension, initially, is to restore it with possible future intensions of partial openings for visitors on a limited basis, and an educational role.

#### Impact on the character of the area

The Barnet Physic Well is in a poor state of repair and has quite badly weathered. Notwithstanding that, the basic structure remains and the programme is to restore the building to its former appearance and structural integrity. This will have an immediate benefit on the appearance of the building itself and the immediate surroundings.

The programme is to essentially repair the building following conservation advice and according to the use of correct materials and techniques. It is proposed to replace the present artificial roofing material with clay tiles and the product selected is a handmade tile more sympathetic and appropriate to the building in terms of size, texture and colour. The proposed windows will be timber framed with steel inserts to each accommodate 3 x 4 leaded lights. The building does not currently feature rainwater goods and this has led to problems with rainwater affecting the structure and particularly the exposed timbers. It is therefore proposed to supply and install new cast iron rain water gutters and down pipes to the perimeter of the Physic Well, as well as drainage channels around the wall base.

It is proposed to replace the bricks to infill panels (in herringbone pattern). The new bricks are indicated on the submitted drawings as hand-made soft red bricks to match existing and a sample panel indicating mortar and pointing will be required prior to implementation. Seasoned oak is proposed for the structural timbers to match existing and imported or British-grown softwood is also proposed. It will be important for the new timber to match that of the existing and a sample will be required prior to implementation. Timber samples will be conditioned to ensure materials are a true match to existing.

At this phase of the restoration it is not proposed to provide any internal lighting, only a power connection and fuse box to the interior of the building. No external lighting is proposed. The restoration of the building will be positive for the immediate area in terms of removing the neglectful and run down appearance and in terms of identity and therefore security of the area.

#### Impact on the amenities of neighbours

The proposed work will have no direct impact on the amenity of neighbour surrounding the site. The building will not be extended or altered and there will be no change to light, outlook or privacy for neighbours.

The building will have no external lighting, so light pollution will not arise.

There will be an improvement in the character and appearance of the building and its immediate surroundings and this will be of visual and functional benefit to residents. Moreover, the restoration and renewed maintenance of the building will provide an element of security for residents as well as providing a generally improved appearance when approaching the area from the side streets.

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

There have been no objections from local residents and the evaluation discusses the benefits of the restoration of the building to the local area.

#### **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. The restoration of the building will provide a potential educational benefit for the wider community.

#### **7. Conclusion**

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



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used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 4 a) No development works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The material samples required are:

- Clay roof tile
- Brick to infill panels and including mortar and pointing sample panel
- Samples of new seasoned oak timber
- Cast ironwork to rainwater goods
- 'French' drainage channel
- Detailed drawings of proposed windows at 1:20

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 2016.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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**

Barnet Physic Well is a two storey mock Tudor structure associated with the well it covers. The property itself is listed Grade II and is a stand-alone structure and not within a conservation area. It is currently on the Historic England Heritage at Risk Register.

The list description is as follows: Timber framed, cruciform cover to well. (Circa 1937) C20. Herringbone brick and plaster panels. Spring discovered circa 1650. Beneath the well house is the original C17 barrel vaulted brick well chamber with brick floor and 2 shallow pools and associated pipework.

The structure is located on the end of a small crescent shaped common, in the centre of the Wellhouse Estate. This was laid out in the 1920s to provide approximately 180 new council homes around the site of the well. The structure lies at the end of Well Approach and was intended to be the centre piece of an area of parks and fountains, a scheme that was never realised. Nevertheless the structure remains distinctive among the surrounding streets of two storey semi-detached houses.

### **2. Site History**

There has been no formal previous planning history. The Barnet Physic Well was constructed in 1937 in the mock Tudor style as a means to commemorate the rediscovery and reopening of the seventeenth century well. It was a not-very-substantial structure and although it has survived to the present day, it is now badly decayed.

### **3. Proposal**

Listed building alterations in connection with the following changes:

External fabric restoration to the existing Physic Well structure including roof coverings replacement, timber repair and replacement, replacement windows, brick repair, surface water drainage and electrical upgrade.

The building has been neglected in recent years and is now in a poor state following a lack of regular maintenance. This application is to carry out necessary repairs, including a new roof covering, new windows and shutters, rainwater goods, surface water drainage and electrical supply.

### **4. Public Consultation**

Consultation letters were sent to 36 neighbouring properties. A site notice was erected on 25.01.2018 and a press notice published 25.01.2018. No responses have been received.

Conservation Officer: Supports the proposal subject to conditions guaranteeing correct materials and restoration.

Historic England: Welcome the proposed works which aim to repair the building's external envelope, making it watertight and weatherproof, in order to put the building in use and ultimately lead to its removal from the heritage at risk register.

### **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.

Draft London Plan 2017: Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### 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.

### 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 Grade II listed building.

## **5.3 Assessment of proposals**



## Background and use

Capita CSG Building Services have been commissioned by the London Borough of Barnet to submit a planning application on their behalf, to complete external fabric restoration works for the Barnet Physic Well. The work will be commissioned directly by Barnet Council following a tender exercise via Barnet Procurement to commission a suitable contractor.

There is no proposal to introduce a new function for the building, although its original purpose, as a medical facility, has long fallen out of use. It has been vacant for at least twenty years and the intension, initially, is to restore it with possible future intensions of partial openings for visitors on a limited basis, and an educational role for the benefit of the wider community.

## Impact on the character of the listed building

The Barnet Physic Well is in a poor state of repair and has quite badly weathered. Notwithstanding that, the basic structure remains and the programme is to restore the building to its former appearance and structural integrity. This will have an immediate benefit on the appearance of the building itself and the immediate surroundings.

The programme is to essentially repair the building following conservation advice subject to the use of correct materials and techniques.

It is proposed to replace the present artificial roofing material with clay tiles and the product selected is a handmade tile more sympathetic and appropriate to the building in terms of size, texture and colour. The proposed windows will be timber framed with steel inserts to each accommodate 3 x 4 leaded lights. The building does not currently feature rainwater goods and this has led to problems with rainwater affecting the structure and particularly the exposed timbers. It is therefore proposed to supply and install new cast iron rain water gutters and down pipes to the perimeter of the Physic Well, as well as drainage channels around the wall base.

It is proposed to replace the bricks to infill panels, where necessary, in herringbone pattern. The new bricks are indicated on the submitted drawings as hand-made soft red bricks to match existing and a sample panel indicating mortar and pointing will be required prior to implementation. Seasoned oak is proposed for the structural timbers to match existing and imported or British-grown softwood is also proposed. It will be important for the new timber to match that of the existing and a sample will be required prior to implementation.

At this stage, there are no plans to change the interior. A new guard rail will be installed at the head of the steps down to the well.

These alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the listed building. As conditioned, they would in fact preserve and enhance the character and appearance of the listed property which is currently at risk.

## **5.4 Response to Public Consultation**

There have been no objections from local 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. The restoration of the building will provide a potential educational benefit for the wider community.

## 7. Conclusion

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



**Location**                      **Applegarth Manorside Barnet EN5 2LD**

**Reference:**                      **17/4076/RMA**

Received: 26th June 2017

Accepted: 11th January 2018

**Ward:**                              Underhill

Expiry 8th March 2018

**Applicant:**                      Mr H KAFIL

**Proposal:**                      Reserved matters application seeking approval for landscaping pursuant to outline permission reference 16/3156/OUT dated: 04.10.2016, for "Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking

**AGENDA ITEM 13**

**Recommendation: Approve**

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/obligations or reasons for refusal 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)

**Informative(s):**

- 1      In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
  
- 2      The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may

become necessary, due to the design of the onsite development, will be borne by the applicant.

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

- 3 The plans accompanying this application are:
  - Site location plan
  - 440115/10
  - 440115/11

## **Officer's Assessment**

### **1. Site Description**

The application site contains a two storey, detached dwellinghouse, dating from the early 1960s, located on the northern side of Manorside on a corner plot on the junction with Manor Road. The surrounding area comprises a mixture of both single family units and purpose built flatted development. The plot is on a steep slope with a change in levels of 1.43m between the north and south boundaries of the site.

The host site is not located within a Conservation Area, is not a listed building or subject to any other relevant planning restrictions.

### **2. Site History**

Reference: 16/3156/OUT

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Approved subject to conditions

Decision Date: 21 November 2016

Description: Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking (OUTLINE APPLICATION) (AMENDED DESCRIPTION).

This is the outline approval for which the current RMA is submitted.

Reference: 16/0285/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused

Decision Date: 17 March 2016

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations.

Reference: 15/05033/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused (Appeal Dismissed - APP/N5090/W/15/3141081)

Decision Date: 27 October 2015

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations.

Reference: N06897A

Address: Applegarth Manorside Barnet EN5 2LD

Decision: Approved subject to conditions

Decision Date: 04 Dec 1990

Description: First Floor Side Extension.

### **3. Proposal**

The application seeks approval for the landscaping to the approved development.

Condition 2 of the outline permission stated:

Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

### **4. Public Consultation**

Consultation letters were sent to 99 neighbouring properties.

11 responses have been received, comprising 11 letters of objection which can be summarised as follows;

- Impact to highway and pedestrian safety
- Loss of parking/parking issues
- Increase in number of crossovers and dropped kerbs
- Loss of green space and harm to visual amenity
- Harm to residential amenity of future occupants
- Visual harm/eyesore
- Lack of detail on plans
- Environmental harm
- Ownership of land within site 'red line' boundary
- Location of refuse bins
- Concern over deliveries and congestion
- No real overall parking gain.
- Excessive number of new spaces proposed.

#### Traffic and Development

No objection to revised plan, subject to informative - Section 184 required.

#### Trees and Landscape

No objection to revised plan.

### **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.

#### The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### 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 developments 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)

- Provides detailed guidance that supplements policies in the adopted Local Plan

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**

#### Impact on the character of the area

Manorside is characterised by gardens with small trees and mature shrubs in the front gardens that provides vital softening to the built environment. The street can be considered attractive and greened by this landscape.

At present the majority of the length of the boundary to the Applegarth site is defined by kerbs, low walls, and shrubbery and grass verges. There is currently parking available at right angles to the street for two vehicles and linked through to further space around the corner on Manor Road for two additional vehicles.

The western part of the site is currently separated from the road by a grass verge which is maintained by the Council. This provides an area of public green space and is important in retaining a balance between the hard surfaces of driveways and highway, and gardens and other green spaces. The proposal would involve the removal of a section of the grass bank between the sub-station and the western end of the application site, construction of a retaining wall and a new single crossover. The partial loss of a grass bank to accommodate an extra car parking space would be mitigated through the use of appropriate planting, as proposed under the revised plan.

The existing hardstanding to the east of the site would be retained for parking provision. Additional planting is proposed to this area of the site and would include climbing plants on the flank wall of the building (*hydrangia petiolaris*) and two small growing trees amongst shrubs (*amelanchier lamarckii* - juneberry), located on the corner of the site to Manor Road and Manorside. The proposed landscaping details would help soften the proposal into the landscape and mitigate the impacts of the new car parking space. Therefore these additional enhancements will ensure the property is similar in character to the rest of the street once established.

The Trees Officer has reviewed the proposal and considered the opportunity for planting on this site and is satisfied with the scheme proposed.

The proposed landscaping scheme is therefore considered acceptable with regards to the impact on the character and appearance of the site, streetscene and wider area.

#### Impact on the amenities of neighbours

As discussed under the above section 'character' the proposal would would help the building settle into the local environment. The comments from neighbouring properties regarding the loss of the grass bank and its replacement with vehicle parking, crossovers and hard surfaces are noted, however the proposal has been amended since first submission to reduce the size of the parking area to the west of the site to one parking space, which would ensure less hard surfacing to be laid and any visual harm is minimised.

Furthermore, the reduction in the size and number of crossovers, to one, would mean that the loss of on street parking is reduced to a minimum.



As such, it is considered that the proposed landscaping scheme would be acceptable with regards to the impact on the amenities of neighbouring properties.

Therefore, the proposed landscaping details can be agreed.

#### 5.4 Response to Public Consultation

All issues raised are considered to have been addressed in the section above.

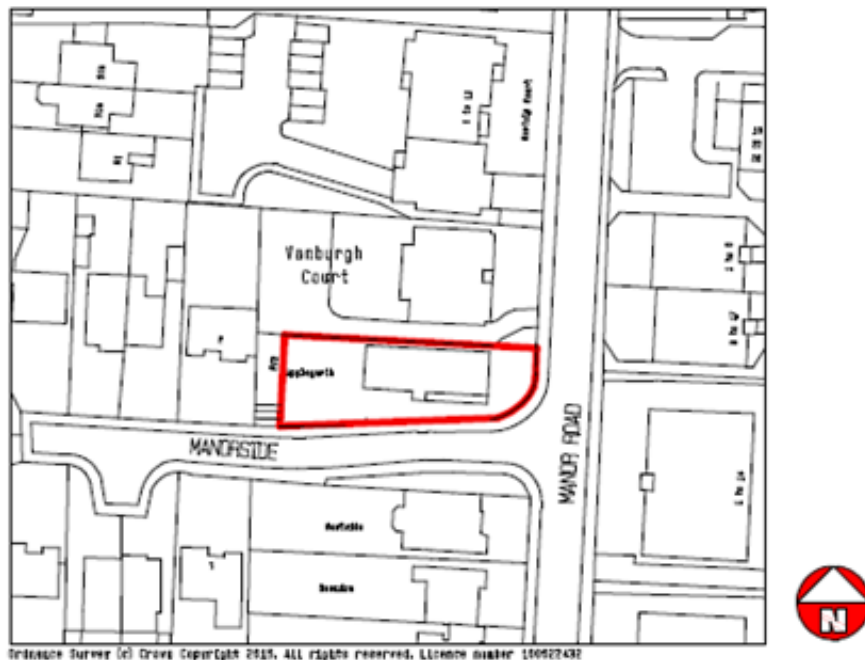
As the only matter reserved under outline permission (ref: 16/3156/OUT) was for landscaping, other matters, such as refuse storage or parking provision, cannot be considered under this reserved matters application.

#### 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

In light of the above appraisal the proposed landscaping details can be accepted. It is therefore recommended that consent is granted.



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**Location**                      **Applegarth Manorside Barnet EN5 2LD**

**Reference:**                      **18/0267/CON**

Received: 15th January 2018

**AGENDA ITEM 14**

Accepted: 15th January 2018

**Ward:**                              Underhill

Expiry 12th March 2018

**Applicant:**                      Mr H KAFIL

**Proposal:**                      Approval of details of parking layout, levels and landscaping pursuant to conditions 4, 5 and 6 of planning permission 16/3156/OUT dated 21/10/2016

**Recommendation:** Approve

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/obligations or reasons for refusal 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)

**Informative(s):**

- 1      The plan accompanying this application is: 440115/10 Rev A
- 2      The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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

## **Officer's Assessment**

### **1. Site Description**

The application site contains a two storey, detached dwellinghouse, located on the northern side of Manorside on a corner plot on the junction with Manor Road. The surrounding area comprises a mixture of both single family units and purpose built flatted development.

The host site is not located within a Conservation Area, is not a listed building or subject to any other relevant planning restrictions.

### **2. Relevant Site History**

Reference: 15/05033/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused

Decision Date: 27 October 2015

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations.

Reference: 16/0285/FUL

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused

Decision Date: 17 March 2016

Description: First floor side extension, creation of a second floor with a flat roof and conversion of garage into a habitable living space to facilitate a conversion of 1 no residential dwelling into 6 no self-contained flats with parking, refuse, amenity space, associated vehicular access and alterations to hard and soft landscaping . New front porch including alterations to front canopy. Changes to fenestration to the front, side and rear elevations

Reference: 16/3156/OUT

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Approved subject to conditions

Decision Date: 21 November 2016

Description: Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking (OUTLINE APPLICATION) (AMENDED DESCRIPTION).

Reference: 17/4076/RMA

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Reserved matters application seeking approval for landscaping pursuant to outline permission reference 16/3156/OUT dated: 04.10.2016, for "Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking (Amended description and amended plans)

Reference: 17/6063/RMA

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Application Returned

Decision Date: No Decision Made.

Description: Reserved matters application seeking approval for landscaping pursuant to outline permission reference 16/3156/OUT dated: 04.10.2016, for "Construction of new roof, first and second floor side extension and conversion of the building in to 5no self contained flats. Associated off street parking"

Reference: 17/7811/CON

Address: Applegarth, Manorside, Barnet, EN5 2LD

Decision: Refused

Decision Date: 12 January 2018

Description: Submission of details of condition 4 (Parking Layout) 5 (Levels) 6 (Landscaping) pursuant to planning permission 16/3156/OUT dated 21/10/16

### **3. Policy Context**

Relevant Development Plan Policies:

- London Plan (2016)
- Draft London Plan
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02.
- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

### **4. Consultation Responses**

Consultation letters were sent to 69 neighbouring properties.

16 responses have been received, comprising 16 letters of objection which made the following comments;

- Impact on street parking
- Poor parking arrangements proposed
- Impact on highway and pedestrian safety
- Limited visibility for vehicles due to fence
- Lack of information (refuse storage, materials, parking spaces, maneuvering, measurements)
- Key areas have not been assessed since refusal of 17/7811/CON
- Loss of green space
- Impact on hedgehogs
- Lack of provision of refuse containers
- Health and safety issues
- Absence of information regarding condition 8 (materials) and condition 12 (drainage)

### **5. Assessment of proposal**

#### 5.1 Proposal

Submission of details of condition 4 (parking), condition 5 (levels) and condition 6 (landscaping) pursuant to planning permission 16/3156/OUT dated 21/10/2016 for

'Construction of new roof, first and second floor side extension and conversion of the building in to 5no self-contained flats. Associated off street parking (outline application).'

An updated landscape drawing, ref 440115/10 Rev A, has been received under this application to address initial concerns regarding the lack of planting.

#### 5.2 Condition 04

**"Notwithstanding the submitted details, before the development hereby permitted is first commenced details of the proposed car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be provided in accordance with the approved details prior to the first occupation of the flats hereby approved and the car parking spaces shall be permanently retained in accordance with the approved details thereafter and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.**

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

The applicant provided the following information in support of this requirement:

- Drg no 440115/10 Rev A

The car parking details submitted show the site can accommodate parking spaces for 5no vehicles to the eastern and south elevations of the property, and turning space to the eastern side of the site. This is considered acceptable to provide a suitable level of parking provision for the granted number of units which would ensure the development would not cause severe harm to highway safety.

The Local Highways Authority have reviewed the submitted details and have no objection to proposed parking provision and layout, subject to a suitable informative being attached to the discharge of the condition. The revised layout now minimises the impact to the grass bank with one new crossover proposed. It is noted that there is some minor retaining structure required and details for this should be submitted with the crossover application that is to be made to the Development Control Team through a S184 application.

The outline application indicated that 6 spaces would be provided, however highway officers were not satisfied that the layout could work. Although the current scheme shows 5 spaces rather than 6, highways officers are satisfied that this level of provision is acceptable and that the spaces can be accommodated on the site.

The current proposal also provides the necessary parking without significant reduction in the rear garden area, unlike the plan approved at outline stage.

Therefore it is considered that the details submitted to discharge this condition are acceptable and as such it is recommended that condition 4 be discharged.

#### 5.3 Condition 05

**"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."**

The applicant provided the following information in support of this requirement:

- Drg no 440115/10 Rev A

The only level changes proposed are a reduction in part of the garden level to provide the additional parking space.

The details accompanying the application presented on the submitted drawing are considered to be compliant with DM17. Therefore the details of the levels of the building, roads and footpaths in relation to the adjoining land and highways and any other changes proposed in the levels of the site as illustrated on the submitted drawing are considered acceptable to satisfy the LPA that the development would be carried out at suitable levels. It is recommended the condition is discharged.

#### 5.4 Condition 06

**"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."**

The applicant provided the following information in support of this requirement:

- Drg no 440115/10 Rev A

The hard and soft landscaping scheme, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping details submitted show the following;

To the south of the property - Tree to be planted on bank (prunus tibetica or similar) and small growing trees among shrubs (amelanchier lamarckii - juneberry)

To the east of the property - climbing plants on the flank wall (hydranger petiolaris) and two small growing trees amongst shrubs (amelanchier lamarckii - juneberry), located on the corner.

To the west of the property - existing garden to remain and ivy around the top of the retaining wall (Hendra helix).

The landscaping plan has been updated since submission to include details that would help soften the proposal into the landscape and mitigate some of the impact of the new car parking space.

The Tree Officer has reviewed these revised details and is satisfied that the proposal would help the building settle into the local environment. Given the constraints on the site, it is accepted that the proposed details to discharge this conditions are the most optimum for the site.

Therefore the landscape plan should be fully implemented. It is recommended the condition is discharged.

## **5.5 Response to Public Consultation**

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

This application seeks to discharge condition 4 (parking), condition 5 (levels) and condition 6 (landscaping). Therefore only details submission with regards to these conditions can be considered under this application. As such, details of refuse storage (condition 10), materials (condition 8), and drainage (condition 12) will be considered and assessed under a separate submission(s).

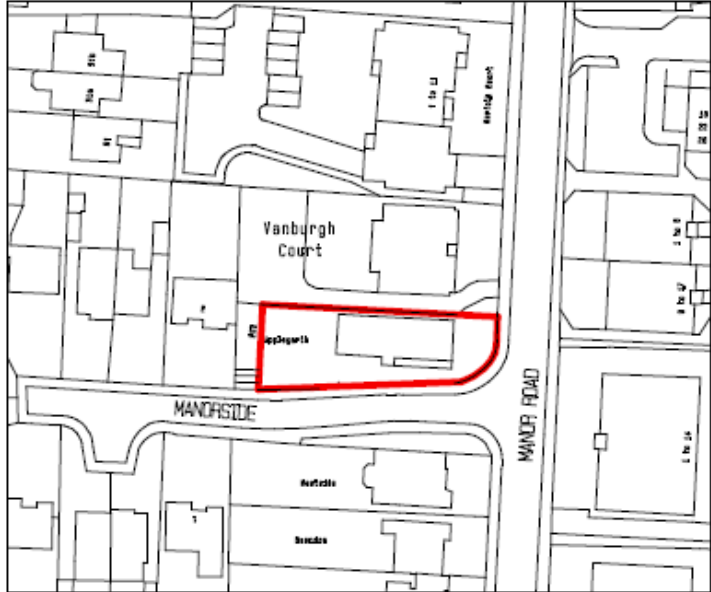
## 7. Equality and Diversity Issues

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.

## 8. Conclusion

The proposed submission of details of condition 4 (parking), condition 5 (levels) and condition 6 (landscaping) pursuant to planning permission 16/3156/OUT dated 21/10/2016 is satisfactory and recommended for APPROVAL.





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**Location**                    **101 Greenway London N20 8EL**

**Reference:**                **17/8076/HSE**

Received: 20th December 2017

Accepted: 22nd December 2017

Ward:                        Totteridge

Expiry 16th February 2018

Applicant:                Mr S Jodieri

Proposal:                    Part single, part two-storey front and rear extension with decking and steps leading down to garden with changes to landscaping. First Floor side extension. Extension to roof including new crown roof with 1no rear dormer window with juliette balcony and rooflights to both side elevations

AGENDA ITEM 15

**Recommendation:** Approve 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/obligations or reasons for refusal 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: Design & Access Statement, Tree Survey, Drg.SK-01, Drg.SK-03A, Drg.SK-04A, Drg.SK-05A, Drg.SK-06A, Drg.SK-07B, Drg.SK-08A and Drg.SK-09B.

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

- 2     The 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).

- 3 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).

- 4 Before the building hereby permitted is first occupied the proposed window(s) and roof lights in the side elevation facing no.99 and no.103 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing 99 or 103 Greenway.

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

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 detached single family dwelling house located on the southern side of Greenway, which is predominantly residential in character with varied roof forms, storey heights and materials.

The properties on this stretch of Greenway stagger in height, with No. 99 Greenway at a lower level and No. 103 Greenway at a higher level.

The property is not listed and does not fall within a designated conservation area, however there are a number of TPO trees on land adjacent to the site - at No.101 and No.105 Greenway.

### **2. Site History**

Reference: TPP/0306/17

Address: 101 Greenway, London, N20 8EL

Decision: Trees: Refused

Decision Date: 19 July 2017

Description: 1 x Yew (applicant's ref. T1) - Reduce the top of the tree by approx. 20-25 percent, major thinning out by 10%, major dead wooding and to prune and re-shape again by 15%, to prune back the side to re-balance the tree 15%. Standing in group G64 of Tree Preservation Order, 1 x Yew (applicant's ref. T2) - Reduce by approx. 20-25 percent, major thinning out by 10%, major dead wooding and to prune and re-shape and to re-balance the tree 15%. Standing in group G64 of Tree Preservation Order

Reference: 17/4975/HSE

Address: 101 Greenway, London, N20 8EL

Decision: Refused

Decision Date: 14 December 2017

Description: Part single, part two-storey front extension, part two-storey rear extension with decking and steps leading down to garden with changes to landscaping. First floor side extension. Extension to roof including new crown roof with 1 no rear dormer window with juliette balcony and 3 no roof light to side elevation and 1no rooflight to the crown roof. Changes to fenestration including juliette balcony to rear first floor level

Reference: TPP/0576/17

Address: 101 Greenway, London, N20 8EL

Decision: Trees: Refused

Decision Date: 25 September 2017

Description: 2 x Yew (applicant's ref. T1 and T2) - Reduce the top of the trees by approx. 10%, Major thinning out by 10%, Major dead wooding and to prune and re-shape again by 15%, To prune back the side by 1- ½ Meters to re-balance the trees. Group G64 of Tree Preservation Order

### **3. Proposal**

The current application follows a previous refusal at committee (17/4975/HSE). The application was refused for the following reasons;

"The proposed development, by reason of the size, scale, mass and bulk of the rear extensions and the new roof, would cumulatively amount to a disproportionate addition to

the main dwelling and would be out of keeping with the street scene and the general locality. Moreover, the proposed development would appear intrusive and overbearing, resulting in an increased sense of enclosure which would be detrimental to the residential amenities of both adjoining occupiers, particularly no.99 Greenway. The development would therefore be contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012), policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)".

It is noted that the applicant is appealing this decision.

Similar to the previous proposals this application seeks consent for a part single, part two-storey front and rear extension with decking and steps leading down to garden with changes to landscaping. First Floor side extension. Extension to roof including new crown roof with 1no rear dormer window with juliette balcony and rooflights to both side elevations.

The proposals have been revised to overcome the previous reasons of refusal.

Through negotiations the scheme has been further amended since the original submission. The amendments include:

- Reducing the depth of the single storey rear extension to 3.5m, a reduction of 1m from the previous refused scheme
- Setting in the first floor rear extension 2.5m from the neighbouring boundary with no.99 maintaining a distance of 3.5m between the flank walls as opposed to the 2.2m gap under the previously refused scheme
- The roof has been reduced in height to 3m as opposed to the refused scheme of 3.5m
- The rear dormer has been reduced in depth by 0.3m from the previously refused scheme

#### Roof

The property is two storey in height with a flat roof. The applicant seeks approval to create a hipped roof with a crown top over. The proposed roof to the top of the roof ridge would be 3m in height.

#### Rear dormer

The rear dormer will be centrally located on the rear roof slope and will measure 2.1m in height, 3m in width with a depth of 2.3m. It will be set down from the main ridge by approximately 0.5m and set away from the eaves by approximately 0.2m.

#### Rooflights

2no. roof lights are proposed on the roof slope adjacent to no.103 and 2no. roof lights are proposed on the roof slope adjacent to no.99. An additional roof light is proposed on the flat part of the crown roof.

#### Front extension

The applicant seeks planning permission for a two storey centrally located front extension. It will be set in from the flank wall of the host property adjacent to no.103 by 3.6m and will have a width of 6.5m and a depth of 0.74m. It will be set in from the flank wall of the host property adjacent to neighbouring property at no.99 by 2.6m.

It will have a hipped roof with eaves to match the host property measuring 5.8m and a maximum height of 8.8m when measured from ground level.

#### First floor side extension

The first floor side extension along the boundary with neighbouring property at no.103 will be set in from the boundary by 1m. It will have a width of 1.6m.

It will have a hipped roof with eaves to match the existing eaves of the host property and will join the proposed crown roof to create a hip.

#### Ground floor Rear extension

The existing rear building line is staggered. The proposals will infill the staggered areas to form a flush building line at rear. The proposed single storey rear extension will project 3m in depth along the common boundary at no.103 Greenway, full width of the property. It will be set away by approximately 1m from the boundary wall with no.99 and approximately 2.2m from the flank wall of this neighbouring property. It will measure 3.5m in depth from the rear wall, adjacent to this neighbouring property.

The ground floor extension will have a flat roof measuring 3m in height.

The first floor rear extension will be set away by 2.5m from the common boundary wall with no.99 and 3.5m between flank walls and will measure 2.3m in depth and 10.3m in width.

#### Decking

The gradient of the property drops to the rear of the property. To enable access to the rear garden, the applicant is proposing to extend the existing raised decking.

The decking will have a depth of 2.6m and will be set away from the boundary wall of no.103 by approximately 0.6m. It will extend full width of the garden up to the boundary of no.99. It will have a depth of 3.2m with access steps leading to the rear garden adjacent to no.99.

## **4. Public Consultation**

6 consultation letters were sent to neighbouring properties.

7 responses have been received.

Objections have been summarised below:

- Overdevelopment of the site
- Plans are inaccurate
- Overbearing and obtrusive
- Loss of privacy
- Overlooking
- Loss of light
- Overshadowing
- Loss of outlook
- Sense of enclosure
- Out of character
- Dormer not in keeping with the roof of the house
- Balconies will result in overlooking

## **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.

### The Draft London Plan 2018

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

### 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**

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

As mentioned above the existing property has a flat roof. The street benefits from varied roof forms mostly hipped/pitched and crown. There are no examples of flat roof dwellings within the immediate vicinity of the area, with the exception of the host property. The design and massing of the new roof will be more in keeping with the character of the surrounding area and will respect the staggered relationship that exists between the neighbouring properties.

With the proposed two storey side extension and extensions to the roof, a balanced appearance is established. The extensions will introduce symmetry to the frontage whilst respecting the original forward projection.

The single storey rear extension is considered to be an subservient addition to the dwelling.

The rear dormer is considered to have an acceptable impact on the character of the host property.

The development is therefore considered to harmonise with the character and appearance of the host property and will not harm the streetscene of Greenway nor the neighbouring Conservation Area.

#### Impact on the living conditions of neighbouring residents

The rear dormer has been reduced in depth by 0.3m from the previously refused scheme (17/4975/HSE). It will be centrally located on the proposed crown roof and will be sufficiently set away from the roof slope on both sides. It will also retain adequate roof slope above and below the dormer. The rear dormer by virtue of its design scale and siting are therefore considered to be acceptable. The proposed Juliette balcony will be flush with the rear wall and will not involve an extended platform to step out on. As such the proposed dormer with the Juliette balcony is considered to be acceptable and will not result in overlooking or loss of privacy to neighbouring properties. Furthermore the roof lights and proposed windows to side elevations will be conditioned to be obscure glazed to prevent any potential overlooking or privacy concerns.

The proposed two storey front extension will project approximately 0.72m beyond the main front wall of the host property and appear as a subordinate addition to the property. The front extension will be sufficiently set away from both neighbouring properties - 2.6m from no.99 and 3.6m from no.103. As such this element of the proposal is not considered to harm the amenities of both neighbouring properties.

The first floor side extension will be adjacent to neighbouring property at no.103. It will project along the flank wall of the host property and will be set in from the boundary wall of this neighbouring property by 1m. Paragraph 14.17 of the Residential Design Guidance SPD states that in order to reduce the visual impact of two storey or first floor side extensions, there should be normally be a gap of 2m between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions). As such this element of the proposal would comply with Barnet Residential Guidance. It is not considered to have an impact on this neighbouring property as it will be in line with the proposed two storey extension existing at this neighbouring property.

The rear extension is staggered. The proposal is to infill this stagger with a new part single storey part two storey extension. The single storey element will project 3m in depth along the common boundary wall of neighbouring property at no.103 Greenway, this extension could be carried out under Permitted Development as a standalone development. Due to the rear stagger, the extension will measure 3.5m in depth adjacent to no.99. The proposed extension will be set away by approximately 1m from the boundary wall with neighbouring property at no.99 and approximately 2.2m from the flank wall of this neighbouring property. Barnet's residential design guidance states that a depth of up to 4 metres for a detached property is acceptable. It is therefore considered that this element of the proposal, given the distances maintained and its compliance with Barnet's policies, would not have an unacceptable impact on the amenities of both neighbouring properties.

Paragraph 14.23 of the Residential Design Guidance SPD states that two storey extensions which are closer than 2m to the neighbouring boundary and project more than 3m in depth are not normally considered acceptable, because they can appear to be too bulky and dominant and have a detrimental effect on the amenities of neighbours. Neighbouring property at no.99 is set on a lower level and set forward by approximately 0.3m than the host property. The first floor rear extension will project 2m in depth beyond this neighbouring property and will be set away from the common boundary wall with the neighbouring

property at no.99 by approximately 2.5m and from the flank wall of this neighbouring property by approximately 3.5m. As such this element of the proposal would comply with Barnet Residential Guidance.

Due to the orientation of the property, the proposed part single part two storey rear extension is not likely to have an impact on the amenities of no. 99 to an unacceptable level. Given the orientation of the sun it is not considered the proposed extensions would cause any significant loss of light or overshadowing to this neighbour to warrant refusal of the application. No 103 benefits from a two storey extension, notwithstanding that the single storey element will extend by 0.435m beyond this neighbouring extension, the first floor element would not be any deeper therefore there would be no impact on the amenities of the occupiers of this property.

Whilst a Juliet balcony is proposed to the rear dormer, it does not consist of a platform to step out onto; therefore this balcony is not considered to result in overlooking or loss of privacy to neighbouring properties.

The gradient of the property drops to the rear of the property. To enable access to the rear garden, the applicant is proposing to extend the existing raised decking. The host property has an existing patio at the same depth and size which will be replaced by the rear extension. The proposed decking will be set away from the boundary wall of no.103 by approximately 0.6m, full width of the garden up to the boundary of no.99. It will have a depth of 2.6m with access steps leading to the rear garden adjacent to no.103. This relationship is considered to be acceptable. The application property already has high boundary treatments in the form of a high fence and dense vegetation that provides natural screening along the boundary with No.99 and no.103. Overall the increase is not considered to be unduly overbearing and will not cause a significant overlooking and loss of privacy. A condition has been attached to ensure suitable screening is used for the proposed decking. This will improve the existing relationship between the application property and its neighbours.

There are protected trees in the rear gardens of No.101 and No.105 Greenway. Sufficient information has been received for the Trees and Landscaping Team to assess the impact on these trees. The proposal does not involve the construction of a basement, all works are proposed outside of the root protection areas and the development will therefore have an acceptable impact on the health of these trees of special amenity value.

The proposal as amended is considered to overcome the concerns raised by committee members during the previous refused application (17/4975/HSE). Furthermore neighbouring property at no.103 has had approval for a very similar side extension under ref. B/02230/11. It is considered that the proposal will be in keeping with the character of the host property and the immediate area and is not likely to cause harm to neighbouring properties to an unacceptable level.

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

- Loss of privacy
- Overlooking
- Loss of outlook
- Overshadowing
- Sense of enclosure
- Out of character
- Roof will be overbearingly dominant
- Juliet balcony will result in overlooking

- Dormer not in keeping with the roof of the house

The above comments have been addressed in the main body of the report

- Overdevelopment of the site

The proposal has been amended since the original submission and further amendments were secured during the life of the current application. The roof has been reduced in height and the rear dormer has been reduced in depth. The single storey has been reduced in depth and the first floor element has been set in away from the boundary wall of no.99. The amended proposal is therefore not considered to constitute overdevelopment.

- Plans are inaccurate

The plans have been amended with regards to the roof lights, since the initial submission. Measurements are considered to be adequate to make an assessment.

## **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 this proposal would comply with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval.



<b>Location</b>	<b>78 - 80 Crescent Road And Land To Rear Of Nos. 68 - 84 Crescent Road Barnet EN4 9RJ</b>		<b>AGENDA ITEM 16</b>
<b>Reference:</b>	<b>18/0615/FUL</b>	Received: 29th January 2018	
		Accepted: 30th January 2018	
<b>Ward:</b>	East Barnet	Expiry 27th March 2018	
<b>Applicant:</b>	Founthill Land NB Ltd		
<b>Proposal:</b>	Demolition of existing house at No.80 Crescent Road and erection of 8 x 2 bed houses with associated parking, amenity space, landscaping and cycle storage		

**Recommendation:** Approve 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/obligations or reasons for refusal 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. A14-17 - Site Survey
- Drawing no. 462016-1 - Existing Details
- Drawing no. CR3-P01 - Proposed Site Plan
- Drawing no. CR3-P02 - Proposed Elevations (Front and Rear)
- Drawing no. CR3-P03 - Proposed Elevations (North and South)
- Drawing no. CR3-P04 - Proposed House Plans
- Drawing no. CR3-P05 - Proposed Site Sections
- Drawing titled "Tree Protection Plan II" dated 30.1.18.
- Planning Statement by Henry Planning
- Sustainability Statement by Henry Planning
- Density comparison information
- Backland housing comparison information
- Preliminary Ecological Assessment Including Protected Species Assessment at 68-84 Crescent Road by Skilled Ecology Consultancy Ltd, dated May 2017
- Phase II Arboricultural Impact Assessment (Ref. 10116) by Arbol EuroConsulting dated 03/05/2017, updated 19.6.17 and 29.1.18.

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, including physical samples, 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 2016.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 a) 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing the rear gardens of properties on Margaret Road or no. 86 Crescent Road.

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

- 7 The roof of the proposed buildings hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony (ies), roof garden (s) or similar amenity or sitting out area(s).

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).

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

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

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

- 9 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).

- 10 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and site boundaries, including details of existing trees to be retained and size, levels around the retained trees, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 11 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. CR3-P01 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 (2016).

- 12 Before the development hereby permitted is occupied 9 car parking spaces shown on Drawing No. CR3-P01 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 Before the development hereby permitted is occupied the electric vehicle charging points indicated on the submitted planning application Drawing No. CR3-P01 shall be provided. The development shall be implemented in full accordance with the approved details prior to first occupation and maintained thereafter.

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

- 14 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

Reason: In the interest of highway safety in accordance 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.

- 17 No works on public highway if required as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority 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.

- 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 new dwellings hereby approved.

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

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

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

- 20 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.

- 21 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.

- 22 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 23 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place other than in accordance with the submitted arboricultural method statement and tree protection plan: Phase II Arboricultural Impact Assessment (Ref. 10116) by Arbol EuroConsulting dated 03/05/2017, updated 19.6.17 and 29.1.18.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 24 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of the mitigation and enhancement measures identified in the submitted Preliminary Ecological Assessment Including Protected Species Assessment at 68-84 Crescent Road by Skilled Ecology Consultancy Ltd, dated May 2017, including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected 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 October 2016).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://www.planningportal.gov.uk/cil).

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

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

- 3 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for 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 Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 4 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

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

- 5 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 6 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.

- 7 All aspects of the submitted arboricultural method statement and tree protection plan must be fully implemented and strictly adhered to throughout all phases of development. Evidence of compliance to the method statement must be available to the local authority at any time.

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 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."

## **Officer's Assessment**

### **1. Site Description**

The application site is located to the rear of properties of nos. 68 to 84 Crescent Road. Access to the site would be between 78 and 82, which is currently occupied by no. 80 Crescent Road. The site is within the East Barnet ward. The site covers an area of approximately 0.24 ha. The existing rear gardens of the properties (no. 68 to 84) have very long yet narrow gardens.

The site is not located within a Conservation Area, nor are any of the adjacent buildings locally or statutorily listed. There are no protected trees on the site or in the immediate vicinity of the site.

The site is located within a Flood Risk Zone defined as 1 which is considered to have a low probability of flooding.

Due to changes to the topography, ground levels are at a higher level towards the north, and also rise towards the west.

To the north, the site abuts the rear gardens (including several outbuildings) of properties on Margaret Road. To the west, the site abuts the rear gardens of properties on Victoria Road.

### **2. Site History**

Reference: 17/3017/FUL

Address: 78-80 Crescent Road and land to Rear of Nos 68-84 Crescent Road

Decision: Refused and Dismissed at Appeal

Decision Date: Refused 11th August 2017, Appeal dismissed 17th January 2018.

Description: Demolition of existing house at No.80 Crescent Road and erection of 9 x 2 bed houses with associated parking, amenity space, landscaping, refuse point and cycle storage.

Reasons for refusal:

1. The proposed development by reason of the amount of development on this restricted site, bulk, design, siting and layout would be cramped, is harmful out-of-character with the pattern of development in the area and would be a contrived form of development that fails to recognise the constraints of the site, being detrimental to the character and appearance of the wider area. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy and policy 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016.

2. The proposed development by reason of its design including proposed form, materials, fenestration and detailing would fail to make a positive contribution to the wider area and would not be of a high architectural quality. The proposals would be detrimental to the character and appearance of the general locality contrary to policies 7.4 and 7.6 of the London Plan (2016), policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the

Adopted Residential Design Guidance SPD (2016, and paragraphs 61 and 64 on the National Planning Policy Framework.

Details of the dismissed appeal (APP/N5090/W/17/3184138) are set out in the 'Assessment of Proposals' section below.

### **3. Proposal**

The current application follows a refused application (17/3017/FUL; also dismissed at appeal) for 9 no. terraced dwellings on the same site.

The application proposes the demolition of the existing dwelling at no. 80 Crescent Road and the erection of 8no self-contained dwellings, arranged as four pairs of semi-detached houses, to the rear of the gardens of nos. 68 to 84 Crescent Road including a new access road. All existing domestic outbuildings within the site would also be removed. The proposed dwellings would all be 2 bedroom units for up to 4 occupiers.

The proposed dwellings would be 2 storeys in height, in a contemporary form and flat roof design. Each dwelling would benefit from a private rear gardens, abutting the rear gardens of properties on Victoria Road to the west. The scheme makes provision for 9no off-street parking spaces, including 2 disabled spaces, to the front of the site, adjacent to no. 78 Crescent Road, and refuse areas for each dwelling. The proposal includes acoustic fencing along the boundary with no.78 and no.82 Crescent Road.

The indicative materials proposed include timber cladding, brick and sedum green roofs with solar panels at roof level.

The proposal involves varying levels of excavation to allow the pairs of semi-detached houses to follow a stagger with houses 7 and 8 (towards the north) being at a higher level than houses 1 and 2 (to the south).

The dwellings would have a length at ground floor of approximately 15.5m, a maximum length at first floor of 12.8m. Each pair of houses would have a width of approximately 9.5m. The dwellings would have a maximum height of approximately 6.1m. There would be a gap of 3.75m between each pair of houses.

9 no. car parking spaces and 16 cycle parking spaces will be provided.

### **4. Public Consultation**

Consultation letters were sent to 165 neighbouring properties.

98 responses have been received to date, comprising 98 letters of objection.

The objections received can be summarised as follows:

#### Character objections

- Modern design is out-of-character/ flat roof design not in accordance with Edwardian and Victorian typologies
- Loss of Victorian dwelling
- Materials will not fit in with context
- Eyesore for area
- Scale of development

- Inappropriate development in area/ overdevelopment of the site
- Cramped
- Too much hardstanding/ concrete jungle
- Inappropriate back land development/ "garden grabbing"
- Undesirable precedent/ puts all back gardens at risk
- Unsuitable density especially compared to vicinity
- Inappropriate design, massing and materials
- Changes to the origins of the road
- Refuse collection at the front of site detrimental to streetscene
- Excessive number of dwellings
- Smaller number of 3/4 bedrooms houses would be more appropriate
- Design does not add to overall quality of the area
- Sedum roof design does not fit in with area
- Glazing is not in keeping with surrounding properties
- The nature of the proposals are not only inappropriate in scale, but are also visibly intrusive

#### Amenity objections

- Loss of outlook to neighbours
- Poor outlook to future occupiers
- Loss of privacy/ overlooking/ proximity of building
- Loss of light
- Overbearing and visually intrusive buildings
- Refuse collection is impractical
- Loss of family unit
- Noise and disturbance
- Street lights and light pollution
- Security risk to neighbours
- Loss of amenity to neighbours
- Loss of views
- Additional glazing will increase impact on neighbours

#### Highways objections

- Parking pressures/ insufficient parking including for visitors
- Limited space for local buses to travel through Crescent Road
- Increase in traffic accidents
- Unsafe entering and exiting the site especially as young children use roads due to nearby schools
- Access for emergency services/ safety as access could be impeded by a badly parked car
- Obstruction to pathway during collection day
- Access into the site is too narrow
- New plans remove parking provision thus increasing parking pressures even more

#### Ecology & Trees objections

- Damage to tree
- Loss of mature trees
- Developer has already removed trees
- Barnet has a duty to protect sites of nature conservation
- Part of green corridor/ loss of green space
- Loss of habitat would result in significant harm to the biodiversity of the area including bats

- Japanese knotweed on the site. A neighbour-commissioned survey indicated that the Japanese Knotweed "remains untouched and allowed to grow so that a chemical application has the best possible chance of success". "There is a huge, and very real, risk that if the Japanese Knotweed is not eradicated and/or that it is disturbed by building, that it can have devastating consequences on not only any new buildings but also risk extensive further spread"
- Ecology report fails to acknowledge existence of Japanese Knotweed
- Bats nest in the area

#### Flooding

- Increased flood risk
- Surface water run-off exacerbated
- Inadequate drainage
- Site located within clay and therefore porous
- Will cause surrounding land to turn into marsh
- Raising water table due to other development

#### Other Planning related objections

- Lack of child playing areas
- Pressure on local schools
- Inadequate provision of water, electricity and drainage utility
- Air pollution
- Neighbouring properties not plotted correctly
- Problems during construction/ disruption
- Housing targets exceeded in Barnet
- Developer failed to consult with the community
- Insufficient consultation by Local Planning Authority
- Private refuse collection is a joke- how can this be guaranteed?

#### Non-Planning related objections

- Loss of value of neighbouring properties
- Proposal motivated by profit at the expense of Barnet communities
- Impact to foundations of neighbouring properties

An objection has also been received from RT Hon. Theresa Villiers MP. The key concerns raised being as follows:

- Overdevelopment of the site and out of keeping with the surrounding area
- The amendments to the application are not significant enough to justify a different decision in this case
- Not a brownfield site, would set a bad precedent for garden grabbing
- Constituents are concerned about potential for flooding
- Will increase traffic problems.

The Council's Highways, Tree Consultant and Recycling and Waste Team were notified. Responses were received from Highways and Trees, and are summarised in the respective sections below; the Waste team did not comment.

A site notice was erected on the 8th February 2018.

## **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.

### Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### 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, DM07, DM08, DM15, DM17

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

### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Appeal decision relating to refused application 17/3017/FUL
- The Principle of development and density
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on Ecology
- Impact on Highways;
- Sustainability

## 5.3 Assessment of proposals

The Appeal decision relating to refused application 17/3017/FUL

Application 17/3017/FUL (9 unit, 3 blocks of 3 houses) was refused by the Local Planning Authority on 11th August 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 17th January 2018.

Although the appeal was dismissed, the Inspector's Decision forms a material planning consideration for the current application for 8 semi-detached units on the site.

Key extracts from the Planning Inspector's Report are as follows:

Principle of backland development:

Paragraph 4 - "The Council accepts the principle of the development of this site for housing and refers to other backland development in the vicinity. Given the amount of rear development I saw in the area, I have no reason to disagree."

Contemporary Design and Materials:

Paragraph 5 - "The townscape of the proposed houses would depart from the more traditional vernacular of some of the houses surrounding it. However, there is variety in the style of the houses in the area, reflecting the different dates of their development. Moreover, the isolated nature of the backland site limits the effect of its development in terms of any visual impact on the surrounding street scenes."

Paragraph 6 - "In this context, the principle of a contemporary approach to design is not misplaced. The simple forms of the houses and their flat roofs would reflect the buildings more commonly seen in back gardens. The number of openings in the houses, their size,

proportions and arrangement play a secondary role to the form and mass of the houses. They are ordered, and have a subdued effect in the overall townscape of the proposal."

Paragraph 7 - "I saw little use of timber and sedum in the surrounding houses, however, these elements would not be out of character beside the garden buildings alongside the northern boundary of the site. A planning condition could secure the remaining walls of the houses to reflect the material of the neighbouring houses. On this basis, I can identify no harm from the appearance, form, materials or detailing of the proposed houses to the surrounding street scenes, or to the character of the area."

Character and pattern of development:

Paragraph 8 - "Notwithstanding this, the housing surrounding the site is distinctive for the spacious character of its layout. The plot widths vary as do the widths of the houses and whether they are detached or semi-detached. I also noted terraces and blocks of flats in the area. However, the overwhelming character of development surrounding this site is of detached or semi-detached houses. There is an overriding sense of separation between the surrounding houses which diminishes the effect of their built mass, and there is a varying degree of spaciousness as a result of the lateral gaps between them. The space in their long back gardens balances the tighter grain of the street enclosure."

Paragraph 9 - "While the proposed layout would not appear cramped within the site, in terms of the surrounding pattern of development, the houses would have uncharacteristically greater plot coverage and substantially shorter front and back gardens. Combined with the terraced form of the houses in groups of three rather than in pairs or in single form, I consider the distinctive spatial aspect of the area would be harmed. I have taken into account the gaps between the proposed terraces and between the boundaries of the site, their stagger, as well as the cutting-in to the slope of the land. However, these do not reduce the effect of the lack of separation between the houses."

Paragraph 10 - "My sole criticism of the design, which would be visible from surrounding houses and gardens, is the lack of lateral space between the houses resulting from the terraced forms. In the distinctive spatial context of the enclosing housing, which is characterised by narrower building footprints and more frequent lateral gaps typical of detached or semi-detached form, the effect would be harmful to the character of the area."

Impact on the amenities of neighbours:

Paragraph 13 - "I have taken into account the representations from local people and the New Barnet Community Association. Given the modest height of the proposal and its separation from neighbouring houses, the degree of planting and outbuildings in these gardens, and the generally accepted principle of mutual overlooking of back gardens in the built-up area I find no material loss of privacy, light or outlook to surrounding occupiers."

Highways and Parking:

Paragraph 14 - "Given the site's accessibility to public transport, the parking provision at the lower end of the range required by the Council's parking standards suggests the development would not have an adverse impact on the street parking in the area. There is no substantive evidence that the additional traffic or the new access onto Crescent Road would result in congestion or unacceptable highway risks. I note that the Council's Highways Team does not object to the proposal."



Loss of an existing dwellinghouse and impact on Ecology:

Paragraph 15 - "While it would result in the loss of a 4-bedroom house, it would provide an additional eight 2-bedroom houses which would add to the choice of family-sized housing. I acknowledge the reports of bats in the area. However, the Preliminary Ecological Assessment and Protected Species Assessment concluded that the site is low in ecological value and that there would be minimal risk to protected, priority or rare species or habitats from its development. It sets out precautionary measures which could be secured by condition."

Planning Inspector's Conclusion:

Paragraph 17 - "The provision of 8 additional houses in the context of paragraph 47 of the Framework, which seeks a significant boost to housing supply, weighs substantially in favour of the proposal. However, this is outweighed by the harm the development would cause to the character of the area. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed."

#### Principle of development and Density

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.

Whilst the Council does not have a policy objecting to backland development, this has to be assessed against the impact on the character of the area. The Council's Residential Design Guidance SPD recommends that all developments should protect and enhance the gardens at residential properties as the spaciousness of gardens makes an important contribution to Barnet's distinctiveness. Officers consider that the area is sufficiently mixed, with examples of historic backland development in the vicinity, to consider the principle of development on the site acceptable.

The Planning Inspector's Report (Paragraph 4) states that the Planning Inspector has no reason to disagree that the principle of development is acceptable on the application site.

With regards to the demolition of no.80 (a detached 4 bed dwelling), whilst the building has attractive detailing and contributes to the streetscene, the building is not statutory or locally listed, nor is it situated in a Conservation Area. There is no objection to the demolition of the building in principle.

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 has a PTAL of 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan.

The proposal has been calculated as having 40 habitable rooms and has an area of 0.24ha. Based on this, the density would equate to 33.3 units per hectare (166.66 habitable room per ha). The scheme would comply with the London Plan density matrix which stipulates a recommended range of 35-95 units per hectare and 150-250 habitable room per ha.

It must be noted that density however is not the only indicator on whether development is suitable within a site. 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 section.

The proposed development would result in the loss of family dwelling house (4 bedrooms). Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms (highest priority) or 3 bedrooms (medium priority). Although the scheme proposes 2 bedroom units, on balance the overall increase in the number of units is considered to outweigh the loss of the larger 4 bedroom family unit due to the associated benefits of adding to the housing stock.

The Planning Inspector's Report (Paragraph 15) notes that whilst the proposal would result in the loss of a 4-bedroom house, it would provide a net additional eight 2-bedroom houses which would add to the choice of family-sized housing.

#### Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's 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). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character given that this is backland development.

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. Furthermore the NPPF stipulates that 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. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

Application Ref. 17/3017/FUL (9 unit terraced scheme) was refused by the Local Planning Authority for two reasons which can be summarised as:

1. The cramped layout of the development; and
2. The contemporary design of the proposed dwellings

Although the appeal was dismissed, the Inspector was clear (Inspector's Report Paragraph 10) that his sole criticism of the design of the 9 unit scheme is the lack of lateral space between the houses resulting from the terraced forms, noting that the surrounding housing is generally detached or semi-detached and characterised by more frequent lateral gaps.

In Paragraph 9, the Inspector notes that while the proposed development would not appear cramped within the site, in terms of the surrounding pattern of development, the

proposed houses within the 9 unit scheme would have uncharacteristically greater plot coverage and substantially shorter front and back gardens. Paragraph 9 goes on to state that "Combined with the terraced form of the houses in groups of three rather than in pairs or single form, I consider the distinctive spatial aspect of the area would be harmed."

In response to the Inspector's criticism of the 9 unit scheme, the current application reduces the number of units proposed down to 8 no. dwellings in the form of 4 pairs of semi-detached houses.

Whereas the gaps between the 3 terraces of 3 dwellings in the 9 unit scheme were 3.5m, the gaps between the 4 pairs of semi-detached houses has been increased to 3.75m. In addition, due to the semi-detached form of the proposed development, an additional gap has been introduced. The gap between Plots 2 and 3 would align with the proposed access driveway meaning that a visual gap along the driveway and through the development would have clear views from the Crescent Road streetscene towards Victoria Road (compared with the view down the driveway of the 9 unit refused scheme which would have looked onto the front elevation of Plot 3 with no view through).

It is considered that the change from terraced to semi-detached form and consequent introduction of additional and wider lateral spacing between the houses is sufficient to overcome the Inspector's concerns and ensure that the distinctive spatial aspect of the area would not be harmed.

In refusing application 17/3017/FUL the Local Planning Authority objected to the proposed contemporary design on the basis that it would not be of a high architectural quality and would fail to make a positive contribution to the area.

The Inspector considers the issue of design at paragraphs 5, 6 and 7 of his report acknowledging that whilst the contemporary design of the proposed development would depart from the more traditional design of the immediate surrounding houses, there are a variety of styles in the wider area and the isolated nature of the backland site limits the effect of its development in terms of any visual impact on the surrounding street scenes. He goes on to say that the principle of a contemporary design is therefore not misplaced with the proposed timber and sedum not being out of character beside the garden buildings along the northern boundary of the site, concluding that a planning condition could secure the remaining walls of the houses to reflect the materials of the neighbouring houses.

The Inspector concludes on this issue by stating that he identifies no harm from the appearance form, materials or detailing of the proposed houses to the surrounding street scenes, or to the character of the area.

The design of the current scheme is the same as the refused / dismissed scheme except for its semi-detached form and therefore it is considered that, based on the Inspector's conclusions set out above, the proposed contemporary design is acceptable.

The amended scheme comprising 8 no. semi-detached houses is considered to be acceptable in character, pattern of development and design terms.

#### Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in

respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

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

Any development, particularly in an urban/suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

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 that there should be a distance of 10.5 metres between a new development and a neighbouring garden. All the dwellings would provide a distance in excess of 21m of habitable windows, particularly to properties on Crescent Road and Victoria Road. In addition, the scheme has been designed so that habitable rooms would maintain a distance of at least 10.5m to neighbouring gardens; where this distance is below such as with dwellings 6 and 7 in particular, the internal layout has been varied with non-habitable rooms located closest to the rear boundary and/or habitable windows fronting existing structures. Given the design considerations, siting of the proposed buildings and the location of neighbouring outbuildings, it is not considered that the scheme would result in unacceptable levels of overlooking into neighbouring gardens.

With regards to light and noise pollution, although the introduction of built form on currently open land would result in some additional light and noise to occupiers at Crescent Road in particular, but also at Victoria Road from the gardens of these properties, given the distance between dwellings, it is not considered that this would be wholly unacceptable to warrant refusal and would not be out-of-character with the typical arrangement of a suburban setting.

The proposal involves acoustic fencing along the boundary of the access road closest to nos. 78 and 82 Crescent Road. It is considered that subject to details, this would mitigate the noise and disturbance caused by vehicles entering and leaving the site. The proposed acoustic fence will be secured by planning condition.

With regards to the proximity of the building to neighbouring gardens, consideration has been given to the existing ancillary residential buildings along the boundary with Plot 8. It is considered that the scale and height of the building along this boundary would be largely obstructed by the existing domestic structures and therefore it is unlikely that the building would appear overbearing on the occupiers of Margaret Road. To the south, House 1 has been set between 3m and 3.7m away from the boundary to reduce the perception of mass to adjacent garden. Officers are satisfied that the building would not appear overbearing to the neighbouring occupiers.

To the east and west, the siting of the buildings and distances aid in reducing the visual impact and perception of bulk from the rear of adjacent gardens and therefore are not considered to appear overbearing.

The properties at Crescent Road benefit from gardens in the range of 55 to 60m long, and with the reduced length would still retain suitably sized gardens in terms of compliance with the outdoor amenity space standards.

The refused/dismissed 9 unit scheme had a similar relationship to the site boundaries and in relation to that scheme the Inspector concluded on the subject of impact on neighbouring amenity as follows (Para 13): "Given the modest height of the proposal and its separation from neighbouring houses, the degree of planting and outbuildings in these gardens, and the generally accepted principle of mutual overlooking of back gardens in the built up area I find no material loss of privacy, light or outlook to surrounding occupiers."

For the reasons specified above, the scheme is not considered to cause unacceptable harm to the amenities of neighbours to warrant refusal of the scheme.

#### 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 accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan for a two bedroom (3p) two storey dwelling are 70sqm and for a two bedroom (4p) two storey dwelling are 79sqm. The proposed units would each provide 104sqm of internal floor area which is in excess of the standards. The studies within all units are below the minimum floor area for a single bedroom (less than 7.5 sqm) and have obscure glazed windows meaning that these rooms do not qualify as a bedroom.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would generally benefit from suitable outlook. During negotiations in relation to the 9 unit scheme, in response to officers' concerns regarding the quality of outlook to the recessed windows at the front, the applicant provided amendments to introduce windows to the side for this room thus providing dual aspect. Due to the projecting wings, this arrangement would not facilitate overlooking between the units. This arrangement remains in place for the current scheme.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For houses, amenity space should be provided in the form of individual rear gardens.

For houses with up to 5 habitable rooms the Sustainable Design and Construction SPD stipulates that a minimum of 55sqm should be provided. All the units would benefit from outdoor amenity space in excess of this standard.

The refuse stores would be located at various points across the site reduce the visibility of stores, and would be managed by a private collection. The refuse would be collected within the site itself. Details of the collection arrangements and refuse and recycling storage facilities will be required by planning condition.

The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

### Impact on Trees and Ecology

The Council's Trees team have been consulted and have reviewed the submitted information including the applicant's Arboricultural Impact Assessment.

There are no trees on the site or in the immediate vicinity of the site which are protected by Tree Preservation Order (TPO).

In May 2017, the Council received a request that a sycamore tree on land at the rear of no. 62 Margaret Road, on the northern boundary of the site, be protected by a TPO. The Council's Trees team have assessed the tree and concluded that it is inappropriate for inclusion within a TPO.

The proposal requires the removal of several trees, which have been categorised as C (low amenity value). The Tree consultant considered that subject to mitigation planting, the removal of these would be acceptable. Moreover it was considered that the impact on retained trees would not be significant as the main development (4 pairs of 2 houses) would be located outside the root protection area of retained trees.

Plot/house 3 impacts slightly on the root protection area of T20 an oak tree which has recently been heavily reduced in height and width. The use of load barring boards to protect the root system during construction is proposed and should prevent root damage if it remains in place throughout all the development phases.

All other trees growing on third party land around the development site (T3, T4, T8, T12a, T12, T6, T30, T15, T18 & T20) will be protected by fencing as shown on the tree protection plan and must remain in place throughout all the development phases.

T37 is a small sycamore tree growing close to the northern site boundary on land to the rear of 62 Margaret Road. Permitted under common law, the following works have been reported in the arboricultural submission 7.4.1.1:- "Crown recently lopped back to the site boundary (see photo no. 6). In addition, we are advised that 5m long 50cm deep x 50cm wide trench has been dug". Plot 8 is positioned close to this tree, but will not impact on the tree's health due to the works already carried out.

The deployment of no-dig surfacing within the root protection areas of trees T3, T4 & T8 is acceptable.

The submitted arboricultural method statement and tree protection provides sufficient measures to ensure, if fully implemented and strictly adhered to throughout all phases of the development, the retention of important neighbouring trees.

No detailed landscape plan has been submitted to help settle the new buildings into the local environment. This requirement will be secured by a condition of any planning permission granted.

The landscape scheme must seek to provide replacement planting for those trees removed to facilitate the development, provide additional planting that will enhance the development and provide long term high quality local visual tree amenity.

A scheme of soft and hard landscaping is required, that includes the areas around the boundary that will improve tree cover and visual softening between the differing building types.

The submitted arboricultural method statement and tree protection plan provides sufficient measures to ensure, if fully implemented and strictly adhered to, the retention of important neighbouring trees.

The Council's Tree consultant therefore raised no objection and considered that subject to a suitably worded condition and informative, the proposal would not have a detrimental impact on the amenity value of existing trees.

The site is not considered as an area of importance for Nature Conservation. The applicant has provided a Preliminary Ecology Assessment which concludes that the site is of low ecological value with "common and widespread habitats present with minimal potential to support protected, priority or rare species".

The report also states that no Schedule 9 invasive plants were observed on the site.

In the applicant's Planning Statement, a proposal is presented to introduce ecological enhancement measures to increase potential roosting and nesting sites for bats and birds.

These enhancements will be secured by planning condition.

The proposal would not be considered harmful to any protected species or biodiversity on the site and therefore officers do not object on these grounds.

In conclusion, no objection is raised on impact to trees or ecology grounds.

### Flood risk

Concerns have been raised with regards to the potential localised flooding. The site however has been identified as falling within a Flood Risk Zone 1 which has been identified as having a low probability of flooding and the flood risk from surface water has also been identified as low. In addition, the Environment Agency Groundwater vulnerability map has not identified the site as vulnerable.

The geology map indicates this area is overlain with London Clay (a relatively stable subsoil). However, a site investigation is recommended to confirm the ground conditions and ground water level; Building Control will request this information to assess the foundation design.

## Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

A total of 9 parking spaces have been proposed including 2 disabled parking spaces.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

- For 2 bedroom units the requirement is for between 1.5 to 1.0 parking spaces per unit

This equates to a range of parking provision of 9 to 13.5 parking spaces to meet the Barnet Local Plan Parking Standards contained in the Development Management Plan Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site.

The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility; the site has PTAL rating of 3. The proposed 9 parking spaces is considered to be in accordance with the range of parking provision and therefore in accordance with the Parking Policy DM17.

All parking spaces will have an Electrical Vehicle Charging facility.

With regards to the access, the proposed development is a back land development with 5m wide vehicular access and 1.2m wide pedestrian footway adjacent to the road proposed from Crescent Road. This is considered to provide adequate access for both vehicles and pedestrians associated with the scheme.

The proposal includes the provision of a hydrant within the site.

The applicant is advised that there is a lamp column on Crescent Road fronting No. 80 Crescent Road which will need to be relocated at the applicant's expense to facilitate the access.

With regards to the refuse provision and management, the applicant has removed the siting of refuse at the front of no.78 Crescent Road during collection days. Instead, the waste and refuse associated with the development would be processed through a private collection (there will be no collection of rubbish from the street by Council refuse and recycling trucks). It has been confirmed that it will be arranged that the collection vehicle is of a suitable size so that they can enter the site in a forward gear and exit the site in a forward gear; these details will be secured by a planning condition.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 16 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The proposed site plan indicates that cycle storage for 16 bikes would be located at the front of the site (to the rear of the gardens of nos. 74 and 76). Details of the cycle store can be secured by a condition to ensure that it is modest in appearance; however the provision of cycle parking is in accordance with this policy.



It is therefore considered that the proposal is acceptable on Highways grounds subject to conditions.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of 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 a 10% 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 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.

### CIL

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

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

It is considered that the planning related objections have been addressed in the report above. However, additional comments can be made as follows:

- "Lack of child playing areas"- The proposal due to the scale of development does not require the provision of specifically allocated play area.
- "Pressure on local schools" - The Community Infrastructure Levy seeks to support the impact new development would have and is a contribution to help pay for community infrastructure. In the event of an appeal being granted, the scheme would be CIL liable.
- "Inadequate provision of water, electricity and drainage utility"- The utilities are provided by separate Legislation; with regards to drainage, due to the scale of the development a drainage strategy is not required.
- "Japanese knotweed on the site"- The submitted Ecology Report states that no Schedule 9 invasive plants were observed on the application site. In the event that Japanese

knotweed was found on the site the applicant would be required to treat it. The presence of Japanese knotweed would not warrant a reason for refusal of the application.

- "Problems during construction/ disruption"- a Construction Management Plan condition would be attached to any planning permission issued requiring details of deliveries, working hours etc.

- "Developer failed to consult with the community"- It is not a statutory requirement for the developer to engage with the community, although this is best practice.

- "Insufficient consultation by Local Planning Authority"- The Local Planning Authority carried out consultation in accordance with the statutory requirements and in addition erected a site notice.

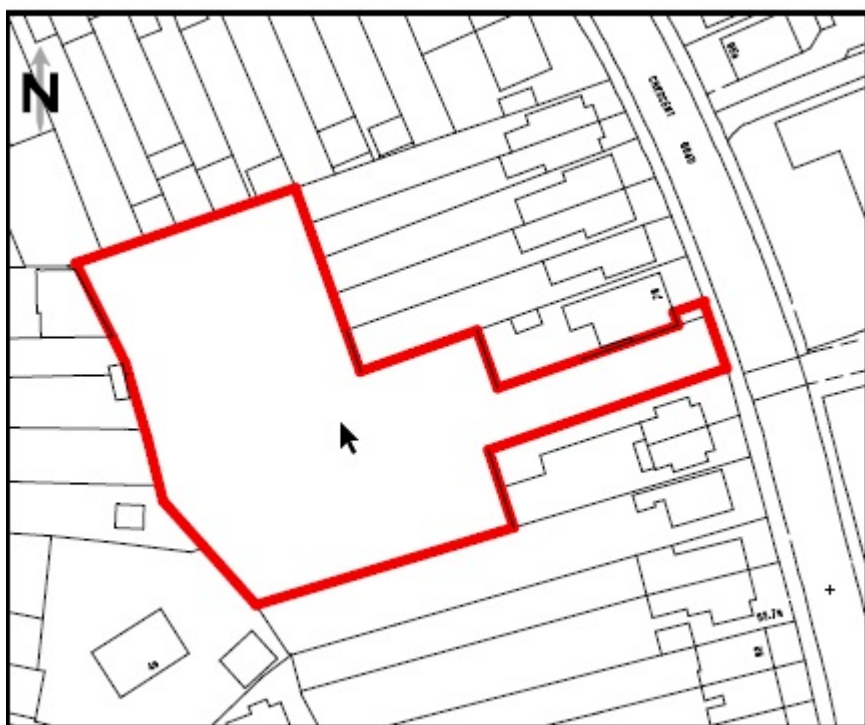
## 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out 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 amended scheme comprising 8 no. semi-detached houses has addressed the concerns of the Planning Inspector in relation to the refused / dismissed 9 unit terraced scheme. The proposal is considered acceptable in terms of character, pattern of development and design, would not cause unacceptable harm to the amenities of occupiers of neighbouring properties and would provide suitable living conditions for future occupiers.

The application is therefore recommended for Approval.



**Location**                      **33 Puller Road Barnet EN5 4HG**

**Reference:**                    **17/6666/FUL**

Received: 19th October 2017

**AGENDA ITEM 17**

Accepted: 2nd November 2017

Ward:                              High Barnet

Expiry 28th December 2017

Applicant:                      Mr Paul Bezzant

Proposal:                        Conversion of single storey ancillary out-building to a self-contained unit incorporating a single storey side extension

**Recommendation:** Approve 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/obligations or reasons for refusal 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:

318-PL-01 Rev J - Site Plan

318-PL-02 Rev J - Block Plan

318-PL-03 Rev P - Existing Ground Floor Plan with Proposed Side Extension

318-PL-04 Rev K - Existing Roof Plan with Proposed roof Plan to Side Extension

318-PL-05 Rev L - Existing Elevations with Proposed Side Extensions

318-PL-06 - Site Plan

Design and Access Statement

Sustainability Statement

Daylight Letter, David Maycox & Co, 12th September 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 Before the development hereby permitted is first occupied or the use first commences the parking space and turning area shown on Drawing No. 318-PL-03 Rev P shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 6 Prior to the first occupation of the 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.

- 7 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.

- 8 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 - F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, having regard to the existing rearward projection of the approved dwellings and their relationship with the neighbouring buildings, in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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](http://www.planningportal.gov.uk/cil).

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

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

Further details and the application form can be downloaded from:  
<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises an existing 'L' shaped single storey detached building with a hip, crown roof located to the southeast of Puller Road, to the rear gardens of nos. 27-33 Puller Road with vehicular and pedestrian access via the northwest side of the main dwellinghouse to no. 33 Puller Road.

The building has a footprint of 51m<sup>2</sup>, measuring a width of 12.4m, a depth of 4.6m widening to 5.5m and a height of 3.8m and an eaves height of 2.8m.

Puller Road is residential in character characterised by two storey 'L' shaped terraced single family dwellinghouses sited close to the back edge of the pavement, creating a strong building line frontage. The properties have narrow deep rear gardens, some 26m in length. The gardens of No's 27-31 are shorter in length as a result of the rear garden of the application site wrapping around the rear.

No. 33 Puller Road is one of an anomaly in the road in that; it has spacing to the side, which is some 2.3m wide, up to the boundary. The road is narrow with no parking provision for the properties facing onto Puller Road.

The existing dwellinghouse fronting onto Puller Road has extensions in the form of a single storey and two storey rear extensions with a rear dormer and railings.

Planning permission has been allowed on appeal for a single storey outbuilding to be used as a garage/store under ref: B/01468/13 measuring a depth of 5.5m, a width of 12m with a hip roof at a height of 3.8m with two obscure glazed windows in the rear elevation facing the shared boundary with the bungalow at no. 26 Sebright Road.

Planning permission was refused in Jan 2014 under Ref: B/05212/13 for a single storey rear building in the rear garden to be used as a one bed self-contained unit of accommodation.

Planning permission was refused in August 2016 under Ref: 16/1550/FUL for conversion of ancillary building to a self-contained unit incorporating a single storey side extension. The application was then dismissed at appeal in March 2017.

The property is not listed and is not located within conservation area.

### **2. Site History**

Reference: 16/1550/FUL

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused and dismissed at appeal

Decision Date: Refused 19 August 2016, Appeal dismissed 2nd March 2017

Description: Conversion of ancillary building to a self-contained unit incorporating a single storey side extension

Reasons for refusal:



1. The proposed single storey self contained dwellinghouse in the rear garden of the existing dwellinghouse at the rear of no. 33 Puller Road would be inappropriate and by reason of its design, size and siting would be out of context, introduce a feature detrimental to the established and prevailing character of the area, and as such would detract from the character and appearance of the area contrary to policies DM01 of the Development Management DPD, 2012, policy CS5 of the Barnet Core Strategy DPD, 2012 and the Supplementary Planning Document: Residential Design Guide, 2013 and with the relevant parts of the National Planning Policy Framework, 2012.

2. The layout and siting of the residential dwellinghouse would result in a poor standard of environment for future occupiers of the dwelling contrary to policy DM01 and DM02 of the Development Management DPD, 2012, policy CS5 of the Barnet Core Strategy DPD 2012, and the Supplementary Planning Document: Sustainable Design and Construction (April 2013), the Residential Design Guide, 2013 and with the relevant parts of the National Planning Policy Framework, 2012

3. The proposal does not provide adequate private usable amenity space for the existing dwellinghouse at No. 33 Puller Road which would be detrimental to the residential amenities of the occupiers of the existing dwellinghouse contrary to policies DM01 and DM02 of the Development Management Policies, DPD, policy CS5 of the Barnet Core Strategy DPD, Sustainable Design and Construction, 2013 Supplementary Planning Document, Residential Design Standard, 2012 Supplementary Design Document and the National Planning Policy Framework.

Details of the dismissed appeal are set out in the 'Assessment of Proposals' section below.

Reference: B/05212/13

Address: 33 Puller Road, Barnet, EN5 4HG

Decision: Refused

Decision Date: 24 January 2014

Description: Construction of single storey rear outbuilding for use as granny annexe ancillary to the existing house.

1. The proposed single storey self-contained dwelling comprising a separate entrance, fully fitted kitchen, bathroom and living room in the rear garden of the existing dwellinghouse at No. 33 Puller Road would be inappropriate and by reason of its design, size and siting would be out of context, introduce a feature detrimental to the established and prevailing character of the area, and as such would detract from the character and appearance of the area contrary to Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012, Policy CS1, CS4 and CS5 of the Barnet Local Plan Core Strategy (Adopted) 2012 and the draft Supplementary Planning Document 'Residential Design Standards' (November 2012).

2. The proposal does not provide adequate private usable amenity space for the existing dwellinghouse at No. 33 Puller Road which would be detrimental to the residential amenities of the occupiers of this existing dwellinghouse contrary to policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012) and SPD: Sustainable Design and Construction (April 2013).

Reference: B/01468/13

Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Refused  
Decision Date: 26 June 2013  
Description: Erection of detached building in rear garden to be used as a garage and store.

Reference: B/00345/13  
Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Approved subject to conditions  
Decision Date: 8 May 2013  
Description: Retention of part single, part two-storey rear extension, with juliet balcony to rear dormer and raised patio and railings.

Reference: B/02701/12  
Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Refused  
Decision Date: 10 September 2012  
Description: Erection of a dwelling house in rear garden.

Reference: B/03366/12  
Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Approved subject to conditions  
Decision Date: 19 October 2012  
Description: Part single, part two storey rear extension.

Reference: B/02024/12  
Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Refused  
Decision Date: 8 August 2012  
Description: Part single, part two storey rear extension.

Reference: B/02023/12  
Address: 33 Puller Road, Barnet, EN5 4HG  
Decision: Lawful  
Decision Date: 25 June 2012  
Description: Extension to roof including rear dormer to facilitate a loft conversion

### **3. Proposal**

The application seeks consent for the subdivision of the site of no. 33 Puller Road and the conversion of the existing rear outbuilding into a one bed self-contained residential unit of accommodation comprising of a bedroom, lounge/kitchen and shower room and a single storey side extension to southwest of the site to provide a box shaped bay window measuring a depth of 1.5m, a width of 3.1m with french doors leading into the garden area enclosed by some 2.0m high close board fencing. Amenity space is sited to the southeast of the building leading from the french doors of the lounge and has an area of some 47.0m<sup>2</sup>.

One car parking space would be provided within the front forecourt of the property with access via the side 2.3m wide access to the side of no. 33 Puller Road which would provide both pedestrian and vehicular access to the proposed dwelling.

The building is fenced off and separated from the existing dwellinghouse facing directly onto Puller Road located towards the far north-east boundary of the site which abuts the rear garden of No. 35 Puller Road on the north side, rear garden of Nos. 22 to 28 Sebright Road on the west side and rear gardens of Nos. 27 to 33 Puller Road on the east side and rear garden of No. 25 Puller Road on the south side.

The building is set-away 0.4m from its north boundary, 6.5m from its south boundary, 1.2m from its east boundary and between 0.9m to 1m from its west boundary.

The current proposal is as described above and is the same as the refused / dismissed scheme (16/1550/FUL) but with the following changes:

- Shower room re-positioned internally
- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)
- Boundary fence with No. 33 re-positioned in order to increase the amount of amenity space for 33 Puller Road by 5 sq m to 55 sq m.
- New drawing 06 provided showing distance between facing habitable room windows

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

Consultation letters were sent to 88 neighbouring properties. Neighbours were re-consulted on the amended drawings received 11th January 2018.

On 11th January 2018 amended drawings were received from the applicant's agent (01 Rev J, 02 rev J, 03 Rev P, 04 Rev K, 05 Rev L, new drawing 06.). Neighbours were re-consulted on the amended drawings.

16 responses have been received, comprising 16 objections which raise the following concerns:

- o Puller Road is a very narrow and highly populated road. It already creates issues ranging from garbage disposal to parking problems for residents. The road would not be able to sustain any additional new residential development.
- o The proposal would result in a loss of existing garden, the access road to the proposed "parking/turning area" is very narrow and therefore any passing vehicles would be too close to the window of 33 Puller Road.
- o The proposed development would result in loss of light, privacy, outlook and view; cause overshadowing and overlooking problems for the occupiers of neighbouring residential properties.
- o The development would result in increased noise and parking problems
- o Density of housing and population
- o It is a money making exercise
- o The proposal is too large; it significantly reduces the size of the garden and would be out of keeping with the character of the area.
- o It would set bad precedent in the area
- o As a residential building, it will only get bigger.
- o Owner continually floating the law, no interest in the street
- o Development spoils the gardens; ruin the quiet and green nature of puller Road

- o The development in Sebright Road was already developed land and can't be used as a precedent.
- o Puller Road not meant to be a high density housing development
- o Since the outset of this development, the owner has attempted to obtain various planning permissions for a driveway. The applicant has carefully orchestrated the development at every stage with the sole interest of building a dwelling
- o Applicant has a build it first and apply for retrospective permission seems to be a rapidly increasing trend. Urge you to stand against inconsiderate and get rich quick developers.
- o Open flood gates for applicant to build inappropriate dwellings at the bottom of garden throughout the borough.
- o The development is squeezed into a comparatively small, very tight space up against the boundary fences of 4 neighbour's gardens and resulting in overlooking.
- o Cars driving up and down the side access resulting in an intrusive disturbance and nuisance.
- o Property is not a flat but a detached bungalow. Floor standards and amenity space standards should be based on a house and not a flat and the proposals do not comply in either respect
- o Outlook from the bedroom is unacceptable as it looks directly onto a 2.4m close boarded fence
- The access road will cause noise and disturbance to adjoining properties either side of the access drive fronting Puller Road.
- The property is sited approximately 7m from the property at 26 Sebright Road and would result in noise and disturbance to this dwelling
- There is insufficient turning space within the site to allow a car to "Enter" and "Exit" in a forward gear.

#### **4.1 Internal Consultation**

None

### **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.

### Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### 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, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17,

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

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

### Supplementary Planning Documents

#### 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.

The Council's Residential Design Guidance SPD was adopted in 2016. This sets out information for applicants to help them design an extension to their property and new build development which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice 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.

In respect to amenity, extensions and new build 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.

The Council adopted a Sustainable Design and Construction SPD in 2016, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

The Council's Supplementary Planning Document: Adopted Residential Design Guidance is divided into four parts:

- o Part 1 sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet's suburban character.
- o Part 2 sets out general guidelines for new residential development as well as amenity and space standards. This document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, outdoor play space requirements.
- o Part 3 sets out the requirements and design criteria related to changes to the existing housing stock within Barnet.
- o Part 4 includes/provides supporting information including references, useful web links and the glossary list.

The SPD supplements policies contained within the Local Plan and the London Plan which together form the Development Plan for Barnet. The SPD is therefore a material consideration for decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

## **5.2 Main issues for consideration**

The main issues in this case are considered to be as follows:

- Planning history of the site, including appeal decision dismissing appeal against refused scheme 16/1550/FUL
- Principle of residential development
- Whether harm would be caused to the character and appearance of the existing building, the surrounding area, street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Living conditions for future occupiers

## **5.3 Assessment of proposals**

Planning history of the site, including appeal decision dismissing appeal against refused scheme 16/1550/FUL

Application 16/1550/FUL was refused by the Local Planning Authority on 18th August 2016. The subsequent appeal was dismissed on 2nd March 2017.

Although the appeal was dismissed, the Inspector's Decision Report forms a material planning consideration for the current application.

Key extracts from the Planning Inspector's Report are as follows:

Living conditions - future occupiers:

Paragraph 4 - "The Council has confirmed that the 1 bed dwelling would comply with the internal space standards as detailed within The London Plan 2015. In addition, from observations made during my site visit I consider that the proposal, both externally and internally is finished to a high standard."

Paragraph 5 - "The dwelling has three main windows, two on the rear elevation in the bedroom and lounge and full height glazed patio doors in side elevation. Two roof lights are located above the lounge/kitchen area. The outlook from the bedroom window and lounge window on the rear elevation is that of the southern rear boundary which consists of a close boarded wooden fence. The distance from the windows to this fence line is approximately 0.9 - 1.2 metres. On this basis I consider that given the lack of outlook, future occupiers would experience a sense of enclosure and claustrophobia."

Paragraph 6 - "Turning my attention to the provision of amenity space, the London Borough of Barnet Local Plan Supplementary Planning Document: Sustainable Design and Construction 2013 (the SDC) acknowledges the value and provision of outdoor amenity space with regards to protecting and improving the living standards of residents, as well as contributing to maintaining and enhancing the wider character of the borough. For houses, such amenity space should be provided in the form of individual rear gardens. The SDC also acknowledges that dwellings with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Paragraph 7 - "At 47 m<sup>2</sup> the outdoor amenity space exceeds the minimum space requirements as detailed within the SDC. Nonetheless, Table 2.4 of the SDC and paragraph 7.3 of the London Borough of Barnet Local Plan Supplementary Planning Document: Residential Design Guidance (the RDG) both state that in new residential development there should be a minimum distance of 10.5 metres to a neighbouring garden. However, shorter distances may be acceptable between new build properties where there are material justifications."

Paragraph 8 - "Although the amenity space only has a depth of approximately 6.5 metres, the eastern boundary is approximately 20 metres from the nearest dwelling on Puller Road. Accordingly, despite a technical breach of the guidance, I find that the proposal would not significantly harm the level of privacy experienced by future occupiers."

Paragraph 9 - "Despite finding no harm in terms of privacy, I find that the proposal would be harmful to the living conditions of future occupants with particular regard to outlook. As such it is contrary to the amenity requirements of Policies DM01 and DM02 of Barnet's Local Plan - Development Management Policies, Development Plan Document (2012) (the DMP), Policy CS5 of Barnet's Local Plan - Core Strategy, Development Plan Document (2012) (the CS) and guidance contained within the SDC and RDG. Furthermore, the proposal would also run contrary to the National Planning Policy Framework's (the Framework) core planning principle of seeking to secure a good standard of amenity for occupants of land and buildings."

Living conditions - existing dwelling at 33 Puller Road:

Paragraph 10 - "A matter of dispute exists between both parties with regards to the number of habitable rooms within No 33 and therefore the minimum amount of amenity space required. From my observations made during my site visit, I accept that one of the rooms on the upper floor is compact. I also acknowledge the measurements provided by the appellant which state that this room measures 5.2 m<sup>2</sup> and therefore falls to meet the SDC minimum requirements for a single bedroom, which is 8 m<sup>2</sup>. The Council contend that the floor plans relating to the planning application for No 33 depict 6 habitable rooms. However, I have no reason to doubt the measurements and therefore I consider No 33 to have 5 habitable rooms for the purpose of this appeal."

Paragraph 11 - "Accordingly, Table 2.3 of the SDC requires 55 m<sup>2</sup> of outdoor amenity space to be provided for up to 5 habitable rooms. The proposal before me would provide 50 m<sup>2</sup> and therefore there is a shortfall of 5 m<sup>2</sup>."

Paragraph 12 - "Despite this shortfall the appellant contends that the adequate amenity space would be provided. It has been put to me that had the ground floor extension not been built then the shortfall would not have occurred. Furthermore, the appellant contends that the bi-folding doors bring the garden into the kitchen area and would mitigate any confined effect resulting from the level of amenity space."

Paragraph 13 - "Nevertheless, these factors do not overcome my concerns that the proposed amenity space is inadequate for the size of dwelling. Consequently, the proposal would fail to provide a level of private outdoor amenity space that could reasonably be expected in the context of such a development. A view which was also shared by the Inspector in relation to the appeal decision determined in 2013. I therefore find that the proposal would cause significant harm to the living conditions of the occupiers of No 33 contrary to Policies DM01 and DM02 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework. When taken together these policies and guidance seek, amongst other things, to ensure new development provides a good standard of residential amenity for occupants of buildings."

Character and appearance:

Paragraph 14 - "The appeal site is located to the rear of 33 Puller Road and is an 'L' shaped single storey detached dwelling. The wider area is characterised by predominately residential dwellings consisting mainly of two storey terraced dwellings. The majority of the dwellings appear to have lengthy, narrow rear gardens with many having sheds and small outbuildings. I further note that the previous condition of No 33 and the associated land was in a poor condition and enforcement action was issued by the Council on the previous owner requiring the condition to be improved. Significant improvements have been made by the current owner to both No 33 and the associated land and outbuilding."

Paragraph 15 - "Located approximately 6 metres from the boundary of the appeal site is 26 Sebright Road which is a single storey dwelling. From my site visit No 26 appears to have accommodation located within the pitched roof space and is noticeably taller than the appeal proposal. As such, given the lower height and pitched roof I do not find that the appeal proposal represents an overly dominant or intrusive feature within the locality."

Paragraph 16 - "The appeal decision already referred to in 2013 was for the erection of a two storey dwelling on the site. In this instance, the Inspector found that the proposal



would be out of scale with the surrounding environment and, due to the proposed height, would be unduly dominant."

Paragraph 17 - "Nevertheless, given the location of the dwelling to the rear of No 33 and its reduced height, views of it from within the public realm are extremely limited. In addition, views of the dwelling from the rear of surrounding dwellings already exist. As such, the subdivision of the site and the conversion of the existing rear outbuilding into a one bed self-contained residential dwelling would result in very minimal change to the existing character and appearance of the surrounding area."

Paragraph 18 - "I accept that the proposal is not typical within the locality. However, I am not convinced that the proposal would represent such substantial harm to the character and appearance of the surrounding area to warrant refusal. I consider that the minimal scale and set back location is sufficient to override any limited material harm to the character of the surrounding area which may result. I am therefore of the view that the balance of the arguments put to me are in favour of the proposal meeting the design objectives of Policy DM01 of the DMP, Policy CS5 of the CS and guidance contained within the SDC, the RDG and the Framework."

Inspector's Conclusion:

Paragraph 19 - "Despite finding no harm in regard of character and appearance, the harm I have found to the living conditions of both the future occupiers and the occupiers of No 33 is decisive. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed."

#### Principle of residential development

At Paragraphs 17 and 18 of her report, the Inspector concludes that she does not consider that the subdivision of the site and conversion of the existing rear outbuilding into a one bed self contained residential dwelling would represent such substantial harm to the character and appearance of the surrounding area to warrant refusal.

As such the principle of residential development is considered to be acceptable in this case.

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

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

Having regard to the London Plan (2016) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in smaller housing stock within the Borough.

The NPPF attaches great importance to the design of the built environment, stating,

"good design is a key aspect of sustainable development...and should contribute positively to making places better for people". It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The Council's approach to development as set out in Policy DM01 is to minimise its 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.

This application seeks permission for the ancillary rear outbuilding to the main dwellinghouse (allowed on appeal) to be used as a separate one bed self contained residential unit.

As set out above, the principle of the use of the outbuilding for residential accommodation is considered acceptable.

The application site is in a predominantly residential area characterised by terraced and closely spaced pairs of two storey houses forming more or less continuous built frontage to consistent building lines. The back gardens are reasonably deep and consequently there is an extensive area of mainly open land, divided into many narrow gardens, enclosed from the public highway by the surrounding frontage development. The gardens are interspersed with sheds and small outbuildings, typical of those found in many residential gardens environments.

The application site has an 'L' shaped layout, comprising much of the back garden of no. 33 Puller Road together with a strip of land running across the ends of the gardens of no's 27-31 Puller Road. The application site is currently fenced off and separated from no. 33 Puller Road with access through the existing 2.3m wide access located at the side of no. 33 Puller Road.

At Paragraph 15 of her report, the Inspector compares the proposed development to an existing single storey dwelling at the neighbouring 26 Sebright Road, noting that, that property is noticeably taller than the appeal proposal, concluding that the appeal proposal does not represent an overly dominant or intrusive feature within the locality. The Inspector goes on to find, in Paragraphs 17 and 18, that the proposal would not result in such substantial harm to the character and appearance of the area to warrant refusal.

The proposal has been amended in the following ways compared to the scheme dismissed appeal scheme considered by the Inspector:

- Shower room re-positioned internally
- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)
- Boundary fence with No. 33 re-positioned in order to increase the amount of amenity space for 33 Puller Road by 5 sq m to 55 sq m.
- New drawing 06 provided showing distance between facing habitable room windows

It is not considered that these changes are significant enough to depart from the conclusions of the Inspector on Character and Appearance matter and as such the proposal is considered to be acceptable in this regard.

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

The refused/dismissed scheme was not found to have any unacceptable impact on the amenity of occupiers of neighbouring properties, other than the amount of outdoor amenity space available to the occupants of 33 Puller Road.

At Paragraphs 10 to 13 of her report, the Inspector concludes that 33 Puller Road has 5 habitable rooms and as such should have 55 sq m of outdoor amenity space.

The amended scheme resolves this issue by re-positioning the existing boundary fence line to give an additional 5 sq m of amenity space back to the garden of 33 Puller Road.

This is now considered to comply with the Council's standards and overcomes the concerns raised by the Inspector.

The new bedroom window added to east elevation in place of existing faux garage door is over 21m from the nearest facing habitable room windows and as such no loss of privacy would arise. Similarly the new living room window is over 21m away from the nearest habitable room windows and in any case would be behind a close boarded timber fence.

#### Living conditions for future occupiers

The refused/dismissed scheme was found to be unacceptable in terms of standard of outlook enjoyed by future occupiers.

At Paragraph 5 her report the Inspector states:

- "The dwelling has three main windows, two on the rear elevation in the bedroom and lounge and full height glazed patio doors in side elevation 21. Two roof lights are located above the lounge/kitchen area. The outlook from the bedroom window and lounge window on the rear elevation is that of the southern rear boundary which consists of a close boarded wooden fence. The distance from the windows to this fence line is approximately 0.9 - 1.2 metres. On this basis I consider that given the lack of outlook, future occupiers would experience a sense of enclose and claustrophobia."

The current scheme proposes the following amendments in order to address outlook concerns:

- New bedroom window added to east elevation (in place of existing faux garage door)
- New rooflight added to bedroom
- New living room window added to east elevation
- Additional rooflight added to living room (increasing from 2 to 3)

Whilst the new bedroom window would look out onto the close boarded fence, sliding gate 8 metres away, this would provide a reasonable level of outlook to the bedroom and its introduction is considered to overcome previous concerns. The additional rooflight to the bedroom will also provide additional natural light, helping to further reduce the sense of enclosure and claustrophobia referred to by the Inspector.

An additional window and an additional rooflight are proposed to the living area. Whilst it is acknowledged that the new window will look out onto a close boarded fence in close proximity (1.3m away) it is considered that, cumulatively, the new window and rooflight will introduce additional natural light sufficient to overcome the sense of enclosure and claustrophobia referred to by the Inspector. It is also the case that the living area enjoys a reasonable level of outlook from its rear patio door looking onto the amenity space. The 47 sq m of outdoor amenity space proposed has previously been found to be acceptable by both the Local Planning Authority and the Planning Inspector.

It is considered that the proposed development has overcome previous concerns relating to outlook and would now provide acceptable living conditions for future occupiers.

#### Parking, Access and Turning Area

One off-street car parking space is shown for the one bed residential unit. This is in accordance with the requirements of policy DM17. A vehicle could turn within the site and the site has a 2.3m wide vehicular access. This arrangement is considered to be acceptable.

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

Addressed elsewhere in this report

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

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

### **7. Conclusion**

It is considered that the proposed development has addressed the concerns of the Planning Inspector in relation to outlook and amenity space and as such is now acceptable.

Recommended for Approval.



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