

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 24TH APRIL, 2018**

**AT 7.00 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	Laurie Williams	Kathy Levine
Tim Roberts	Reema Patel	

**Substitute Members**

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

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: Naomi Kwasa - 020 8359 4144 naomi.kwasa@Barnet.gov.uk  
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Media Relations contact: Sue Cocker 020 8359 7039

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**ASSURANCE GROUP**

## ORDER OF BUSINESS

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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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## Decisions of the Chipping Barnet Area Planning Committee

26 March 2018

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)

Councillor Alison Cornelius  
Councillor Tim Roberts  
Councillor Sachin Rajput

Councillor Laurie Williams  
Councillor Kathy Levine

Also in attendance

Councillor Philip Cohen

Apologies for Absence

Councillor Stephen Sowerby

### 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 22 February 2018 be agreed as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Stephen Sowerby sent his apologies, and Councillor Sachin Rajput was in attendance as substitute. Councillor Reema Patel was absent from the meeting.

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

None.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

Supplements were dealt with under individual agenda items.

### 6. 1489 HIGH ROAD LONDON N20 9PJ (TOTTERIDGE)

The Committee received the report. Representations were heard from the Applicant.

A vote was taken as follows on the Officer's recommendation to approve the application:

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

**RESOLVED that;**

1. The application be approved, subject to the conditions detailed in the report;
2. **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).**

**7. 7 EDWARD ROAD BARNET EN4 8AY (EAST BARNET)**

The Committee received the report. Representations were heard from the Applicant, as well as Mr Clive McCabe, Mrs Anna McCabe and Councillor Philip Cohen in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

For (approval)	0
Against (approval)	2
Abstained	4

It was moved by Councillor Rajput and seconded by Councillor Williams that the Officer's recommendation be overturned and that the application be **REFUSED** for the following reasons:

**The proposed development by reason of its density would constitute an uncharacteristic addition to the area which would fail to respect the character and appearance of the surrounding development, spaces and streets, contrary to policies 3.5 and 7.4 of the London Plan (2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012).**

A vote was taken on the motion to refuse the application:

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

**RESOLVED that the application be REFUSED, for the reason detailed above.**

**8. 12A CRESCENT RISE BARNET EN4 9RR (EAST BARNET)**

The Committee received the report. Representations were heard from the Applicant.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>6</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**9. THE OLD PEOPLES WELFARE ASSOCIATION THE FERN ROOM SALISBURY ROAD BARNET EN5 4JP (HIGH BARNET)**

The Committee received the report. Representations were heard from the Applicant, as well as Mr David Ellis and Mr Gordon Massey in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>0</b>
<b>Against (approval)</b>	<b>5</b>
<b>Abstained</b>	<b>1</b>

It was moved by Councillor Roberts and seconded by Councillor Williams that the Officer's recommendation be overturned and that the application be **REFUSED** for the following reasons:

**The proposed development by reason of its size, siting, design including proposed form, fenestration and detailing would be out of keeping and detrimental to the character and appearance of the site, the streetscene and the wider locality, contrary to policies to CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and policies 7.4 and 7.6 of the London Plan (2016).**

A vote was taken on the motion to refuse the application:

<b>For (refusal)</b>	<b>6</b>
<b>Against (refusal)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that the application be REFUSED, for the reason detailed above.**

**10. 6 BOSWORTH ROAD BARNET EN5 5LX (HIGH BARNET)**

The Committee received the report. Representations were heard from the Applicant.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>6</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**11. BARNET PHYSIC WELL, WELL APPROACH, BARNET (UNDERHILL) - 18/0425/FUL**

The Committee received the report.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>6</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**12. BARNET PHYSIC WELL, WELL APPROACH, BARNET (UNDERHILL) - 18/0399/LBC**

The Committee received the report.



A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>6</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**13. APPLEGARTH MANORSIDE BARNET EN5 2LD (UNDERHILL) - 17/4076/RMA**

The Committee received the report. Representations were heard from the Applicant, as well as Ms Hilary Leslie as a substitute speaker and Ms Linda Aitken in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>3</b>
<b>Against (approval)</b>	<b>1</b>
<b>Abstained</b>	<b>2</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**14. APPLEGARTH MANORSIDE BARNET EN5 2LD (UNDERHILL) - 18/0267/CON**

The Committee received the report. Representations were heard from the Applicant, as well as Ms Linda Aitken and Mr Rajul Patel in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>3</b>
<b>Against (approval)</b>	<b>1</b>
<b>Abstained</b>	<b>2</b>

**RESOLVED that;**

1. The application be approved, subject to the conditions detailed in the report;
2. **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).**

**15. 101 GREENWAY LONDON N20 8EL (TOTTERIDGE)**

The Committee received the report. Representations were heard from the Applicant, as well as Mrs Caroline Federman and Mrs Josephine Thelermont in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>4</b>
<b>Against (approval)</b>	<b>1</b>
<b>Abstained</b>	<b>1</b>

**RESOLVED that;**

1. The application be approved, subject to the conditions detailed in the report;
2. **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).**

**16. 78 - 80 CRESCENT ROAD AND LAND TO REAR OF NOS. 68 - 84 CRESCENT ROAD BARNET EN4 9RJ (EAST BARNET)**

The Committee received the report. Representations were heard from the Applicant, as well as Mrs Anna Paschali and Councillor Philip Cohen in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>2</b>
<b>Against (approval)</b>	<b>2</b>

<b>Abstained</b>	<b>2</b>
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The Chairman used her casting vote to approve the application.

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report and addendum;**
- 2. 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).**

**17. 33 PULLER ROAD BARNET EN5 4HG (HIGH BARNET)**

The Committee received the report. Representations were heard from the Ms Sylvia Scott-Cowell and Dr Chris Nightingale in objection to the application.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>5</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>1</b>

**RESOLVED that;**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

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

The Chairman, Councillor Prentice noted that the meeting may be the last meeting of the year prior to the local elections. She thanked officers and Members of the Committee for all their help and contributions during the year.

The meeting finished at 9.10 pm

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**Location**                      **4 Potters Road Barnet EN5 5HW**

**Reference:**                    **18/0462/FUL**

Received: 22nd January 2018

Accepted: 5th February 2018

Ward:                              High Barnet

Expiry 2nd April 2018

Applicant:                        Mr Ben Harrison

Proposal:                         Change of use from A1 (Retail unit) to A3 (Cafe/Restaurant) Installation of extraction/ flue system to rear (Retrospective Application)

**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:

Site Location Plan (OSGridRef: TQ26039635 - 1:1250)

Block Plan (OSGridRef: TQ26039635 - 1:200)

Drawing no. 801506

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

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 7.15 of the London Plan 2016.

- 5 a) No development shall take place until details of mitigation measures to show how the development will be adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration in the kitchen area 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 kitchen ventilation extraction system; 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 (adopted October 2016) and 7.15 of the London Plan 2016.

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

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

- 7 Unless within three months of the date of this decision a scheme for the extraction and ventilation of the premises is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the use of the site as a café (Class A3) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the use of the site as a café (Class A3) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved extraction and ventilation scheme specified in this condition, that scheme shall thereafter be maintained in use.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016 and 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 2016) and 7.21 of the London Plan 2015.

- 8 The premises shall only be open for customers between the following hours:  
0800 - 1800 Mondays - Sundays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies

DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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



- 3 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
- Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
  - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 4 For the avoidance of doubt, the applicant is informed that failure to comply with any of the conditions attached to the decision of this planning permission would result in Council considering the expediency of taking enforcement action.

## Officer's Assessment

Cllr Laurie Williams requested that this application be considered at the Chipping Barnet Area Planning Committee on the grounds that the flats above the ground floor commercial use may experience noise and odour nuisance/disturbance i.e. harm to neighbouring residential amenities.

### 1. Site Description

The site comprises a commercial unit at ground level within a neighbourhood shopping centre. There are two storeys of residential use above. The neighbourhood shopping centre is spread across two parades of six units each and a few smaller groups of premises located around the junction of Potters Road and Bulwer Road and the junction of Plantagenet Road and Leicester Road. Each parade has both a convenience store and either a hot food take-away or a restaurant offering hot food to take-away, all of which are open in the evening. The parade also has a newsagent.

The remaining businesses in the centre serve either the local area such as hairdressers, dry cleaners and launderette or the wider area such as the dog grooming parlour and the photographer's studio. The surrounding area is largely residential in character and there is a primary school around the corner from the appeal site in Cromer Road. Potters Road is also served by bus routes which connect the surrounding area to larger shopping areas.

The Council accept that the applicants business began as a coffee shop (Class A1) in May 2014. Prior to this the premises were vacant other than being used for a short period as a convenience store. The business became popular and at some point expanded into providing hot food for consumption on the premises during the day (Class A3 Food and Drink).

### 2. Site History

Planning History - There are a number of planning applications for the application property, but the most relevant are:

05.09.2011: Application Ref B/02027/11, for change of use from a retail unit (A1 class use) into café/restaurant (A3 class use) and installation of extraction/flue system to rear side to A3 was refused.

25.02.2013: An appeal against the refusal of planning permission B/02027/11 (ref APP/N5090/A/12/2184775) was subsequently dismissed.

#### Enforcement History

25.07.2016: A complaint was received by the Council re: *'Without planning permission the use of the property as a café (A3).'*

23.08.2016: Application invited.

08.09.2016: Application 16/5869/FUL received.

28.11.2016: Application returned.

14.12.2016: Enforcement notice issued.

23.02.2017: Appeal made against Enforcement Notice.

07.06.2017: Enforcement Notice Quashed by Appeal Inspector (*Appeal Ref: APP/N5090/C/17/3167260*) - A3 use allowed, subject to the submission of details (within three months of appeal decision) of extraction and ventilation equipment, and installation within 3 months of approval; and, that the use shall only operate at particular times.

### **3. Proposal**

As set out in the planning history section of this report, this application follows a recently quashed Planning Enforcement notice (*Appeal Ref: APP/N5090/C/17/3167260*), whereby it was decided by the Appeal Inspector that the use of the application site as an A3 unit would be acceptable, subject to a condition requiring the submission of details (within three months of appeal decision) of extraction and ventilation equipment, and installation within 3 months of approval. A further condition indicated that the use shall only operate at particular times.

The applicant unfortunately failed to make a submission to the Local Planning Authority within the prescribed timeframe in order to satisfy the conditions that were suggested by the Appeal Inspector. The permission granted by the Appeal Inspector was made on the basis that the applicant would mitigate impact by complying with certain restrictions. As explained above, the applicant has failed to comply with the conditions that formed the basis of the Inspectors original decision to allow the proposal meaning that the decision itself is effectively extinguished.

As such, the purpose of this latest application is to refresh the *in principle approval* of the A3 Use of the application site; and, its associated kitchen ventilation extract system and associated flue details.

### **4. Public Consultation**

Consultation letters were sent to 122 neighbouring properties and a site notice was displayed on 15.02.2018.

4 responses have been received, comprising of 3 letters of objection, and 1 request for review at Area Planning Committee by Councillor Laurie Williams.

The objections received can be summarised as follows:

- The flue will result in noise and vibration nuisance to the residents above.
- The flue will result in odour nuisance to the residents above.
- The flue will adversely affect the value of the residential properties above.
- The flue will block out natural light and sun light from a bedroom window in the property above.
- The flue would be an eyesore.
- The flue and its associated harms would make it difficult to re-mortgage the property above.

- Past applications to turn the above property into a Restaurant have been refused by the Council's Planning Committee.
- The business has been operating without a flue.

Cllr Laurie Williams requested view at the Chipping Barnet Area Planning Committee on the grounds that the flats above may experience noise and odour nuisance/disturbance i.e. harm to neighbouring residential amenities.

#### **4.1 Internal / Other Consultation**

##### Environmental Health:

No objection, subject to recommended conditions to provide:

- An acoustic report containing the appropriate sound level calculations in accordance with the relevant British Standard and recommendations for necessary mitigation to ensure that no noise or vibration from the plant will cause a nuisance to the neighbouring occupiers;
- A noise level restriction limit for the extraction ventilation equipment;
- A detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties; and,
- Details of mitigation measures to show how the kitchen area will be adapted so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration.

### **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 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, DM04, DM12.

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

Given that, for the reasons set out above, this application is effectively seeking consent for the whole development once again the main issues for consideration in this case are:

- Whether the change of use of the unit is acceptable in respect of its impact on retail function of the surrounding area.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## 5.3 Assessment of proposals

### Impact on Retail Function of the surrounding area

As noted in sections 1 (Site Description), 2 (Site History) and 3 (Proposal) of this report, the application site has been in operation as an A3 Unit for some time between May 2014 and the present date - as has also been acknowledged and accepted within the recent Appeal Inspectors decision (Planning Inspectorate Appeal Reference: APP/N5090/C/17/3167260). Given that the proposals presented in this application have been considered before under the recent appeal decision, the Local Planning Authority deems it appropriate to afford significant weight to the Inspector's decision in the assessment of this current scheme.

With regard to the principle of the change of use, the Appeal Inspector noted (Paragraph 10 - Appeal Decision) that *given the concentration and spread of Class A1 uses across the centre, they were satisfied that the Class A3 use has not resulted in a significant reduction of shopping facilities* and therefore *that the vitality and viability of the centre would be maintained*. Furthermore, the Appeal Inspector acknowledged and afforded some weight to the appellant's assertion that Policy 4.8 of the London Plan (2016) was in supportive of the use - *setting out that local centres should not only be maintained to provide essential convenience shopping but should also be enhanced with facilities and services to support their function*. Accordingly, the Appeal Inspector considered that a Class A3 use can perform a similar function to a Class A4 use which is considered to be a service and facility to support a local centre.

In conclusion of their assessment of the suitability of the retention of the Class A3 use in respect of the Retail Function of the surrounding area, the Appeal Inspector found that the use had not resulted in any harm to the vitality and viability of the centre, and therefore, concluded that the development would not cause harm to the retail function of the shopping area. Consequently, the retention of the A3 Use was deemed to accord with the objectives and requirements of Policy 4.8 of the Mayor's London Plan (2016) - a material consideration to which the Appeal Inspector attached significant weight in the determination of the final appeal decision. The Local Planning Authority acknowledge and accept the finds of the Appeal Inspector and therefore adopt the position that the change of use would not be detrimental to the retail function of the wider area, which in principle, is in accordance with Policy DM12 of the Council's Local Plan policies.

### Impact on the character and appearance of the existing building, the street scene and the wider locality

No changes are proposed to the shopfront of the unit, however, the installation of a kitchen extract flue will result in the erection of ducting on the rear external face of the building. The principle of this element has once again previously been agreed by the Appeal Inspector in their decision (Ref: APP/N5090/C/17/3167260), requiring details of the extraction system to be submitted and approved in writing by the planning authority. The applicant has submitted some details with this application which indicate the style of flue that will be installed - a technical specification illustrates that the ducting will be circular in shape, with a slim line diameter of 0.2m. Compared to the ducting system at the rear of the other end of this parade of shops, the duct will be much more subservient and congruent with its surroundings - albeit it will be exposed due to the openness of this elevation. However, it is accepted that the Appeal Inspector had due consideration for the potential character and appearance impacts of such an installation when they came to make their decision and, therefore, it is considered that, on balance, a system could be installed on the building that has an acceptable visual impact. Notwithstanding the details submitted with the application - and in interests of certainty - Officers consider it appropriate to recommend a pre-commencement condition, in the same way the Appeal Inspector did, requiring further details of the extract system in scaled plan form to be submitted and approved in writing by the Local Planning Authority. Thus, the principle of the kitchen extract system is considered to be acceptable, and installation could be satisfactorily achieved with limited impact to the character and appearance of the application site, street scene and wider area - subject to the submission of satisfactory details.

### Impact on the residential amenities of neighbouring occupiers

The change of use of the unit itself, as the Appeal Inspector concluded, is unlikely to result in any undue noise or odour disturbance to the neighbouring residential occupiers above. They consider that as the parade was originally constructed as a purpose-built development there is likely to be adequate separation between the business uses on the ground floor and the residential uses to deal with transmission of sound within the building. Whilst Environmental Health Officers have made comments about the need for insulation internally between the uses, Officers agree with the findings of the Appeal Inspector with regard to the existing level of separation between businesses and residential uses, but believe that in the interest of certainty and the preservation of residential amenities above that the kitchen where the new extract system will be fitted should be insulated - given the internal housing of the fan motor - to prevent any internal transfer of sound to the floors above. Furthermore, in agreement with the recommendation of the Council's Environmental Health team - who are of the view that the system can be implemented without demonstrable harm to the amenities through noise, vibration and odour - that a number of conditions should be recommended including an acoustic report (detailing the potential impact and necessary mitigation to prevent the system from causing a disturbance or nuisance) and noise restriction limit to ensure that it is enforceable by the Local Planning Authority and Environmental Health.

Given the small diameter of the proposed circular duct work, the proposed extraction ventilation system will have an acceptable appearance, and have a significantly less visual impact compared to the existing system at the other end of the parade. As such, it is considered that it would not manifest itself as a bulky, visually obtrusive feature that will have a demonstrable adverse impact on the level outlook or natural / sun light afforded to the residential flats above, to an extent that would warrant an acceptable reason for refusal. In granting approval in principle for the kitchen extract system, the Appeal

Inspector will have had regard for the potential amenity impacts on neighbouring occupiers above, given that amenity impacts are a key consideration of the NPPF's 12 core planning principles under Paragraph 17. Accordingly, Officers accept that given the Appeal Inspectors findings, where they considered that the kitchen extract system was acceptable in principle, subject to satisfactory details being submitted and approved in writing by the LPA in compliance with a suitably worded pre-commencement condition, it would be very difficult to raise objections to the proposal at this stage.

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

Officers have considered the concerns raised through the Public Consultation process and have addressed these matters, where possible, in the above Officer assessment of the scheme. Matters relating to mortgaging and property value are not a material planning consideration and are, therefore, outside of the scope for consideration.

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

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

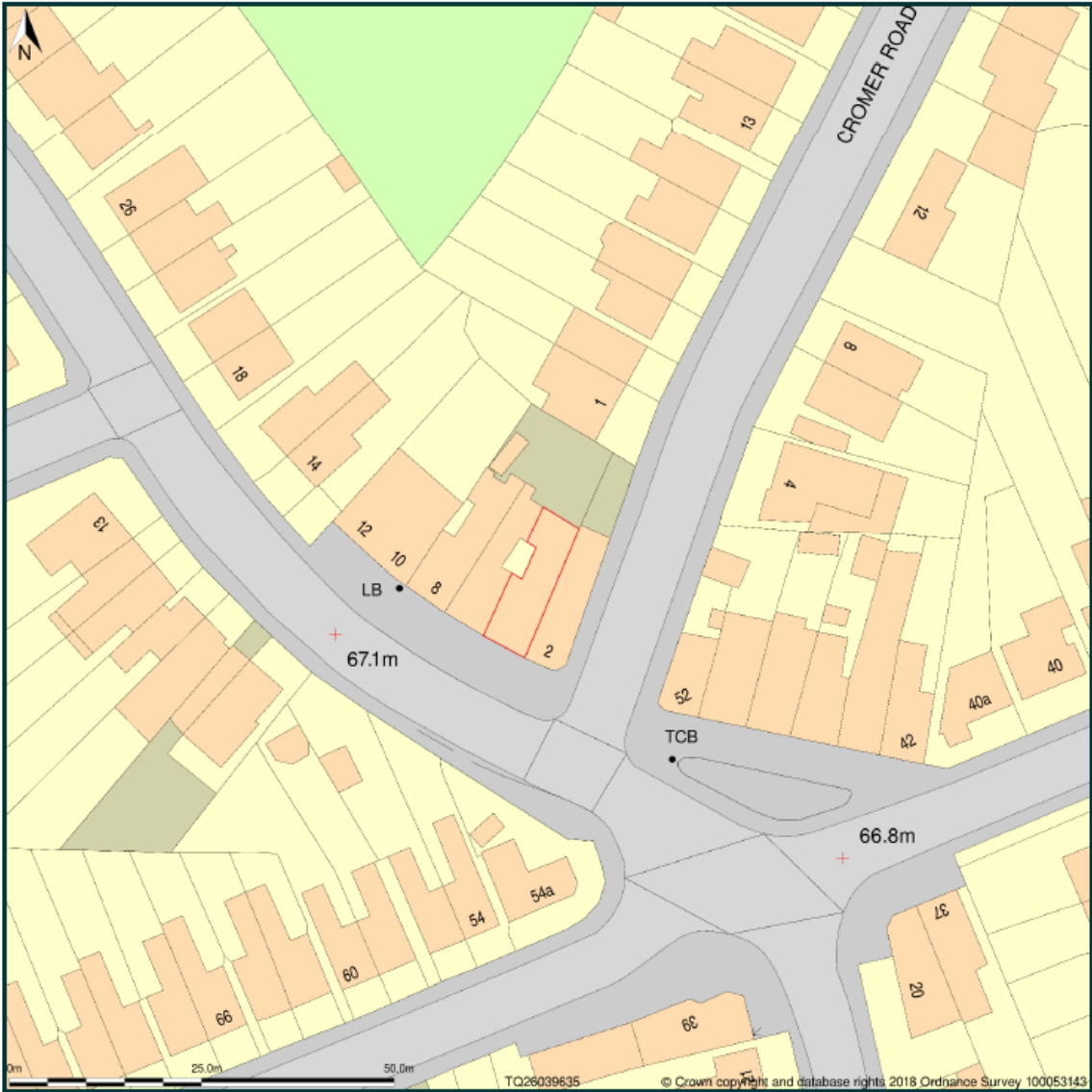
#### **7. Conclusion**

As is clear from the report, the recent views of an appeal Inspector are key considerations in the determination of this latest scheme. Although the Council has previously raised concerns with the ground floor use proposed the Inspector took a different view and it is now the case that the Local Planning Authority has to make its decision in the context of the views expressed at appeal. To ignore them, without good reason, would mean that the Council would run the risk of being found to have acted unreasonably. 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 retail function of the local area; and, an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is, therefore, recommended for approval.



# Appendix A – Site Location Plan:

Boyden s Kitchen, 4, Potters Road, New Barnet, Barnet, EN5 5HW



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

**Reference:**                **17/8101/FUL**

Received: 21st December 2017

Accepted: 19th January 2018

Ward:                        Totteridge

Expiry 16th March 2018

Applicant:                Bellcast Ltd (Andy Tomaso)

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

**AGENDA ITEM 7**

**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:

OS Map 1:1250  
A1000 Rev.5 (Location Plan)  
A1120 Rev.5 (Proposed Front and South Elevations)

- (11) 01 Rev C (Site Layout Plan)
- (11) 02 Rev C (Ground Floor Plan)
- (11) 03 Rev C (First Floor Plan)
- (11) 04 Rev C (Second Floor Plan)
- (11) 05 Rev C (Third Floor Plan)
- (11) 06 Rev C (Roof Plan)
- (11) 07 Rev C (Proposed Front Elevation)
- (11) 08 Rev C (Proposed Rear Elevation)
- (11) 09 Rev C (Proposed Side Elevation South)
- (11) 10 Rev C (Proposed Side Elevation North)
- (11) 11 Rev C (Proposed Sectional Elevation)

Design and Access Statement (dated 21/12/2018)  
Planning Statement (dated 21/12/2018)  
Planning Submission (Arboriculture) (dated September 2016)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September

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

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

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

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

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

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

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

- 10 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. (11)01 Rev C shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

- 12 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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 2015.

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

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

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

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

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

- 15 Before the building hereby permitted is first occupied the proposed windows in the north elevation facing No.42 and 46 Holden Road as illustrated on drawing numbers (11)09 and (11)10 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23 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).

#### **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.

- 4 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

6 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

7 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

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

## **Officer's Assessment**

### **1. Site Description**

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

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

The existing building is not nationally or locally listed and is not located within a conservation area.

### **2. Site History**

Reference: 16/6324/FUL

Address: 44 Holden Road, London, N12 7DN

Decision: Refused (Committee overturn)

Decision Date: 26.01.2017

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

Appeal Reference: APP/N5090/W/17/3170571

Appeal Decision: Appeal dismissed

Appeal Decision Date: 21.06.2017

It is worth noting that an application (16/6352/FUL) has been approved subject to a legal agreement by the Local Planning Authority at the adjacent site at no.42 (and St Barnabas Church) for the "Conversion of the existing St Barnabas Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors, along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works."

### **3. Proposal**

The application seeks consent to demolish the existing building on site and redevelop the site for the erection of a part three, part four-storey building containing 9no. self-contained flats. The proposed flats would comprise of 3 studios, 1 x 1-bedroom, 4 x 2-bedroom and 1 x 3-bedroom units. The proposed building would have a width of approximately 10m and a total depth of approximately 22.5m.

The proposal also includes the provision of 9 parking spaces (including 1 disabled space), private and communal amenity space, refuse and recycling storage and cycle storage.

The proposal has been amended during the application as follows:

- Reduction in scale, massing and roof height so that the proposal occupies less width across the plot, increasing the space between neighbouring properties;
- Roof form and structure significantly altered to reduce the overall bulk and scale;

- Removal of secondary gable;
- Provision of hipped roof over side projection;
- Removal of front dormer;
- Removal of second floor rear terrace;
- Reconfiguration of accommodation to replace studio and 1-bedroom flat on first floor with 2 x 2-bedroom flats and replace top floor 2-bedroom flat with 2 x studio flats;
- Alteration to side elevation windows to have 1700mm high obscure glazed windows;
- Revisions to side driveway and parking arrangement.

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

Consultation letters were sent to 96 neighbouring properties.  
12 responses have been received, comprising 12 letters of objection.

The objections received can be summarised as follows:

- Existing building should be retained and extended;
- No.44 maintains the appearance and design of a traditional family home;
- increased traffic pressure;
- Ecologically preferable to retain the building, since the energy and material embodied in the present building will be retained and used;
- Previous history of subsidence and concerns relating to damage to neighbouring properties;
- need to provide for associated infrastructure to support additional residents.

Due to the receipt of revised plans, the application was subject to a re-consultation period of 14 days to allow the members of the public to view the revisions and provide any comments. No further comments have been received.

#### Internal Consultees

**Aboricultural Officer** - No objections. Comments discussed in assessment section of the report.

**Traffic and Development** - No objections. Comments discussed in assessment section of the report.

**London Fire and Emergency Planning Authority** - No objections.

#### **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 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, 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:

- Principle of redeveloping the site for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking provision;
- Impact on trees; and
- Any other material considerations.

### 5.3 Assessment of proposals

An application (LPA reference 16/6324/FUL) was previously refused by the Chipping Barnet Area Planning Committee for the 'Demolition of existing building and erection of part three, part four storey building containing 9no. self-contained flats. Associated private and communal amenity space, refuse and recycling storage and associated landscaping, 9 parking spaces (including 1 disabled space), 20 cycle parking spaces.'

The application was refused for the following reasons:

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

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

The applicant appealed the decision and the appeal was subsequently dismissed by the Planning Inspectorate. The Inspector found that the proposal would not respond to the character and appearance of the area as positively as the existing building does and would therefore have a detrimental effect on the character and appearance of the area. In addition, the Inspector found that due to the proposed scale and mass of the proposal, and its positioning within the site, it would have a detrimental impact on the living conditions of neighbouring properties.

#### Principle of development

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

The majority of the submitted objections have raised concerns over the demolition of the existing building as they consider it to be of architectural merit and a positive contribution to the character and appearance of the street scene. The principle of demolition is difficult to dispute as the building is not nationally or locally listed or located within a conservation area. The Inspector commented that No.44 is an imposing structure within the street scene due to its design, height and mass and is visible from far away when approaching the site from either direction. While the demolition was not strictly ruled out, the Inspector highlighted positive features of the existing building and that the replacement did not contribute to the character and appearance of the area as positively as No.44 does and as such was considered to be contrary to the relevant policies.



The next section of the report will assess whether it is considered that the proposed replacement building is of a high-quality replacement and whether it maintains or enhances the positives features identified from the existing building. The principle of demolition is considered to be acceptable subject to the Inspector's comments being satisfactorily addressed.

#### Impact on the character and appearance of the existing site, street scene and surrounding area

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

The application seeks to demolish the existing building on site and construct a new building of part three, part four storeys. The proposal has been considerably amended during the application and in comparison to the previously refused scheme. The siting and scale of the proposal would allow for permeable views through the site to the mature trees and vegetation at the rear of the site. The depth and massing of the proposal across the width and to the rear has been reduced, as well as the proposed level of hardstanding at the rear of the site. This considerable reduction of mass and built form is considered to help maintain the sense of space and openness offered by the existing building.

The proposal incorporates a front gable much more comparable to the design and detailing of the existing building. The size and number of the windows have been reduced, being much more traditional in appearance and having more similarities with the design and appearance of the existing building. While the introduction of external projecting balconies create an appearance more akin to the flatted developments, the overall scale and massing is considered to be reflective of the original building.

The revised scheme is considered to be a considerable improvement in terms of design, external appearance, scale and massing and officers consider it would satisfactorily address the Inspector's previous concerns. The proposal is considered to be in keeping with the nature and setting of the application site and would positively contribute to the character and appearance of the street scene and wider area.

#### Impact on the amenity of neighbouring properties

The application site is flanked on either side by neighbouring properties. To the north of the site is No.46 Holden Road, a semi-detached house and to the south is No.42 a detached bungalow.

It was previously acknowledged that due to the size of No.44 in comparison to No.42, it already had an overbearing effect on the occupiers of No.42. While the proposal would reduce the gap between the properties, the number of windows and glazing has been significantly reduced and windows are to be fitted with partial obscure glazing. On balance, the previous Inspector's concerns are considered to be appropriately overcome and the proposal is not considered to have a further detrimental impact on the occupiers of No.42. Since the appeal decision, the application at the neighbouring site at No.42 and St Barnabas Church for the conversion of the church to 21 flats and the demolition of No.42 and construction of a three-storey building and lower ground floor comprising 9 flats has been granted subject to a legal agreement. At the appeal this had been given limited weight by the Inspector as the legal agreement had not yet been completed and the decision had not yet been issued. With the consent now having been issued, further weight can now be

afforded to this neighbouring scheme. The proposed flatted development at No.42 is much larger in height and width than the proposal at no. 44 and the proposed facing windows would be fitted with partial obscure glazing. As such the proposal is not considered to impact on the amenities of the future occupiers of the development at No.42.

On the northern side, the proposal has been considerably stepped away from the boundary with No.46 and its depth reduced from the previous refused scheme. The side projection towards No.46 would also sit lower in height than the main building. At its nearest point, the separation distance between the buildings would be approximately 5.5m, increasing to 7.5m at the back of the buildings. The number of windows has also been significantly reduced and would serve bathrooms and a secondary window to a studio flat. Taking into account the proposed separation distance and the proposed layout and siting, the proposal is not considered to have an overbearing effect or overlooking impact on the amenities of No.46.

The proposal would only provide small external balconies to the front elevation with Juliet balconies on the rear. This is not considered to result in any adverse overlooking impacts or contribute to an overbearing impact on the neighbouring properties.

The proposal has been subject to considerable reductions in scale and massing, stepped further away from No.46 and alterations to the fenestration details. On consideration of all the elements, the proposal is considered to satisfactorily address the previous Inspector's concerns and would not have a detrimental impact on the amenities of No.42 or No.46.

#### Provision of adequate accommodation for future occupiers

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

Flat 1 - 3B5P - 99sqm  
Flat 2 - 2B3P - 64sqm  
Flat 3 - 2B3P - 84sqm  
Flat 4 - 2B4P - 80sqm  
Flat 5 - 1B2P - 58sqm  
Flat 6 - Studio - 39sqm  
Flat 7 - 2B3P - 64sqm  
Flat 8 - Studio - 42sqm  
Flat 9 - Studio - 40sqm

All of the proposed would meet the minimum space requirements and are considered to provide adequate outlook for each of the proposed units.

The flats at the front of the site would benefit from small external balconies and would all share the communal garden at the rear of the site. The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. The communal rear garden measures over 500sqm which is over double the required space needed to serve the proposal.

Officers have assessed the current scheme against the proposed development on the neighbouring site. In terms of their potential relationship with other, officers are satisfied with the design, scale, siting, layout, density and height of both proposals and that they have an

acceptable relationship with each other. Officers are also satisfied with the associated amenity impacts that could be achieved in both developments and have considered the window arrangements and are satisfied that overlooking will not be a significant issue. At its closest point, the separation distance between the developments would be approximately 5m, with this increasing at the development's step back.

#### Highways safety and parking provision

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

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

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

4 x 1b = a range of (0.0 - 1.0) = 0.0 - 4.0 parking spaces required  
4 x 2b = a range of (1.0 - 1.5) = 4.0 - 6.0 parking spaces required  
1 x 3b = a range of (1.0 - 1.5) = 1.0 - 1.5 parking spaces required

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

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

The Traffic and Development service note that the proposed vehicular access to the car parking area at the rear, measures only 2.5m wide. This means it will only be able to serve one vehicle at a time. They note that the safety implications of this can be overcome by installing a signalised access to ensure that there is no conflict between the vehicles entering and egressing the site. A condition is attached to this permission that this is implemented in accordance with the recommendation of the highways officers to ensure that no undue impacts would result on the highway. The parking layout at the rear of the site has been amended to ensure that there is adequate turning space within the site.

The proposed refuse storage is sited at the front of the site which is considered acceptable in relation to the collection of refuse and recycling.

#### Trees

Policy DM01 advises that trees should be safeguarded.

The applicant has submitted an arboricultural report which has been assessed by the Council's arboricultural consultant. Their comments are as follows:

There are two ash trees either side at front of the property. The tree on the right side is protected by a Tree Preservation Order (TPO) (T3001 - applicants plan) and is designated as category B. On the left side is one ash tree (T3003 - applicants plan) which is category B designated. T3002 is shown on the plan, but this tree has been removed.

The current tree retention & landscape proposals are very similar to that proposed under the previous refused scheme. The TPO tree will be removed to accommodate a driveway to car parking at in the rear garden. The ash trees either side of this proposal have equal merit, due to level changes upwards from the highway installing a new vehicle access without impacting on either tree significantly is not possible. The driveway through T3001 means T3003 is retained with minimal harm. Designed access is simplified by this arrangement. It is advised that T3001 must be replaced with a scots pine (*Pinus sylvestris*) 35cm girth 5m high. The use of strata-cells below the driveway is supported as a way of providing high quality rooting areas in the built environment. This area proposed should be increased to the highway boundary and towards the main property. At T3003 a no-dig surfacing for pedestrian access into the property is acceptable. The open trial pit on the site shows that there are significant roots in this area that must be retained.

Twelve trees will be removed in the rear garden and are valued as category U & C (low value). This loss will have an impact on visual tree amenity as they are visible between the properties. Six category B trees growing on the rear boundary (TG3005, T3007 & T3006; 3rd party land) will remain. No-dig surfacing through the root protection areas of (TG3005, T3007, T3006; 3rd party land and T3013 will ensure minimal harm to these trees.

It is proposed that 17 trees replace the 13 trees proposed to be removed to accommodate this application. The species selected are acceptable and will provide long term visual amenity and diversity. The replacement 'Raywood ash' must be changed for scot's pine (*Pinus sylvestris*).

Details of the strata-cells and extent must be shown.

In summary no objection is raised in relation to trees matters. It is recommended that conditions are attached relating to the submission of a detailed arboricultural method statement and scaled tree protection plan, as well as a scheme of landscaping.

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

#### Other Material Considerations

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

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

The majority of comments raised relate to the demolition of the existing building and the proposal not being significantly different than the previously refused scheme. However, the scheme has been subsequently amended during the application to reduce the overall massing and bulk of the proposal. This was undertaken after these initial comments were received. It is considered that the revised scheme is of an appropriate scale, massing and

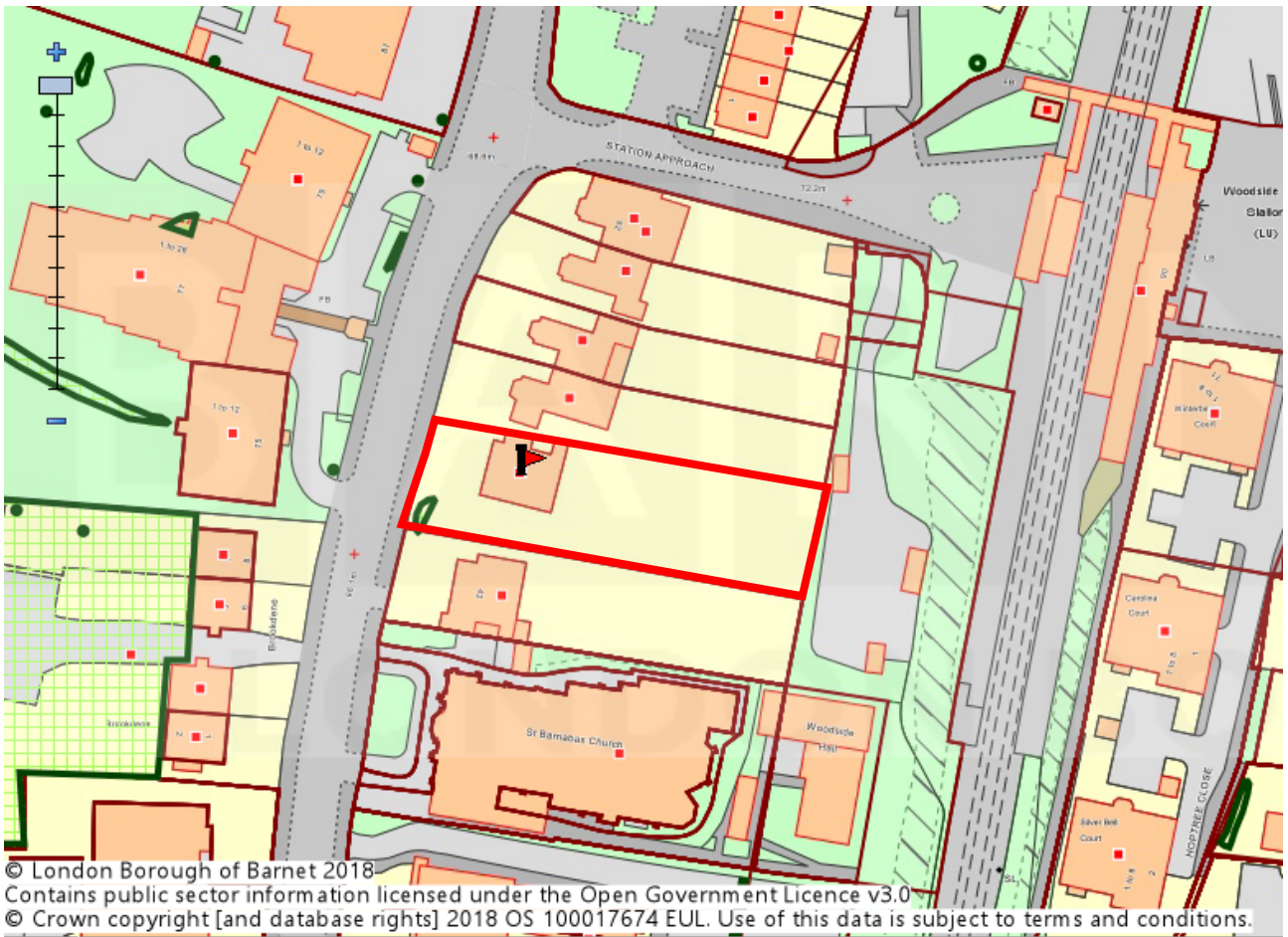
design and would positively contribute to the character and appearance of the site and street scene and overcomes the concerns raised by the Planning Inspector.

## **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 or on highways grounds. This application is therefore recommended for approval.



**Location** 233 - 237 East Barnet Road Barnet EN4 8SS

**Reference:** 18/1228/FUL

Received: 23rd February 2018

Accepted: 27th February 2018

**Ward:** East Barnet

Expiry 24th April 2018

**Applicant:** Evergreen Associates Ltd

**Proposal:** Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck, incorporating front gardens, and green sedum roof to existing lower roof level. Associated refuse and recycling, parking, cycle storage. Associated refuse and recycling, parking, 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:

OS/01, EX/01, EX/02, EX/03, EX/04, EX/05, EX/06, EX/07, EX/08, PP/01, PP/02, PP/03 Rev C, PP/04 Rev C, PP/05 Rev B, PP/06 Rev C, PP/07 Rev B, PP/08 Rev B, PP/09 Rev B, PP/10.

Planning Statement, RPS, February 2018; Design and Access Statement, Tasou Associates; Sunlight Daylight Analysis letter dated 20th February 2018; SuDs Report, Nimbus Engineering Consultants; Transport Statement, Cottee Transport Planning, February 2018; Noise Assessment MoirHands 29th April 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 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.

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

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

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

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

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

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

6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. PP/10 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 2016.

- 7 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).

- 8 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.

- 9 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/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 April 2013), and 7.15 of The London Plan 2015.

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

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

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

- 11 a) No development shall take place until a scheme of proposed noise mitigation measures against externally situated plant connected with the Co-Op has been submitted to and approved in writing by the Local Planning Authority.

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 the amenities of occupiers are not prejudiced by traffic noise/mixed use 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.

- 12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally 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 A1 use as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2011.

- 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 Other than the areas at first floor level indicated on drawing PP/03C as amenity areas or for access, the roof of the development 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).

- 16 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).

- 17 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).

- 18 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.

- 19 Before the building hereby permitted is first occupied:

the first floor secondary bedroom windows in the north/rear elevation facing 227 Crescent Road (as indicated on drawing PP/03C);  
the second floor east facing living room window to Unit 1;  
the second floor west facing living room window to Unit 4; and  
the first floor east facing window serving the communal staircase

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.

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community

Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 4 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.
- 5 East Barnet Road is a traffic sensitive road from Monday to Friday during 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs.

Therefore the applicant is advised that deliveries during the construction period should not take place between these hours. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.

## **Officer's Assessment**

### **1. Site Description**

The site is located on the north side of East Barnet Road and comprises two 2 storey blocks which are linked by a single storey ground floor element.

The site's topography rises, from south to north (lower at the front of the site, higher at the rear).

The ground floor units fronting East Barnet Road are occupied by a supermarket (Co-op), a takeaway (Li's Chinese Food Takeaway) and a vacant former coffee shop (Sunset Cafe) falling within the East Barnet Village Local Shopping Frontage.

The first floor of both blocks provides ancillary office / storage accommodation. The front block has Prior Approval for conversion to residential accommodation (16/3702/PNO).

It is the rear 2 storey block that is the subject of this planning application.

The external areas within the site ownership boundary, outside the proposed building refurbishment and development comprise a tarmac service yard and car parking area and an electricity substation to the north of the building.

The subject property is bordered to the east by a mixture of A1 - A5 uses along East Barnet Road. To the west is the East Barnet Baptist Church, which is located on the corner of the Longmore and East Barnet Road mini roundabout.

### **2. Site History**

Reference: 17/4931/FUL

Address: 233 - 237 East Barnet Road

Decision: Withdrawn

Decision date: 9th October 2017

Description: Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck and green sedum roof to existing lower roof level. Provision of associated parking, cycle storage and refuse and recycling storage

Reference: 16/0523/PNO

Address: 233 - 237 East Barnet Road

Decision: Prior Approval Required and Approved

Decision Date: 22nd March 2016

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (4 Units)

### **3. Proposal**

This application seeks planning permission for:

"Conversion of existing upper first floor level (rear of building) from existing A1 use class to C3 use class. Erection of an additional floor to rear to facilitate the creation of 4no self-contained flats with an access deck, incorporating front gardens, and green sedum roof to



existing lower roof level. Associated refuse and recycling, parking, cycle storage. Associated refuse and recycling, parking, cycle storage."

The proposal includes the following elements:

- o Conversion of the existing first floor of the rear block to residential accommodation
- o Construction of an access deck to the south elevation of the existing first floor
- o Construction of an additional storey (increase in height of building of approximately 3.0m) in order to create 4 no. maisonettes over 2 storeys (existing first and proposed second floors).
- o Introduction of Green sedum roof on existing ground floor level link between the front and rear blocks.
- o 4 no. car parking spaces - one for each unit.

Amended drawings were received on 26th March 2018. These show the following amendments to the original scheme:

- Second floor set in on all sides from 1st floor level below (original drawings showed second floor set in from the rear elevation only)
- First and second floor balconies removed (replaced with juliette balconies)
- Unit mix amended to provide 4 no. 2 bed, 3 person units (original scheme 1 x 3 bed, 5 person, 1 x 2 bed, 4 person and 2 x 2 bed, 3 person).

#### 4. Public Consultation

Consultation letters were sent to 220 neighbouring properties.

6 responses were received, comprising 7 objections which can be summarised as follows:

- Parking concerns
- Impact on local businesses and shoppers
- Pressure on local schools, GP and Dental surgeries, local facilities and infrastructure
- Overlooking and loss of privacy to properties and gardens on Crescent Road, especially with the direct views from the bedroom windows at first floor level and large picture windows to the top level
- Potential loss of light to gardens and properties on Crescent Road
- Location of refuse store on boundary will increase potential nuisance (noise, litter and smell) as well as the ongoing issue with vermin such as foxes etc
- The set back to the north east elevation at second floor level is shown planted on some illustrations in the Design and Access Statement. If this is the case it is not clear how this will be safely accessed or maintained without the use of scaffolding or a mobile elevated working platform (cherry picker). The associated cost and disruption involved in these methods of access making maintenance of the planting in this location unlikely. In a similar vein it is not clear how the sedum roof will be safely accessed or maintained.
- Although the proposed development is on a significantly smaller scale, following the Grenfell Tower fire I would suggest the provision of a single means of escape for multiple dwellings would be considered undesirable. Especially when the proposed domestic accommodation is part of a complex containing a unit for food preparation which constitutes an elevated fire risk.
- There is reference to the provision of accessible threshold to the dwellings, however the current scheme, which is only accessible by a single stair, makes no provision

for access to the units at either level for the elderly, infirm or wheelchair bound. Nor would the toilet accommodation appear to make suitable provision for wheelchair users should they be able to access the dwellings.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

#### 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, DM04, DM11, 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 proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Whether the change of use from A1 retail floorspace to C3 residential would adversely affect the vitality and viability of the Local Shopping Centre.

### **5.3 Assessment of proposals**

The proposal includes the following elements:

- o Conversion of the existing first floor of the rear block to residential accommodation
- o Construction of an access deck to the south elevation of the existing first floor
- o Construction of an additional storey (increase in height of building of approximately 3.0m) in order to create 4 no. maisonettes over 2 storeys (existing first and proposed second floors).
- o Introduction of Green sedum roof on existing ground floor level link between the front and rear blocks.
- o 4 no. car parking spaces - one for each unit.

Access to the units would be via an entrance core at the east end of the block comprising the existing staircase where access to the individual units would be via a landscaped access deck to the south elevation, which also includes private amenity space for each of the units.

The proposed development would retain the use of existing materials comprising red brick and concrete. The second floor level would be finished in zinc cladding to complement the existing traditional materials.

A green roof is proposed to the existing single storey ground floor link between the front and rear blocks.

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

Due to it being set well back from the street frontage, the proposed additional storey to the rear block would have limited visibility from the East Barnet Road street scene, other than from the gaps either side of the applications site; to 239 East Barnet Road to the east and to the East Barnet Baptist Church to the west.

It is noted that the terrace of buildings to the east of the application site, on the north side of East Barnet Road (239-251 to Barons Gate) is three storeys in height, meaning that the proposed second storey would not be visible heading west on East Barnet Road.

Whilst there would be views of the second floor from the area around the junction of East Barnet Road, these would be limited. The second floor element will be set in from the existing first floor below on all sides and this will serve to ensure that it is a subordinate addition and will limit any visual impact as viewed in the streetscene.

In summary, it is not considered that the proposed development would cause harm to the character or appearance of the existing building, street scene or surrounding area and is therefore acceptable in this respect.

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

To maintain privacy to the rear gardens of properties on Crescent Road (approximately 10/10.5m to the north) rear facing windows in the first and second floors have either been set back 10.5 from the nearest garden (227 Crescent Road) or where they fall within 10.5m, have been obscure glazed. This arrangement is considered to be satisfactory in terms of ensuring there would be no unacceptable loss of privacy to the rear gardens of existing residential properties on Crescent Road.

Similarly, the distance between the proposed building and the nearest neighbouring residential properties (227, 229 and 231 Crescent Road) is such that it is considered that there would be no undue impact on the visual amenity of the occupiers of those properties.

The south elevation of the proposed flats would be approximately 14m from the north elevation of the existing front block. Whilst the first floor of the front block has prior approval for conversion to residential accommodation it does not include any facing habitable windows and it is therefore not considered that the proposed residential units in the rear block would have a detrimental impact in terms of overlooking or loss of privacy to the front block or any other neighbouring properties, subject to suitable privacy screening being applied to the proposed access deck and first floor terraces.

All windows in the East elevation (facing rear gardens of properties in Barons Gate) and West elevation (facing East Barnet Baptist Church) would be obscure glazed and as such no loss of privacy would arise to neighbouring properties to the east or west.

The new build elements of the proposal are the second storey and the first floor access deck. The second floor element is set in from the existing first floor below ensuring that it is a subordinate addition and the access deck is positioned between the existing front and rear blocks with limited visibility. As such it is not considered that the proposed development would have a detrimental visual impact on any neighbouring properties.

In summary, it is not considered that the proposed development would have a harmful impact on the residential or visual amenities of the occupiers of any neighbouring properties and is therefore acceptable in this respect.

#### Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings

All of the proposed flats meet the minimum London Plan space standards (2 bed 3 person over 2 storeys - minimum 70 sq m) as follows:

Unit 1, 2 bed 3 person, 83 sq m  
Unit 2, 2 bed 3 person, 70 sq m  
Unit 3, 2 bed 3 person, 73 sq m  
Unit 4, 2 bed 3 person, 72 sq m

All bedrooms meet the required minimum sizes.

Amenity space is provided in the form of landscaped first floor terraces as follows:

Unit 1, 4.8 sq m  
Unit 2, 3.9 sq m  
Unit 3, 3.9 sq m  
Unit 4, 7.5 sq m

Whilst this level of provision falls short of the required 20 sq m per flat (based on 5 sq m per habitable room) usually required, it is considered that the proposed green sedum roof, although it is not usable amenity space, provides some additional visual amenity (along with the landscaping to the access deck and terraces) to the future occupants. It is also noted the application site falls within East Barnet Village with good access to local amenities, including Oak Hill Park within walking distance. The proposed private amenity space provision is therefore considered to be acceptable in this case.

All flats are dual aspect. The first floor rear facing bedrooms are served by two windows, one clear glazed and one obscure glazed in order to protect the privacy of the occupiers of neighbouring properties. The internal accommodation has been arranged so that the main living areas and main bedrooms benefit from the best south facing windows, outlook and balconies, with the second bedrooms and kitchens being served by the rear facing windows. On this basis it is considered that all habitable rooms benefit from reasonable levels of outlook and the proposal is acceptable in this respect.

Whilst some of the rear facing bedroom windows are relatively tall and thin, glazing to all habitable room rooms exceeds 20% of the internal floor area of the room and all habitable rooms have clear glazed windows providing a reasonable level of outlook. In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

#### Whether the change of use from A1 retail to C3 residential would adversely affect the vitality and viability of the Local Shopping Centre

The application site falls within East Barnet Village Local Shopping Frontage as defined by Appendix 6 of the Development Management Policies document, September 2012.

Policy DM12 relates to 'Maintaining local centres and parades' and states:

"The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use."

There would be no reduction in shopping facilities as a result of the proposed development as all of the ground floor retail units would remain operational as existing.

The first floor area of the Co-op unit was last used as ancillary storage space to the ground floor retail unit, but is currently vacant and in poor condition internally.

The area of retail floorspace that is proposed to be converted to residential floorspace is not a separate retail unit with its own street frontage; it is a dis-used part of an existing retail unit that will remain operational following the conversion. For this reason it is not considered necessary or appropriate to require marketing of the space. Furthermore, the proposed residential units would meet an identified local need and there would be no loss of shopping facilities.

On this basis, the aims of policy DM12 are achieved and the proposed change of use of the first floor of the existing retail unit to residential use is considered to be acceptable.

### Highways

The PTAL for the site is 3 which is considered as medium accessibility.

The proposal requires parking provision of between 4 to 6 parking spaces in accordance with Policy DM17. 4 no. parking spaces are being provided for the proposed development which is in accordance with Policy DM17.

The existing rear car park is in the private ownership of the applicant. It is currently available for use by shoppers of the Co-op. Parking is limited to 1 hour. The submitted Proposed Parking Drawing PP/10 shows that the parking area will be marked out and that 4 no. spaces will be allocated to the 4 no. units proposed by this application, 4 no. spaces allocated to the residential units in the front block, 4 no. spaces allocated to Co-op, 1 no. space each for Unit 2, the Café and the Takeaway, 4 no. unallocated spaces and 2 no. disabled spaces.

8 no. Cycle parking spaces are also proposed in accordance with London Plan Cycle Parking Standards a planning condition is proposed in order to secure the provision of these spaces.

Vehicular access for the residential vehicles is proposed from the existing access to the east side of the building.

The Highways department has no objection to the proposal subject to conditions relating to Car Parking, Construction Management and Cycle Parking/Storage.

### Environmental Health

The Environmental Health department was consulted and responded stating that it has no objection to the proposal subject to noise mitigation conditions.

## **5.4 Response to Public Consultation**

Main issues addressed elsewhere in this report. Specific responses as follows:

- The existing rear car park is in the private ownership of the applicant. The proposed development will provide sufficient car parking for the proposed residential units and the other existing uses.
- It is not considered that the proposed 4 no residential units would have an unacceptable impact on local businesses, shoppers, schools, GPs, dental surgeries, local facilities or infrastructure.
- It is not considered that the proposed development will result in unacceptable levels of overlooking or loss of privacy to properties and gardens on Crescent Road or any other neighbouring properties.
- It is not considered that there would be an unacceptable loss of light to gardens and properties on Crescent Road or any other neighbouring properties.
- Refuse storage issues are subject to Environmental Health control.
- No planting is proposed at second floor level. How the green roof is a matter for the applicant. Further details of the Green roof will be required by planning condition.
- Means of access and escape will be subject to subsequent Building Regulations approval.

## 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 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 and the quality of the living accommodation is satisfactory. This application is therefore recommended for approval.







**Location** 1323 High Road London N20 9HR

**Reference:** 18/0709/FUL

Received: 1st February 2018

Accepted: 1st February 2018

**Ward:** Totteridge

Expiry 29th March 2018

**Applicant:** Mr M Shah

**Proposal:** Partial demolition of existing building, Front and rear extensions to ground and first floor and part two storey roof extension to provide 4no. self-contained flats at 1st, 2nd and 3rd floor levels and a Class A1/A2 unit at ground floor level. Associated refuse storage and cycle store and amenity space. (Amended Description)

AGENDA ITEM 9

**Recommendation:** Refuse

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 proposed roof extensions by reason of their size, siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate unsympathetically to the adjacent buildings, resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area as such the proposal would be contrary to policies National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2016).

**Informative(s):**

1 The plans accompanying this application are: 01/A/EX Rev A (Existing Floor Plans), 02/A/PP Rev H (Proposed Floor Plans), 04/A/EE Rev A (Existing Elevations), 05/A/PE Rev F (Proposed Elevations), Energy and Sustainability Statement prepared by Build Energy dated August 2017, Highways and Parking Statement prepared by Mode Transport Planning dated October 2017, Parking Survey, Design and Access Statement prepared by The Town Planning Experts dated February 2017.

2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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

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

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

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](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 Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## Officer's Assessment

### 1. Site Description

The site is located on the western side of the High Road within the Totteridge ward. The building is two storeys in height and previously occupied by a bank, the building is currently vacant.

The building is not within a Conservation Area nor is it listed, and the area is not within an area covered by an Article 4 direction. The building lies within the Primary Retail Frontage of the Whetstone Town Centre, as defined by the Council's Local Plan and also within an area of archaeological significance.

To the south of the site lies Waitrose supermarket on the ground floor with flatted accommodation in the floors above. To the north of the site lies a two storey building which accommodates a florist at ground floor.

There is an access road to the rear which partly serves the Waitrose public car park and partly serves the private flats above Waitrose and other commercial units on the High Road.

### 2. Relevant Planning History

**Reference:** 18/0737/PNR

Address: 1323 High Road London N20 9HR

**Decision:** Prior Approval Required and Approved

Decision Date: 16.03.2018

Description: Change of use from Class A2 (Bank) to Class C3 (1unit).

**Reference:** 17/5505/FUL

Address: 1323 High Road London N20 9HR

**Decision:** Refuse (Committee overturn)

Decision Date: 24.01.2018

Description: Demolition of existing bank vault and outbuilding at rear. Erection of single storey front extension, part two, part three and part four storey rear extension and two storey roof extension to provide 4no. self-contained flats at 1st, 2nd and 3rd floor levels and a Class A1/A2 unit at ground floor level. Associated refuse storage and cycle store and amenity space.

Reason(s)

1. The proposed roof extensions by reason of their size siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate unsympathetically resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area as such the proposal would be contrary to policies National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

2. The proposed roof extensions by reason of their size siting, scale, design and their excessive rearward projection would result in a harmful loss of outlook detrimental to the

visual and residential amenities of the occupiers of the upper floor flats at No. 1321 High Road particularly when viewed from their rear windows. The proposal would therefore be contrary to Barnet's Local Plan Development Management policies DM01 and DM02 and Supplementary Residential Design Guidance 2012.

**Reference:** 15/01421/FUL

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 30.04.2015

Description: Installation of new external ATM to replace existing external ATM

**Reference:** 15/01422/ADV

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 30.03.2015

Description: Installation of 1no. non-illuminated ATM sign

**Reference:** N00057J/07

Address: 1323 High Road London N20 9HR

**Decision:** Approved subject to conditions

Decision Date: 08.02.2008

Description: Change of use from a bank (Class A2) to a restaurant (Class A3) (120sqm). Installation of extract system to rear.

### 3. Proposal

This application seeks consent for the partial demolition of existing building, existing bank vault and outbuilding at rear. Front and rear extensions to ground and first floor and part two storey roof extension to provide 4 No. Self-contained flats at 1st 2nd and 3rd floor levels and a Class A1/A2 Unit at ground floor level. Associated refuse storage and cycle store and amenity space.

The proposed dwellings would be:

- 2 x 1 bed 2 person flats
- 2 x 2 bed 4 person duplexes

The previous application was overturned at committee and the current proposal is in response to the objections raised by Members. The main differences between the previous application (17/5505/FUL) and this application is the building will be brought forward to align at all levels with the adjoining Waitrose front building line and the realignment at the rear to reduce the extent the building projects beyond the rear building line of the Waitrose building. Also the repositioning of the second floor terrace from the front to the rear.

The commercial floorspace on the ground floor would be approx. 148 sqm.

It should be noted that prior approval has been granted for the change of use of the existing ground floor from Class A2 (Bank) to Class C3 (1unit) (18/0737/PNR).

### 4. Public Consultation

157 consultation letters were sent to neighbouring properties.

8 responses have been received; comprising of 8 letters of objections and 1 letter of support.

Objections can be summarised as follows:

- Over development
- Existing forecourt presents a pleasant ambience
- No public right of way to the rear of the site
- Proposal would exacerbate parking congestion arising from Waitrose staff parking, deliveries and refuse collection
- Parking pressure on neighbouring roads
- Refuse storage, recycling, cycle storage will be on land belonging to Waitrose.
- Waitrose may not allow additional access over and across their land
- Loss of light to the 8 flats above Waitrose.
- Impact of construction works
- Loss of view
- Overlooking of properties to the rear
- Noise pollution arising from construction activity.
- Existing issues with refuse collection due to congestion on shared private road
- Impact on ability to gain access to existing parking spaces
- Impact of loss of light / daylight on flower business
- Impact of construction works on Waitrose, flower shop and flats above.
- Loss of local business and jobs
- Obstruction of shop window display
- No right of way for refuse vehicles and construction traffic.
- Waitrose request a Refuse and recycling collection Strategy to be submitted as part of the application rather than as a condition
- Waitrose request a Construction Management Plan to be submitted as part of the application rather than as a condition.

Summary of support

- Building is an eyesore
- There is shortage of housing
- Building is not overbearing
- No harm to the neighbouring properties
- Development is well thought out

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

## The Mayor's London Plan 2016

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

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

## The Mayor's Draft 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, CS4, CS5, CS6, CS9, CS10, CS15, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM12, DM17

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)  
Sustainable Design and Construction SPD (adopted 2016)

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### Principle of building and impact on character of the area

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, which can have an unacceptable impact on the established character of an area.

The existing building was last in use as A2. The building is currently vacant. Paragraph 12.4.1 of the Development Management Plan Policies (2012) states that "in Barnet's town centres, some of the opportunities to provide a wider mix of uses come from the existing employment spaces. Through regeneration or re-use they can continue to provide employment space whilst also providing new residential and community or leisure floorspace, with retail where appropriate.

The scheme proposes an option of an A1 or an A2 use on the ground floor. The proposal will provide flexibility to attract a use that will contribute to the vitality and viability of the town centre. The proposed development provides a reasonable size (146sqm) of A1/A2 accommodation.

Policy DM11 stipulates that "residential accommodation in town centres can help contribute to the vitality and viability by increasing trade for business...and can also offer [future] occupiers ready access to town centre-based services". The site is within a highly sustainable location and the principle of residential accommodation is deemed acceptable.

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The proposal has been revised in response to Member's objections.

The existing front façade would be demolished and the ground and first floor would be extended to the front projecting beyond the existing front building line by approx. 5m. In addition, the roof of the building would be extended to accommodate two additional storeys. The proposed second floor would align with the proposed front extension of the ground and first floor and the proposed third floor would be recessed from the proposed front building line by approx. 2.2m.

The proposed building at its south boundary would align with Waitrose front building line at the ground, first and second floors. However the proposed development at the north boundary would project beyond the front building line of no. 1325 High Road (The Florist Shop) by approx. 5.8m at the first and second floor and approx. 3m at the third floor.

The width of the proposed development is approx. 6.65m. The accommodation will be arranged over 4 floors; the depth at ground floor level is approx. 32m, at first floor level it would be 26m, second floor would be reduced from 22.5m and would measure approx. 19m, and the third floor would reduce from approx. 18m to approx. 17m. The proposed height of the development would be approx. 11.25m and it would have a flat roof. It would be marginally higher than the Waitrose building by approx. 0.5m and 4.8m higher than 1325 High Road.

The existing building is in a group of three buildings that are recessed from the front building lines of the Waitrose building and Walsingham House creating a forecourt wedged between Waitrose and Walsingham house. The forecourt adds character by introducing a visual and pleasant break in the streetscene. Although the proposed development has been revised to respond to Members concerns by bringing forward the front building lines at first and second floor levels, the bulk and massing of the proposed first and second storey of the building, particularly when viewed from the northern approach and due to the modest scale and siting of no.1325 High Road would appear overly prominent and would overwhelm the lower buildings towards the north of the site. In view of the above, officers consider that the proposed roof extensions because of their size, siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate



unsympathetically resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area.

At the rear the building line would not protrude beyond the rear building line of Walsingham House, it would be further set in as a result of the alignment of the proposed front building line with that of the Waitrose building.

#### Potential impacts upon the amenities of neighbouring residents.

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

It is considered that the proposed development would not affect the amenities of neighbouring residents as the revised scheme has been scaled back by approx. 5.7m in response to Members concern that the extent of the proposal at the rear would have an impact on the occupiers of the flats above the Waitrose building.

It is not considered that the extensions and creation of additional floors would result in overlooking, loss of privacy to any neighbouring occupier nor result in noise and disturbance over and above what currently exists on site. In addition, the Council's Residential Design Guidance states that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Neighbouring residential properties to the west would be over 21 metres away from the extensions and the rear gardens of these properties would be over 10.5 metres away, it is not considered that the proposal would result in undue overlooking or loss of privacy.

Whilst there are windows proposed to the flank elevation on the new building; these would be conditioned to be obscured glazed. Furthermore, the windows of the existing residential units abutting the site (above Waitrose) appear to serve a staircase and therefore it is not considered that the development would be detrimental to the amenities of neighbouring occupiers.

The proposed development includes terraces at the rear, the proposed terraces would have balustrades measuring approx. 0.7m in height. The terraces will not lead to undue overlooking of the properties to the rear of the development, due to their distance from the boundary.

#### Living conditions for future residents

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

The proposed flats would all comply with the minimum space standards as stipulated in the London Plan (Minor Alterations 2016) and supporting Council SPDs.

#### Summary of residential units:

First Floor /Flat 1 - 1 bedroom / 2 person unit - 50sqm

First Floor/Flat 2 - 1 bedroom / 2 person unit - 52sqm

Second /Third Floor / Duplex 3 - 1 bedroom / 2 person unit - 98 sqm

Second /Third Floor / Duplex 4 - 2 bedroom / 4 person unit - 92sqm

In general, the proposed units would be in accordance with the minimum standards for new residential development as set out by the London Plan (2016) and the Council's Sustainable Design and Construction SPD.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision of communal gardens around buildings or on roofs or as balconies. The proposal would involve the provision of 35.5sqm of outdoor communal amenity space on the ground level. In addition three units would have private terraces. The previous scheme included a balcony to the front of the building which provided private amenity space for Flat 1, however in the current scheme, the first floor front balcony has been removed and a balcony is now proposed to the rear of the property. The proposed rear balcony would provide private amenity space (18 sqm) for Flat 2. Flat 3 (duplex) would have a balcony to the front of the building providing private amenity space of approx. 11.8sqm; Flat 4 (duplex) would also have private amenity space of approx. 40sqm. In the current proposal Flat 1 would not benefit from a private amenity however given the provision of communal space this is considered to be acceptable.

#### Highways

Officers have consulted with the Council's Highways officers, who have considered the Highways and Parking Statement submitted with the application. Highways noted the following:-

- The PTAL for the site is 4 which is considered as moderate accessibility.
- The proposal is for 2 x 1 bed and 2 x 2 beds. There is no car parking provision on the site.
- To comply with the London Plan 8 cycle spaces should be provided. The applicant is proposing 7 cycle spaces which is acceptable on highway grounds.
- Refuse storage has been identified on drawing 02/A/PP Rev E. This is more than 10m from the public highway and therefore further details will be required.

Highways officers considered the scheme acceptable subject to conditions requiring the cycle parking areas to be provided as indicated on the plans; a Demolition and Construction Management and Logistics Plan and details of refuse collection arrangements to be submitted to and approved in writing by the Local Planning Authority prior to commencement.

#### Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to

ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations). The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

### 5.4 Response to Public Consultation

Most comments have been addressed in the assessment above.

However concern was raised about the right of way across Waitrose Land. The applicant submitted documents and photographs with the previous application (17/5505/FUL) to show that there is an existing access to the rear of the building including an established right of way.

### 6. Equality and Diversity Issues

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

### 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character of the area. This application is therefore recommended for REFUSAL.



LOCATION PLAN 1:1250@A1

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**Location** Folly Farm Burtonhole Lane London NW7 1AS

**Reference:** 17/6081/FUL

Received: 25th September 2017

Accepted: 2nd October 2017

**Ward:** Totteridge

Expiry 27th November 2017

**Applicant:** Mr Derrick Beare

**Proposal:**

Demolition of existing dwelling house and structures adjacent to the south-western boundary; removal of existing tennis court, basketball enclosure and outdoor swimming pool. Erection of a new two storey plus basement level dwelling house and new outdoor pool

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:

P001 Rev 00 (Site Location Maps & Plan), P002 Rev 00 (Existing Site Plan), P003 Rev 02 (Proposed Site Plan), P004 Rev 01(Existing & Proposed Site Section), P005 Rev 01(Existing & Proposed Area & Volume and Hard Surface Area Analysis), P006 Rev 00(Existing Ground Floor Plan), P007 Rev 00 (Existing First Floor Plan & Roof Floor Plan), P008 Rev 00 (Existing Sections Looking West & North), P009 Rev 00(Existing West & East Elevations), P010 Rev 00 (Existing South & North Elevation), P011 Rev 01 (Basement Floor Plan), P012 Rev 01 (Proposed Ground Floor Plan), P013 Rev 01(Proposed First Floor Plan), P014 Rev 01 (Proposed Roof Plan), P015 Rev 01 (Proposed Sections), P016 Rev 02(Proposed West & East Elevation), P017 Rev 01 (Proposed North and South Elevation),

Arboricultural Report -Proposed Demolition and Construction prepared by Tim Moya Associates dated July 2017,  
Planning Statement prepared by TJR Planning dated September 2017, Ecological Report prepared by Tim Moya Associates dated July 2017, Emptying of Swimming Pools prepared by Buckingham Swimming Pools Ltd, Design and Access Statement prepared by Seth Stein Architects dated September 2017, Flood Risk Assessment and Surface Water Strategy Report prepared by Innervision Design Ltd

dated August 2017, Commentary on the structural design prepared by TSC Consulting Ltd dated July 2017, Energy and Carbon Assessment prepared by Built Services Design Associates dated August 2017, Comparative Analysis Schedule prepared by Seth Stein Architects dated February 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 other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 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 April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

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

7 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an updated Ecological Survey and an Ecological Enhancement Plan which details any mitigation strategy that may be necessary and builds upon the measures to enhance biodiversity set out in the Phase 1 Habitat Survey has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition and the measures to enhance biodiversity carried out before first occupation.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 The development must be undertaken in accordance with submitted arboricultural method statement and tree protection plan ref: 151014-PD-21. All aspects of the arboricultural method statement must be fully implemented and strictly adhered to throughout all phases of the development.

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

- 9 a) 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 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 to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved (which comprises the areas outlined in red and blue on drawing 922-P003 rev 02).

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)



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

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

- 12 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.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures to meet the reduction set out in the hereby approved Sustainability Statement which achieve an improvement of not less than 60%. 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.

- 14 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).

- 15 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.

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

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

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

#### **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 Invasive plant species: Section 7.30 of the submitted ecology report sets out measures to prevent the spread of Himalayan balsam. These steps must be followed where or when applicable to prevent the spread of invasive plants in accordance with law
- 3 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."

- 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 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.

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

## **Officer's Assessment**

### **1. Site Description**

Folly Farm consists of a part single storey and part two storey dwellinghouse. The dwellinghouse is located to the north of Mill Hill Country Club and Folly Brook. The property has a garage to the front entrance into the site, an outdoor pool to the rear of the side elevation of the dwelling to the north and leisure facilities located to the north west of the main dwelling.

The site is in the Green Belt and is surrounded by trees included within a Tree Preservation Order. The site is adjacent to the Folly Brook but lies in Flood Zone 1.

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

Reference: N01983J

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Refused

Decision date: 24 February 1999

Description: Two storey extensions to side of house

Appeal: Dismissed

Reference: N01983K/02

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Approved subject to conditions

Decision Date: 24 September 2002

Description: Demolition of existing house and ancillary buildings and erection of new two-storey house with pool and pool rooms.

Reference: 16/1304/FUL

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Withdrawn

Decision Date: 07 October 2015

Description: Demolition of existing buildings and erection of new two storey house and single storey outbuilding with swimming pool.

Reference: 17/0554/HSE

Address: Folly Farm Burtonhole Lane London NW7 1AS

Description: Creation of basement level under existing dwelling house.

Decision: Refused

Reason

o The proposed redevelopment of the site would result in a materially and significantly larger building in respect of footprint, volume and floor area and would cause an inappropriate form of development which would harm the openness of and intrude into the largely rural character of the Green Belt at this location and give rise to a intensified form of development within the Green Belt. No very special circumstances to outweigh the harm caused to the Green Belt has been evidenced. The development would have an unacceptable impact on the aims and purpose of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy 7.16 of

The London Plan 2016 and paragraphs 87 and 90 of the National Planning Policy Framework Published 2012.

Decision Date: 29 March 2017

Appeal Decision - Allowed

Appeal Decision Date: 26 January 2018

### **3. Proposal**

This application seeks consent for the demolition of the existing dwelling house and structures adjacent to the south-western boundary; removal of existing tennis court, basketball enclosure and outdoor swimming pool. Erection of a new two storey plus basement level dwelling house and new outdoor pool.

The proposed house would be set back from the eastern boundary and would be a part single storey, part two storey building. It would have a maximum width of 30.7m, depth of 11.5m and the proposed height varies between 3.9 and 7m.

The external area of the proposed basement would be approx 93sqm and the floorspace would be 91sqm. The basement would provide accommodation for the plant room, wine store and fitness suit. The fitness suit will open up to a terrace which will also serve as a lightwell. The basement will be accessed from within the house.

The ground floor accommodation area would be approx. 323sqm (gross), the external area would measure approx 30.7sqm in depth and overall width of between 11.5m and 12.9m.

The first floor is designed as 3 pods with connecting glass corridors and terraces. The external area of the first pod (master bedroom ) would be approx. 119sqm. The pod is L shaped and the width would be approx. 11.5m and 8.8m. The depth would be approx. 10.1m and at the front flank wall would measure 5.3m stepping back approx. 2.7m and extending out by approx. 6.2m.

The external area of the 2nd pod would be approx. 37sqm, the depth is approx. 5.2m and the width 7.1m.

The external area of the third pod would be approx. 60sqm; the width is 9.6m and the depth is approx. 6.2m.

The length of the interconnecting gallery would be approx. 15.6m and the width approx. 2m

The material proposed to be used would be blackened timber cladding, rammed earth wall and glass.

A new open swimming pool is proposed within the site.

The height, scale and bulk of the first floor has been reduced following submission of the application to ensure the first floor is not overly dominant and would allow views through thereby achieving a lighter appearance.

The existing outbuilding located adjoining the site entrance would be retained. Refuse storage would continue to be incorporated in this building.

### **4. Public Consultation**

Consultation letters were sent to 1 neighbouring property.

Consultation was also undertaken following receipt of amended plans.

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

The objections received can be summarised as follows:

- Out of character with the area
- Inappropriate development in the Green Belt
- Construction Traffic
- Impact on views and rural outlook

Representation from Mill Hill Preservation Society

- o Overdevelopment of the site
- o Harm to the Green Belt
- o Impact of construction traffic
- o Health and safety Issue
- o Public Nuisance
- o Impair the Green Belt and Conservation

Councillor Khatri requested the application be considered by the committee (the site is adjacent to Mill Hill ward) because it is overdevelopment and would have a negative impact on the green belt and conservation area.

Consultee Comments:

Highways: Recommends approval subject to conditions and informatives.

Arboricultural Officer: Recommends approval subject to conditions and informatives.

A site notice was erected on 12/10/2017.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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 and DM15

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 the development is appropriate within the green belt
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Impact on biodiversity and trees of special amenity value

### **5.3 Assessment of proposals**

This application follows planning application reference: 17/0554/HSE which was for the creation of a basement level under the existing dwelling house. The application was recently approved by the Planning Inspector, the appeal decision is a material consideration in the assessment of this case. It should be noted that planning permission was granted for a replacement dwelling in 2002 which was never implemented.

#### **Green Belt**

Policy DM15 (which reflects the NPPF) states that the replacement of a building will not be permitted where it would have an adverse impact on the openness of the area or the purpose of including land in the Green Belt. The supporting text confirms the requirements



of the NPPF (Para 89) that replacement buildings need not be inappropriate provided the replacement building is not materially larger than the dwelling it replaces.

In terms of the impact on the Green Belt, the proposal has been assessed taking into consideration a three-stage approach: (1) whether the proposal would represent appropriate development in the Green Belt, (2) the effect on the openness of the Green Belt and (3) the effect on the visual amenities of the Green Belt.

The Council's Residential Design Guidance SPD (2016) recommends that, in respect of extensions to dwellings, the volume of the original dwelling should not be increased by more than 25% by external measurement in order to protect openness. Whilst this is not directly relevant to a new development, however it is a useful guide to determine the appropriateness of the proposed increase.

The floor area of the existing building is 635sqm, and the proposed scheme is 558sqm above ground and 649sqm including the basement. The proposed building is approximately 12% less than the existing in terms of floor area excluding the basement, and approx. 2% more including the basement.

The volume of the existing building is 1990sqm and the proposed scheme is 1806sqm above ground and 2061sqm including the basement. In volumetric terms, the proposed building is 9% smaller than the existing excluding the basement, and 3.5% larger including the basement.

In terms of the increase over the 'original' dwelling, the property has clearly been extended at various times in the past. In assessing the proposed floor areas and volumes of the proposed compared to the existing, there is only a modest increase above the existing in the case when the volume of the new basement is taken into consideration.

The volume increase when the basement is taken into consideration is deemed acceptable in this particular case, particularly bearing in mind the recent appeal decision allowing the development of a basement that is substantially larger (306sqm) than the basement in the current application. In that decision, the Inspector ruled that:

"The proposed new basement would add considerably to the internal floor area of the existing house, though it would not increase the footprint of the building and would not have a material effect on the external appearance of the building or on its visual bulk in the Green Belt. In the circumstances of this particular case, therefore, and notwithstanding the guidance given in the Council's 'Residential Design Guidance SPD', I have concluded that the proposed development, for which planning permission is now sought, can be categorised as not amounting to a "disproportionate addition" to the existing building and, hence, as "not inappropriate" development in terms of Green Belt policies." (Paragraph 10 - APP/N5090/D/17/3174495).

In view of the above it is considered that the proposed replacement dwelling would not be materially larger than that to be replaced. On that basis, the proposed development is considered to represent an appropriate development in the Green Belt.

#### Impact on openness and the visual amenities of the Green Belt

The overall depth of the proposed dwelling (30.7m) would be marginally greater than the existing (28.5m). The overall width of the proposed (11.5m /12.9m) would be substantially less than the width of the existing house (20m). The height of the existing building is 7m, in addition it has varying roof forms, which break up the overall massing of the structure.

Much of the first floor accommodation is contained within roofslopes. In comparison, the height of the proposed first floor varies (7m, 6.9m and 6.55m) and the first floor accommodation of the proposed building would be broken up as separate pods with a glass gallery linking the three pods accommodating bedrooms.

The new house has been designed to limit the amount of first floor accommodation and the use of glass and the varying height at the first floor would present an interesting silhouette that would allow views through the building. It is considered that the proposed height and design would not have a visual material impact on the surroundings.

The existing house is located along the eastern boundary and it is very visible from the public footpath that passes the front of the site. The proposed building would be in a different location, it will be set back from the boundary of the site and will be located towards the west of the site and would be approx. 50m from the eastern boundary. The proposed building would be located behind mature trees which benefit from a tree preservation order (T58 and T59). The repositioning of the building would not have a significant impact on the openness of the Green Belt as it would be a replacement building, furthermore the proposal would include substantial planting of shrubs and trees. Given this, visibility from the adjacent public footpath would likely be reduced. The proposed use of blackened timber and rammed earth would ensure that the building would not be obtrusive in its setting. In addition, the use of low reflective glazing at the first floor would help make the building appear transparent when viewed from the Green Belt.

The existing swimming pool, tennis court, basketball area and greenhouse will be removed and replaced with soft landscaping. The hardstanding area of the existing house is approx. 1,454sqm and the proposed would be approx. 1,087sqm, this will equate to a 25% reduction in hardstanding;

The proposed swimming pool will be located to the west façade of the proposed building and will be hidden from view by a line of tall grasses.

In view of the above it is considered that the proposed design and appearance of the replacement dwelling, swimming pool and associated hardstanding would not have an adverse impact on the openness of the Green Belt and would not have a detrimental impact on the visual amenities of the Green Belt.

### **Impact on the Character of the Area**

Having regard to the previous grant of planning permission on this site, the principle of a demolition and new building has been established through the grant of the previous application. In addition, no objections are raised to the principle of a more contemporary development at this site. The proposed development has been designed to sit comfortably in its surroundings and would allow views through thereby achieving a lighter appearance.

In view of the above, it considered that the proposed development would be appropriate for the rural, open and naturalistic landscape.

### Impact on the Amenities of Future Occupiers

The dwelling house would provide adequate internal space and therefore comply with policies CS5, DM01 and DM02.

The proposed development would provide sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The proposed development would have terraces at the basement and first floor in addition to the wide expanse of garden.

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.

#### 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.

Given the isolated nature of the application site, it is not considered that the proposal would be detrimental to the amenities of the occupants of any neighbouring dwelling.

#### Impact on Highways

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use.

The property would provide 5 bed/ 10 person accommodation. Policy DM17 requires new residential development for detached houses of 4 or more bedrooms to provide 2 to 1.5 spaces. This can be accommodated on site.

The storage facilities for refuse and recycling containers will remain as existing in the outbuilding near the site entrance.

#### Impact on Trees

The site is surrounded by trees protected under Tree preservation order TRE/BA/69/A1 made on 1st October 1992. Arboricultural survey, Impact Assessment & Tree Protection Plan was submitted with the application. The Council's Arboricultural Officer has assessed the impact of the proposal on the protected trees and has stated that "the proposed tree works are acceptable on condition all trees removed are replaced with species similar in nature or the same species.

The tree protection measures as detailed on the tree protection plan and arboricultural method statement are sufficient to ensure that retained and protected trees will not be harmed by the proposed development.

A condition would be attached in the event planning permission is granted requesting that "the development must be undertaken in accordance with submitted arboricultural method statement and tree protection plan ref: 151014-PD-21 which must be fully implemented and strictly adhered to throughout all phases of the development."

#### Impact on Ecology

An ecology report was submitted with the application. The conclusion of the report is that there are no European Protected Species such as Bats or Great Crested Newts that have been recorded on the site.

The site does have ecological features of value such as the pond and woodland on adjoining land.

Himalayan balsam has been identified on the site around the pond. This is an invasive species and as such must be controlled/eradicated from the site to prevent spreading. An informative has been attached informing the applicant to eradicate the Himalayan Balsam from the site to prevent the risk of spreading.

The Ecology Report made recommendations for enhancement of bio-diversity on the site. The recommendation includes species enrichment of the grass areas, installation of bird and bat boxes around the site and improvements to the species and vegetation structures around the pond. A condition will be attached in the event planning permission is granted requiring that full details of the improvements must be submitted as an ecological enhancement management plan prior to commencement on site.

### Flood Risk Assessment

A Flood Risk Assessment and Surface water strategy report was submitted with the application. The conclusion of the report states that:

- the site lies in fluvial flood zone 1 which means that the proposed site has a low probability of fluvial (river) flooding.
- the developed area of the site has a medium to low probability of surface water flooding. the surface water strategy states that flood resilience and alleviation methods will be implemented on site, access/egress routes will not be affected and the site will be signed up to flood warning schemes.
- there is no documented evidence of flood risk from any other sources and the re-development does not impact on flood risk elsewhere.
- assuming the mitigation, warning and evacuation procedures can be maintained over the lifetime of the development, the proposed replacement dwelling with small basement is considered acceptable.
- all surface water arising can be managed on site.
- surface water flows from the site into Folly Brook are shown to be significantly reduced which will in turn reduce surface water flood risk in the Folly Brook catchment

The accompanying Design and Access Statement submitted with the application confirmed that the proposed ground floor level is 300mm above design flood levels and will provide an improvement over the existing.

In view of the above, conditions requiring details of levels and drainage strategy to be submitted would be attached in the event planning permission is granted.

### Other Matters

A commentary on the structural design of the proposed basement was submitted as part of the application. The reports shows that the basement with a gross external area of 106sqm will be constructed as a reinforced concrete "box" with full continuity between basement slab and perimeter walls and with lateral restraint provided by the ground floor slab at ground level.

The excavation for it will be kept to a minimum either through the installation of sacrificial steel sheet piling or insitu concrete bored piling around the full perimeter. These would be temporarily supported at their head, as necessary depending upon their final design, to permit the basement and ground floor slab to be constructed, after which all temporary lateral support can be removed.

The report confirmed that "the location and level of nearby Folly Brook is sufficiently far removed as not to impact upon the basement construction and the plan size of the basement is such that it will have no perceptible impact on the flow of subsurface groundwater across the site towards the brook".

It is considered, therefore that the proposed basement will not have an impact of nearby properties residents and would also not impact upon the flow of subsurface water to such an extent as to warrant submission of further information.

#### 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 Sustainability Statement states that the development can achieve an energy saving of 69% and CO2 emissions reduction of 60% over the existing dwelling. 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**

The concerns raised are noted. The principle of this development has already been established under the previous applications.

The proposed development is considered to accord with current policy.

Most of the objections raised and the impact on neighbouring properties has been fully assessed in the sections above.

#### **Construction Traffic**

Objections were made on the impact of construction traffic required to remove the soil from the basement excavation and to undertake the consequent construction of the proposed development. The main concern is that it would be significant and would cause major disruption in an area of Green Belt and to the Mill Hill Conservation Area through which the lorries would need to travel. In addition, concern has been raised about the status of the lower part of Butonhole Lane which is designated as a footpath rather than a public road and impact of the development on pedestrians and dog-walkers.

The appeal Inspector has considered this in dealing with the appeal in respect of a much larger basement (APP/N5090/D/17/3174495). In Para 12 of the appeal decision the Inspector stated that "Obviously, the construction process would be difficult in practice, since it would involve the excavation of a new basement beneath the existing structure. Construction traffic would be generated as a result of the project, of course, but the impact would be for a relatively limited period and the objections that have been made in relation to construction traffic are not critical in planning terms. Moreover, such harm as would be caused can be mitigated by the imposition of a condition to require the preparation and implementation of a Construction Management Plan"

In view of the above, it is considered that the concerns raised are not sufficient to warrant refusal of this application.

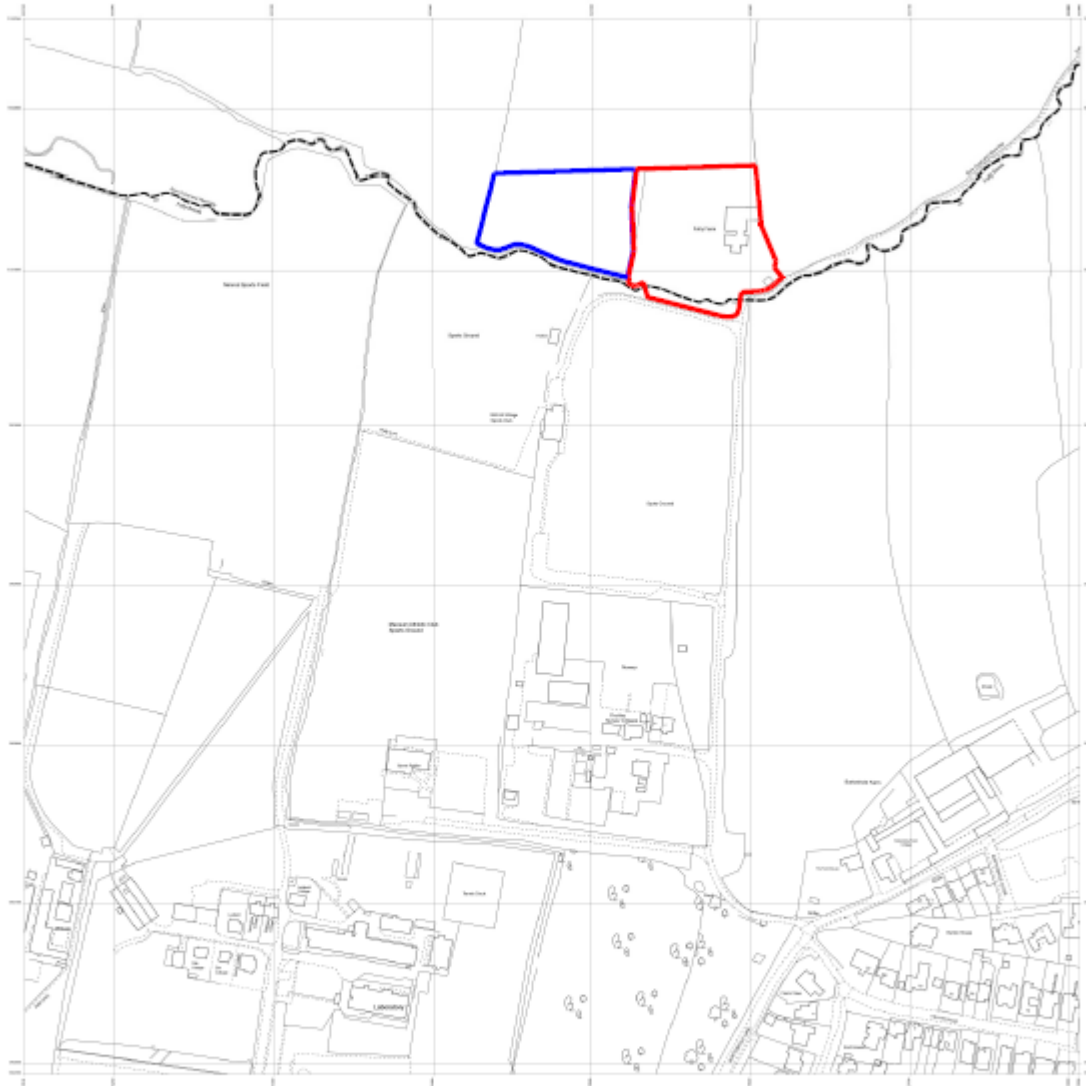
## **6. Equality and Diversity Issues**

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**

Having taken all material considerations into account, the proposed development would be appropriate within the green belt, would be in keeping with the character and appearance of the surrounding area and is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings. The proposal is in accordance with the NPPF and Policies contained within the adopted Local Plan. It is recommended that the application be approved subject to conditions.

It is therefore recommended that the application be APPROVED.



Produced 02 Aug 2016 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Meters  
0 10 20 30 40 50

Supplied by: **Stanfords 02 Aug 2016**  
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Stanfords Order Reference: 011026410



**Folly Farm**  
**Burtonhole Lane, London**  
**NW7 1AS**

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**Location**                      **High Prospect And Land Rear Of Rogate And Saxby Arkley Drive  
Barnet EN5 3LN**

AGENDA ITEM 11

**Reference:**                      **18/1711/FUL**                      Received: 16th March 2018

Accepted: 16th March 2018

Ward:                                      High Barnet                                      Expiry 11th May 2018

Applicant:                              Mr Sherman & Silver

Proposal:                                      Demolition of existing house. Erection of 3no. two storey detached  
dwellinghouses plus rooms in the roof space with associated  
landscaping and 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:

- 461816-1 (Existing Details)
- 461816-2 (Proposed Site Plan)
- 461816-3 (Site Sections)
- 461816-4 (Plot 1 Details - Plans and Elevations)
- 461816-5 (Plot 2 Details - Plans and Elevations)
- 461816-6 (Plot 3 Details - Plans and Elevations)
- 461816-7 (Adjacent Plot Size Analysis with Pattern of Development)
- 461816-8 (Existing Location Plan)

- 18/07\_01 A (Landscape Masterplan)
- 18/07\_02 (Arkley Drive Street Scene)

- Arboricultural Report (dated 12.03.2018)
- Phase 1 Habitats Survey (dated 06.03.2018)
- Planning Statement (dated 16.03.2018)
- Sustainability Statement (dated 16.03.2018)

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

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

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

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

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.

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the proposed dwellings, 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).

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

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

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

- 10 a) Prior to the occupation of the proposed dwellings, details of the proposed and implemented ecological enhancements as recommended within the approved Phase 1 Habitats Survey (dated 06.03.2018) shall be submitted and approved in writing by the Local Planning Authority.

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

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

- 11 Before the occupation of Plot 1, the proposed window on the first floor of the side elevation facing Rogate 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).

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Plots, 1, 2 and 3 hereby approved.

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

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 461816-2 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.

- 14 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).

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

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

- 17 Prior to the first occupation of the 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.

- 18 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. 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.



## **Officer's Assessment**

### **1. Site Description**

The application site comprises of the property known as High Prospect and land forming part of the rear curtilage of properties Rogate and Saxby. The properties are located on the end of Arkley Drive, sited off Barnet Road. With the exception of the dwelling at High Prospect, the land is currently in use as the rear gardens to all three properties and is comprised of lawn with various trees and shrubs distributed throughout.

Arkley Drive is a private residential street comprising of large detached, two-storey family properties. To the west of the site is a modern residential close (Carrington Close) comprising of two-storey detached properties.

There is a Birch tree on the front boundary between High Prospect and Rogate which is subject to a Tree Preservation Order (TPO). The land to the north of the site is designated as Green Belt, and a Site of (Borough) Importance for Nature Conservation.

### **2. Site History**

Reference: 17/7392/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Refused

Decision Date: 19.01.2018

Description: Demolition of single storey side extension to property known as Rogate. Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

Reference: 17/5618/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Withdrawn

Decision Date: 05.10.2017

Description: Demolition of single storey side extension to property known as Rogate. Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

### **3. Proposal**

The application seeks the demolition of the property known as High Prospect and the erection of 3no. two-storey detached dwellings. The proposal would also consist of a new access road to the rear of the site to serve the proposed dwellings and provision of associated landscaping and parking.

The proposed dwellings would comprise of 1 x 5-bedroom and 2 x 6-bedroom family dwellings.

### **4. Public Consultation**

Consultation letters were sent to 24 neighbouring properties.

9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment;
- Proposal not in keeping with pattern of development;
- Cramped form of development;
- Buildings are out of character with the area;
- Design is of poor quality;
- Harmful impact on the rural nature of Arkley;
- Proposed scale and size of plot 1 is not characteristic of the existing houses;
- Proposed dwellings in plots 2 and 3 are too large for the land with not enough green space setting;
- Impact on neighbouring privacy;
- Overbearing to existing homes in Arkley Drive and Carrington Close;
- Overlooking impact between proposed dwellings and Rogate and Saxby;
- Overlooking of properties in Carrington Close, Ravenholt and White Lodge;
- Overlooking between proposed plots 2 and 3;
- Reduction in size of gardens of Rogate and Saxby
- Outlooks from plots 2 and 3 will be poor as facing towards Rogate and Saxby;
- Increase in traffic;
- Width of the proposed access road is inadequate for simultaneous access, leading to a build-up of traffic and vehicle congestion;
- Loss of trees;
- Disturbance to the tranquil of the Green Belt and wildlife;

In addition to the above, Theresa Villiers MP has submitted an objection on behalf of the constituents living in Arkley Drive. The following issues have been raised:

- Difficult to access the development, not least because there is no space for two vehicles to pass;
- Overdevelopment of the site;
- Backland development and inappropriate and out of character in this part;
- Capacity of infrastructure including existing road and sewage;
- Overlooking to existing homes; and
- Loss of light.

## **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 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, CS4, CS5, CS7, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM15, DM16, 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 site, the street scene, the wider locality and the setting of the Green Belt;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking;
- Trees, landscaping and ecology;
- Any other planning considerations.

## **5.3 Assessment of proposals**

A previous application (LPA reference 17/7392/OUT) was refused on 19.01.2018 for the provision of access road and erection of two detached two-storey dwelling houses. The

proposed access road was located between the properties of Rogate and Saxby. The application was refused on the basis of the proposed new access road, by reason of its siting and layout, was considered to be out of keeping with the character and pattern of development of Arkley Drive, and results in a cramped form of development due to its proximity to adjacent properties. In order to overcome the above reason, the applicant has relocated the proposed access road to the end of Arkley Drive and along the north-western boundary of High Prospect.

#### Impact on the character and appearance of the existing site, surrounding area and setting of the Green Belt

One of the main considerations is the extension of Arkley Drive and formation of a new access road along the north-western boundary of High Prospect which would facilitate access to the proposed dwellings to the rear of existing properties. It is considered that the access road would appear as a natural continuation of Arkley Drive, albeit narrower, but it is still considered to reflect the character of the road and is in principal considered to be acceptable. The submitted plan details that the access road is to be constructed of a ground reinforced grid with gravel infill. Further details of this are sought via a condition to ensure that a high-quality material is proposed and retains an acceptable visual appearance.

In terms of the new plots, specifically 2 and 3, it is considered that they have a closer 'visual connection' with the plots along Carrington Close and not those on Arkley Drive. Therefore, the position and layout of the proposed plots is considered to be acceptable and is not considered to have a harmful impact on the character and pattern of the surrounding area. The proposed plot sizes and plot coverage are considered to be reflective of those in the surrounding area and the proposed siting and footprint would ensure the proposed dwellings are acceptable setting within their plots. The dwellings are not considered to be cramped within their plots but reflect the spacious character of their surroundings. In terms of the existing properties, the remaining rear gardens are still considered to be reflective of the existing plots along Arkley Drive. The existing pattern of development along Arkley Drive would be maintained.

In terms of the scale, massing and height of Plots 2 and 3, it is considered that while they are large dwellings, they are reflective of the style and scale of the surrounding dwellings. Plots 2 and 3 are traditional in appearance, two storeys in height with a pitched roof and have a fairly ordered external appearance. The plots by virtue of their position, are not considered to have a harmful effect on the character and appearance of the street scene along Arkley Drive.

In terms of plot 1, the dwelling would measure 15m in width, 14m in depth and a total height of 9m. The proposed dwelling is considered to be of an appropriate scale, massing and layout which is similar in appearance to the existing properties along Arkley Drive. The proposed height of Plot 1 would be comparable to the existing properties and is considered to be an appropriate addition within the street scene. The width of the dwelling is considered to acceptable and an appropriate setting of 2.5m between Plot 1 and Rogate would be maintained. While the provision of a turret style wing is not a characteristic feature, as the dwelling is located at the end of Arkley Drive, its visual impact is considered to be limited and not harmful to such a detrimental extent.

The overall amount of new hardstanding is considered to have been minimised throughout the development. Through the use of a high-quality material, its visual impact can be adequately mitigated.

Taking into account that the proposed dwellings are reflective of the surrounding properties in terms of massing, scale and height, they are not considered to adversely affect the setting of the adjoining Green Belt. The orientation of the dwellings within Plots 2 and 3 are also considered to help reduce the visual impact when viewed from the Green Belt towards the site. The applicant has submitted a Landscape Masterplan which details a significant level of new planting throughout the site which will help provide mitigation and screening of the proposed development between the Green Belt and the neighbouring sites.

Overall, the proposed development is found to have an acceptable impact on the surrounding area and would maintain and reflect the character and appearance of the site, Arkley Drive and the surrounding area.

#### Impact on the amenity of neighbouring residents

The application site is bounded by neighbouring properties to the east, south and west.

The Council's Residential Design Guidance SPD advises that 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.

In terms of Plot 1, it is not considered that this unit would result in any harmful impacts on the amenity of neighbouring properties. There would be sufficient separation distance between the dwelling and Ridge House opposite to comply with the SPD requirements. While the rear building line would project beyond the rear of Rogate, it is not considered to be to an extent which would have a significant overbearing impact. Also considering that Plot 1 would be located to the north of Rogate, it is not considered to result in a significant level of loss of light or outlook.

In terms of Plots 2 and 3, both dwellings would adequately meet the SPD requirements in that there is in excess of a distance of 10.5m to the rear boundaries of Plot 1, Rogate, Saxby and those properties to the west in Carrington Close. The orientation of plots 2 and 3 is such that the dwellings are angled so that they do not directly face the rear elevations of Rogate and Saxby and there are no direct views towards the properties in Carrington Close. Taking into account the separation distances between the neighbouring boundaries and rear elevations, all of the proposed plots are considered not to have any harmful impacts in terms of overlooking, overbearing or loss of light.

In summary, the proposal is not considered to result in any significant levels of impact on the residential amenity of neighbouring occupiers.

#### Provision of adequate accommodation for future occupiers

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 proposal would provide 1 x 5-bedroom dwelling and 2 x 6-bedroom dwellings measuring 353sqm (Plot 1), 417sqm (Plot 3) and 432sqm (Plot 2). Each of the dwellings would have substantial large floorplans and would provide adequate outlook for future occupiers and receive sufficient daylight / sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. Each of the dwellings would have large private gardens ranging from 480sqm - 860sqm.

In order to reduce the associated noise resulting on Plot 1 from the proposed access road, it is proposed to erect an acoustic fence along the side boundary with the access road. This is considered to be acceptable and it is not anticipated the level of noise or disturbance resulting from the access road would be to a significant level. Further details of the acoustic fencing will be sought via a condition.

The proposed dwellings would provide adequate accommodation for future occupiers.

### Highways safety and parking

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 detached houses (4 or more bedrooms) 1.5 - 2.0 spaces per unit

The application proposes 1 x 5-bedroom and 2 x 6-bedroom dwellings which would benefit from integrated garages and individual parking areas within each plot. The submitted plans illustrate that each dwelling could accommodate provision for at least 2 car parking spaces and therefore is compliant with DM17 parking requirements.

As the proposed access is from a privately maintained road, the Council's Traffic and Development service have no highways comments to make as it is not expected to have any impact on the public highway. The access road would be 3.7m wide and is not considered to raise any significant conflicts between pedestrians and vehicles. Two passing bays have been included along the access road; one at the top adjacent to plot 1 and another further down towards the bend at plot 2. This is considered to satisfactorily address any potential vehicle conflict entering or leaving the access road.

In summary, the proposal is not considered to raise any harmful effects in terms of highways and each dwelling would be provided with acceptable parking provision.

### Trees, landscaping and ecology

There is 1 TPO Birch tree located at the front of High Prospect. This is proposed to be retained under the proposed development. The remaining trees throughout the site have no protection designation and as such any loss of trees is difficult to resist. The submitted arboricultural report provides a general overview and observations. It does not provide any detailed method statement relating to works around the TPO tree or any protection measures. However, it is considered that this could be appropriately mitigated through the use of planning conditions.

The applicant has submitted a landscape masterplan which illustrates that there will be extensive new planting throughout the site, allowing for mitigation, screening and increased biodiversity and landscape enhancement. It is proposed to retain the existing row of trees along the western boundary, with new mature trees planted on the boundaries of Ravenholt, Rogate, Saxby and Carrington Close. Overall, the proposed landscaping plan is acceptable in principle.

The applicant has submitted a Phase 1 Habitats Survey which assesses the ecological impact of the proposed development. The survey consisted of a site visit and an external/internal inspection of High Prospect. In describing the site, it is noted that there are no natural or semi-natural habitats such as woodlands, hedgerows, rivers or streams. There is a small garden pond and a swimming pool at High Prospect. The rest of the site consists of mown lawn. The survey concluded that the site is of low conservation importance. The inspection of the existing dwelling did not find any evidence of bats and the building was in good condition and the building was not considered optimal for bats and had a negligible potential for bats.

### Sustainability

The applicant has provided a sustainability statement confirming that the proposal will achieve an improvement of not less than 10% in carbon dioxide emissions, the proposed dwellings will have 100% of its water supply through water meters, and the dwellings will be constructed to satisfy M4(2) of the Building Regulations.

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

The considerations raised within the letters of objection have been addressed within the assessment section of the report. Further responses to a number of other raised issues are provided below:

**Clear breach of land covenants** - This is a civil matter.

**Wear and tear of the drive** - Arkley Drive is a private road and therefore its maintenance and repair is a private matter between the residents.

**Noise and congestion from construction period** - Problems arising from the construction period are covered by separate legislation enforced by Environmental Health.

**Pressure on existing sewage infrastructure** - Matter controlled under building regulations.

**No details relating to the provision of utilities** - Not a planning consideration.

**- Development does not address the shortage of affordable housing in Barnet** - Due to the scale of the proposed development, there is no policy requirement to provide affordable housing.

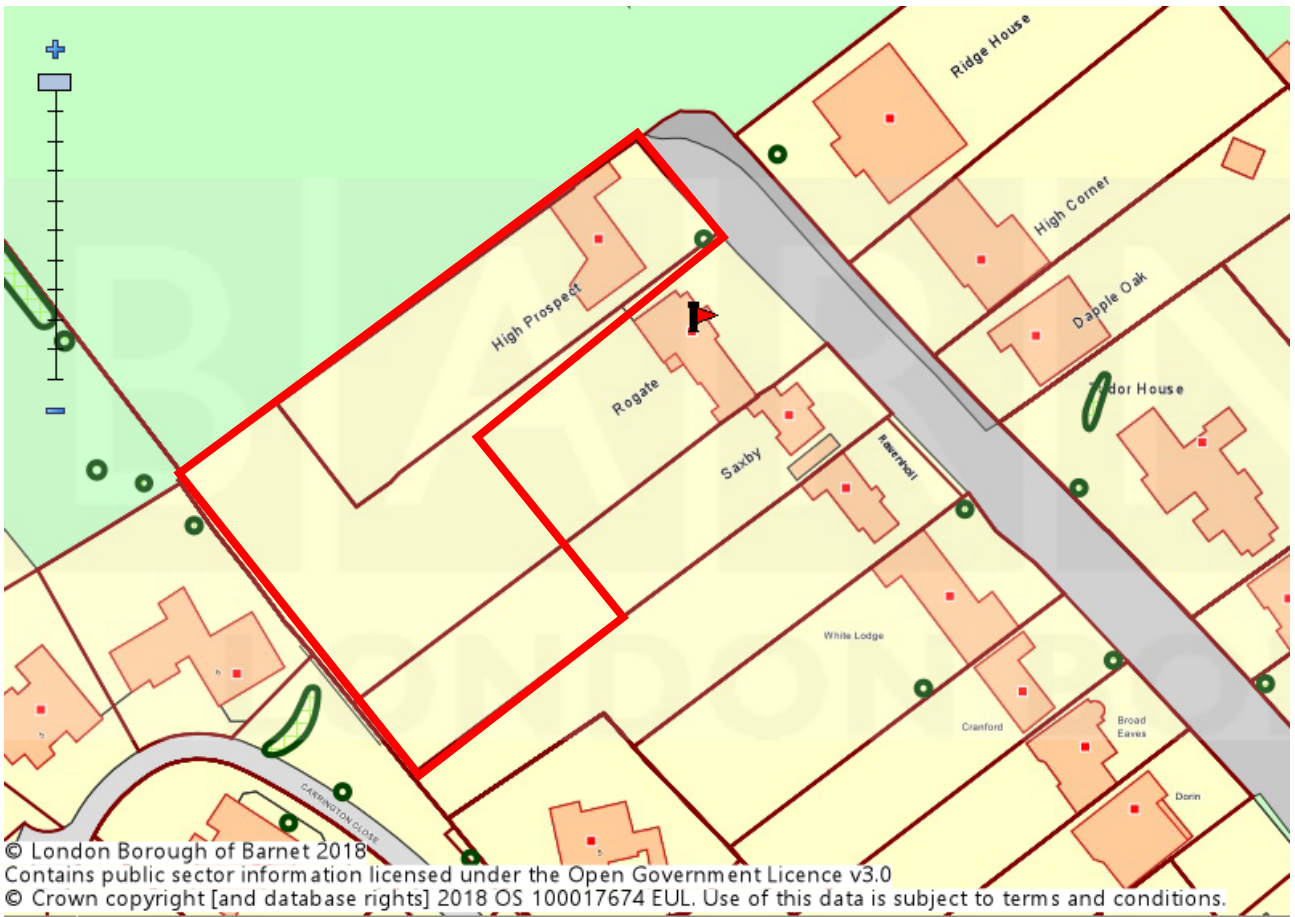
### **6. Equality and Diversity Issues**

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. It is considered that the proposal would not have a harmful effect on the setting or openness of the Green Belt. 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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