

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 5TH MARCH, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

Chairman: Cllr Eva Greenspan
Vice Chairman: Cllr John Marshall

Councillors

Jim Tierney	Alan Schneiderman	Shimon Ryde
Arjun Mittra	Melvin Cohen	

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10am on the third working day before the date of the committee meeting. The deadline for this meeting is **Wednesday 28 February at 10am**. Requests must be submitted to Tracy.Scollin@barnet.gov.uk; Tel:020 8359 2315

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

Andrew Charlwood – Head of Governance

Governance Services contact: Tracy Scollin - 020 8359 2315 tracy.scollin@barnet.gov.uk.

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 14
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	17/7023/S73 Waitrose, 273 Ballards Lane, N12 8NR	15 - 26
6.	17-7490-FUL 1069 Finchley Road London NW11 0PU	27 - 52
7.	17/7572/HSE, 55 Cranbourne Gardens, NW11 0HU	53 - 70
8.	17-6830-FUL Ground and Upper Floor Flats 2 Huntingdon Road London N2 9DU	71 - 78
9.	17-6776-S73 Church Walk House London NW2 2TJ	79 - 104
10.	Addendum (if applicable)	
11.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

18 January 2018

PRESENT:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillors:

Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Shimon Ryde

Councillor Jim Tierney

Apologies for Absence

None.

1 MINUTES OF LAST MEETING

Councillor Cohen reported that his first Declaration of Interest should include the words 'Councillor Cohen left the room for discussion of this item'.

The minutes were otherwise approved as an accurate record.

2 ABSENCE OF MEMBERS (IF ANY)

Councillor Mittra arrived at 6.20pm

Councillor Ryde left after Item 10.

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

AGENDA ITEM 1

Councillor Mitra declared a non-pecuniary interest in respect of 17/5651/FUL: Opposite 18-22 Market Place and 51-53 Market Place - he is employed by the London Assembly Labour Group, City Hall.

4 **REPORT OF THE MONITORING OFFICER (IF ANY)**

There was no report.

5 **ADDENDUM (IF APPLICABLE)**

This was received in relation to items 7, 8, 9 and 10.

6 **17/5755/FUL 85-87 THE RIDGEWAY**

The Planning Officer presented the report to the Committee.

A representation was made from Mr Arun Jagannathan in objection to the application.

A representation was heard from a planning consultant on behalf of the applicant.

Councillor Mitra was not in the room for the presentation so he abstained from the vote.

The vote was recorded as follows:

For (approval) – 3

Against – 3

Abstained - 1

The Chairman used her casting vote in favour of approval.

Resolved - that the application was **APPROVED**.

7 **17/5250/FUL FINCHLEY POLICE STATION, 193 BALLARDS LANE N3 1LZ**

The Planning Officer presented the report and addendum to the Committee.

Representations were heard from Mr Nick Williams and Mr Ross Culverhouse in objection to the application.

Mr Luke Cadman spoke on behalf of the applicant and developer, Aitch Group.

The vote was recorded as follows:

For (approval) - 1

Against – 6

The reasons for refusal were discussed as follows:

The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.

The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.

The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.

The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development . The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

Councillor Mitra moved to refuse the application and this was duly seconded.

The vote was recorded as follows:

For (refusal) – 5

Against – 2

Resolved – that the Committee **REFUSED** the application for the above reasons.

8 **17/5434/FUL 203 THE VALE**

The Planning Officer presented the report and addendum to the Committee.

Recommendation 1 would be amended as follows:

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

- 1) Legal Professional Costs Recovery Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements
- 2) Enforceability All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- 3) Amendment to Local Traffic Order A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.”

Condition 3 was to be amended by adding at the beginning ‘*Notwithstanding the details already submitted,*’.

The vote was recorded as follows:

For - (approval, subject to the above amendment) – 3
Against – 2
Abstained – 2

Resolved – that the application was **APPROVED**.

9 **17/5551/HSE 17 VILLAGE ROAD**

The Planning Officer presented the report to the Committee.

Councillor Daniel Thomas spoke in support of the application.

A representation was heard from Mr Martin Carter, the applicant.

The vote was recorded as follows:

For (refusal) – 3
Against (refusal) – 4

The Committee discussed the size of the proposed conservatory and the applicant agreed to conditions relating to materials used and timescale.

The Chairman moved to approve the application subject to the above conditions.

The vote was recorded as follows:

For (approval) – 4
Against (approval) 3

The motion was carried.

RESOLVED – that the Committee **approved** the application.

10 **17/5396/CON ULLSWATER COURT 92 HOLDERS HILL ROAD LONDON NW4 1LN**

The Planning Officer presented the report and addendum to the Committee.

A representation was heard from Mr Franklin Dannenberg in objection to the application.

The vote was recorded as follows:

For (approval) – 7

Against – 0

RESOLVED - that the Committee approved the application.

11 **17/6412/HSE 11 THEOBALDS AVENUE**

The Planning Officer presented the report to the Committee.

A representation was heard from Mrs Laidman, owner of the property.

The vote was recorded as follows:

For (approval) – 6

Against – 0

(Councillor Ryde was not present).

Resolved – that the Committee **APPROVED** the application.

12 **17/6600/FUL 128 MAYFIELD AVENUE, N12 9JE**

The Planning Officer presented the report and addendum to the Committee.

The following conditions were added:-

“Notwithstanding the details already submitted, before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by

the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016."

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

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

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

Ms Diane Roboth spoke on behalf of Ms Katy Green in objection to the application.

The architect for the applicant spoke on the applicant's behalf.

The vote was recorded as follows:

For (approval) – 3

Against – 3

Cllr Ryde was not present.

The Chairman used her casting vote in favour of the application.

RESOLVED – that the Committee **APPROVED** the application.

13 **17/3231/FUL 409A LONG LANE**

The Planning Officer presented the report to the Committee.

A representation was heard from the applicant Mr Ricky Kotecha.

It was agreed that condition 6 would be removed.

The vote was recorded as follows:

For (approval) – 6

Against – 0

Cllr Ryde was not present.

RESOLVED that the Committee **APPROVED** the application.

14 **17/5651/FUL OPPOSITE 18-22 THE MARKET PLACE AND 17/5633/FUL 51 AND 53 THE MARKET PLACE**

The Planning Officer presented the reports.

Councillor Mitra left the room.

Representation was heard from the applicant on both applications.

17/5651/FUL

It was agreed that an informative would be added: 'The applicant is advised that the works should not be carried out at the same time as the works under ref: 17/5633/FUL'.

The vote was recorded as follows:

For (approval) – 5
Against – 0

Cllrs Ryde and Mitra were not present.

RESOLVED – that the Committee **APPROVED** the application.

17/5633/FUL

It was agreed that an informative would be added: 'The applicant is advised that the works should not be carried out at the same time as the works under ref: 17/5651/FUL'.

The vote was recorded as follows:

For (approval) – 5
Against – 0

Cllrs Ryde and Mitra were not present.

RESOLVED – that the Committee **APPROVED** the application.

15 **17/2130/FUL 38 INGRAM AVENUE NW11 6TL**

Councillor Mitra returned to the room.

The Planning Officer presented the report to the Committee.

A condition would be added relating to construction working hours.

The vote was recorded as follows:

For (approval) – 6
Against – 0

Cllr Ryde was not present.

RESOLVED - that the Committee **APPROVED** the application.

16 **17/6970/S73 8B ACCOMMODATION ROAD**

The Planning Officer presented the report and addendum to the Committee.

Representations were made in objection to the application by Dr Bernadette Loughnan and Mr David Brown.

The vote was recorded as follows:

For (approval) – 2
Against – 1
Abstained – 3

Cllr Ryde was not present.

RESOLVED – that the Committee **APPROVED** the application.

17 **PLANNING ENFORCEMENT QUARTERLY UPDATE, OCTOBER-DECEMBER 2017**

The Committee noted the Planning Enforcement Quarterly Update.

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

The meeting finished at 20.50 hrs

- 2 The use hereby permitted shall not be open to customers before 7:00 am or after 11pm on Mondays to Saturdays or before 10:00 am or after 4:00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 3 The level of noise emitted from the (specify machinery) 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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 4 The proposed generator hereby approved shall only be used for emergency purposes in the event of main power supply failure.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

- 5 No deliveries shall be taken at or despatched from the site outside the hours of 10.00am to 21.30pm on Sundays, bank or Public Holidays, during which time a maximum of 5 deliveries may be received, and outside the hours of 07.00am to 21.30pm on any other day.

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

- 6 The deliveries to the site will be undertaken in accordance with the Delivery and Servicing Plan (DSP) submitted with the planning application and the development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and to ensure that the amenities of occupiers are not prejudiced by delivery noise.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is a Waitrose supermarket located on the north western side of Ballards Lane. It is an out of centre location approximately 400m south of the North Finchley Primary Shopping Area. The store fronts onto Ballards Lane which is a busy main vehicular and pedestrian thoroughfare. This part of Ballards Lane is characterised by a mixture of residential and commercial units. A restaurant and a separate public house lie immediately to the north, whilst residential properties are directly opposite. The closest residential properties to the delivery access are on Hutton Grove. The site is not within a conservation area and is not a listed building.

2. Site History

Reference: F/01146/14

Decision: Approved subject to conditions

Decision Date: 08.05.2014

Description: Installation of external horticulture unit to the front elevation, including installation of covered trolley bay and relocation of covered trolley bay.

Reference: F/01527/14

Decision: Approved subject to conditions

Decision Date: 21.05.2014

Description: Erection of an additional canopy roof between the existing Waitrose warehouse and customer car park. Erection of a lightweight external store at first floor level.

Reference: F/05449/13

Decision: Approved subject to conditions

Decision Date: 14.01.2014

Description: Variation of condition 2 of planning permission (C00019AR/04) dated (04/10/2004) for (Ground and first floor extension to existing store and installation of roof mounted generator and air handling unit). Variation to include To extend the permitted opening hours of this existing Waitrose store

Reference: C00019AV/05

Decision: Approve subject to conditions

Decision Date: 15 February 2006

Description: Variation of Condition 12 of planning permission C00019AM/01 (approved at appeal, ref APP/N5090/A/02/1088875) to allow 4 deliveries to be made between 10.00am and 5.00pm on Sundays and Bank Holidays. Presently a maximum of two deliveries are permitted between 10.00am and 5.00pm.

Reference: C00019AU/05

Decision: Refused

Decision Date: 7 December 2005

Description: Variation of condition 12 of planning permission C00019AM/01 (approved at appeal, Ref APP/N5090/A/02/1088875) to allow 4 deliveries to be made between 9am and 5pm on Sundays and Bank Holidays. Presently a maximum of two deliveries are permitted between 10am and 5pm.

Appeal status: Dismissed

Reference: C00019AT/05

Decision: Refused

Decision Date: 7 December 2005

Description: Variation of condition 4 of planning permission C00019AN/01 (approved at appeal ref: APP/N5090/A/02/1088876) to allow 4 deliveries to be made between 9am and 5pm on Sundays and Bank Holidays. Presently a maximum of two deliveries are permitted between 10am and 5pm.

Appeal status: Dismissed

Reference C00019AN/01

Decision: Refused

Decision Date: 30 October 2001

Description: Variation of condition 04 of planning permission (Ref C00019AK/99) to enable the store to receive two deliveries between 10.00 and 17.00 hours on Sundays, Bank or Public Holidays.

Reference: C00019AM/01

Decision: Refused

Decision Date: 30 October 2001

Description: Variation to condition 12 of planning permission (Ref: C00019P) to enable the store to receive two deliveries between 10.00 hours and 17.00 hours on Sundays, Bank or Public Holidays.

Appeal status: Allowed

Reference: C00019P

Decision: Approve subject to conditions

Decision Date: 1 December 1995

Description: Food retail store with car parking, ancillary office and service areas (outline application)

Summary of site history: The original planning permission was granted in 1995 for a supermarket with a restriction on no deliveries on Sundays or public holidays. Numerous applications have been made seeking to vary the conditions around the operation hours and the number of deliveries. An application was refused but allowed by appeal to increase the deliveries to 2 deliveries on Sunday/Public Holidays. Numerous applications have been made to extend the hours and delivery numbers further which have been refused and dismissed. An application was allowed extending the deliveries to 4 deliveries between 10am-5pm on Sundays and Bank Holidays. Since that permission, a further application F/05449/13 was approved granting an extension of the store operating hours which restricted the deliveries to a maximum of only 2 on Sundays and Public Holidays between 10am-5pm. This is the current delivery condition.

3. Proposal

The proposal is to vary condition 8 of planning permission F/05449/13 'Variation of condition 2 of planning permission (C00019AR/04) dated (04/10/2004) for (Ground and first floor extension to existing store and installation of roof mounted generator and air handling unit). Variation to include (To extend the permitted opening hours of this existing Waitrose store).

Amendments include extension of delivery hours to 21:30 daily to include Sundays, Public and Bank Holidays and increase the number of deliveries from 2 to 5 on a Sunday, bank or Public Holiday.

The condition states:

No deliveries shall be taken at or dispatched from the site outside the hours of 10.00 to 17.00 on Sundays, Bank and Public Holidays, during which a maximum of 2 deliveries may be received, and outside the hours of 07.00 to 18.00 on any other day.

The proposed variation is to reword the condition to read:

No deliveries shall be taken at or dispatched from the site outside the hours of 10.00am to 21.30pm on Sundays, Bank or Public Holidays, during which a maximum of 5 deliveries may be received and outside the hours of 7.00 to 21.30pm on any other day.

The variation results in an allowance of 3.no additional deliveries on Sundays and Bank and Public Holidays and extends the time for these deliveries from between 10am to 5pm to between 10am and 9.30pm. The variation also extends the delivery hours from 7 am to 6pm on any other day to between 7 am and 9.30pm. The delivery management plan was updated by the applicant in the course of this application to make a correction.

4. Public Consultation

Consultation letters were sent to 180 neighbouring properties. 4 responses were initially received comprising 4 letters of objection. During re-consultation of the proposal, a further 2 objections were received. The total number of objections received is 6. For the purposes of this assessment, 5 are valid objections as 1 is a duplicate response.

The objections received can be summarised as follows:

- The development doesn't comply with the delivery plan. Lorries block the road.
- Traffic impacts;
- Waitrose has sought to continuously stretch the limits of when they can operate;
- The delivery plan was amended in the course of the application and residents haven't had time to consider this new change;
- There is no indication of the increase in deliveries;
- Variations have previously been refused and there is no merit to this scheme to warrant a different outcome;
- Impact of noise and privacy to neighbouring residential properties;
- The noise report is taken from the eastern most boundary next to the loading bay gate whereas the loading and unloading bays are actually closer to the boundary with Vine Lodge;
- The noise report shows the noise is above the optimal amount.

Internal consultation:

Environmental Health- the hours proposed are reasonable in comparison with other supermarkets in the borough. Officers are not aware of any recent complaints regarding deliveries from this site and the applicants have prepared a plan to reduce some of the noise caused during the deliveries. Officers have recommended approval.

Highways- Officers have considered the proposal is unlikely to have any adverse impact on the public highway provided the Delivery Service Plan is complied with. Highways have requested a condition to ensure compliance with the approved plan.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The original planning permission for the Waitrose store was approved in 1993 and included condition 12 that states:

'No deliveries shall be taken or dispatched from the site on any Sunday or public holiday or before 7.00am or after 6.00pm on any other day'

Previous applications have been made to vary this condition. This includes an application which was refused and subsequently allowed at appeal to vary the condition to read:

' No deliveries shall be taken at or dispatched from the site outside the hours of 10.00 to 17.00 on Sundays, Bank or public holidays, during which a maximum of 2 deliveries may be received, and outside the hours of 0700 to 1800 on any other day'.

Two previous applications (C00019AT/05 and C00019AU/05) to increase the number of deliveries permitted have been refused and dismissed at appeal. It is noted these applications were refused and dismissed in the period 2005-2007 and sought to vary the delivery condition to increase the number of deliveries as well as the hours during which deliveries could be undertaken. However a subsequent application C00019AV/05 was approved which varied the condition to a maximum of 4 deliveries but did not increase the hours.

The condition was varied to read as follows:

'A maximum of 4 deliveries may be received or dispatched from the site between 10.00am and 17.00 on any Sunday, Bank or public Holidays. No deliveries may be received or dispatched outside these hours'.

Since this permission, a further application F/05449/13 was granted to allow the store to trade between 7am until 9pm on Monday to Saturdays and 10am until 4pm on Sundays and Public Holidays. The delivery condition (8) was attached stating:

'No deliveries shall be taken at or dispatched from the site outside the hours of 10.00 to 17.00 on Sundays, Bank and Public Holidays, during which a maximum of 2 deliveries may be received, and outside the hours of 07.00 to 18.00 on any other day'.

This restricts the store to only 2 deliveries on Sundays and Bank holidays rather than 4 as had previously been approved.

The original delivery window (from 7-6) for Mondays to Saturdays has not been varied since the original permission when the store was approved.

The applicant has engaged with the Council's Environmental Health department to discuss extending the condition and delivery hours. The applicant seeks to increase the amount of hours that deliveries can be made to allow deliveries until 9.30pm. The variation would also allow 5.no rather than 2.no deliveries on Sundays and Public Holidays. The increase to 5.no deliveries is 1.no additional delivery movement more than previously approved, although this variation would allow for deliveries to be made later than previously approved. The Council's Environmental Health team have reviewed this proposal and consider the hours sought are reasonable as the initial planning conditions for this development are quite stringent in comparison to other supermarkets in the Borough.

The applicant has submitted a noise impact assessment to accompany the proposal. The assessment has considered the noise impact to adjacent residential properties. There are existing residential properties adjacent to the service yard at Vine Lodge, No 15 Hutton Grove approximately 17m north of the loading bay doors and at Arkley Mansions along Hutton Grove opposite the service yard entrance approximately 34m from the loading bay. Environment Health officers have reviewed this noise impact assessment. In their assessment, Environmental Health officers advised they have not received recent complaints regarding deliveries at this site and consider the applicant has put together an acceptable plan to reduce some of the noise caused during deliveries. Environmental Health Officers have provided technical advice that the proposals would not cause harmful noise distribution. Environmental Health has therefore recommended this application is approved subject to a condition to require the delivery management plan to be implemented.

Highways have also reviewed the proposal and have raised no objections subject to full compliance with the Delivery Management Plan submitted. This has been conditioned.

The previous refusals and appeal decisions in 2005 were over 10 years ago. Environmental Health consider the current conditions are restrictive compared to current operations of supermarkets in the area. Environmental Health have raised no concerns with the proposal subject to compliance with the delivery management plan. Provided the applicant follows the delivery management plan, the proposal is not considered to result in harm to the residential amenity of neighbouring occupiers.

Therefore, based on a review of the documentation submitted and the recommendations of both Environmental Health and Highways, it is considered that the proposed variation is acceptable.

5.4 Response to Public Consultation

The concerns regarding the current operation and compliance with conditions is a matter to be raised with enforcement and is not material to this application.

The impacts of the proposal on the highway has been considered by the Council's Highways department and they have not raised any concerns with the proposal.

The delivery management plan was amended during the course of the application by the applicant to update the hours. It is not considered that the amendment has impacted on the public's ability to comment on this proposal. However the proposal was reconsulted with an amended description to make the increase in the number of deliveries clear to the public. This was previously not clearly stated in the description of the proposal.

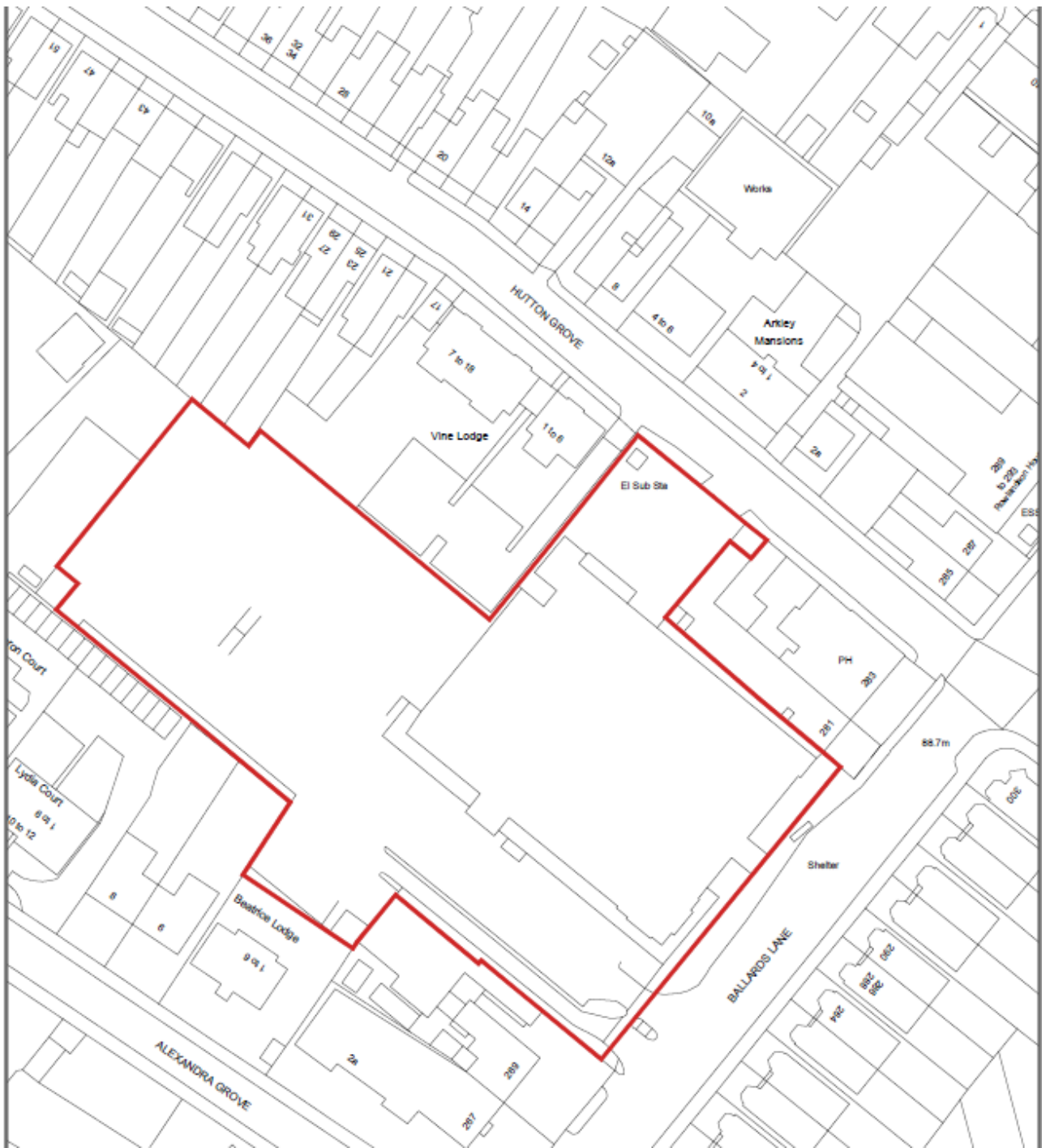
The proposal has been looked at on its own merits and in consideration of the previous refused schemes and appeal decisions and it is considered that this proposal is acceptable in the current context. Environmental Health have considered the noise levels and noise report and have raised no objections.

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 and is acceptable on highways grounds. This application is therefore recommended for approval.



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Location 1069 Finchley Road London NW11 0PU

Reference: 17/7490/FUL

Received: 24th November 2017

Accepted: 28th November 2017

Ward: Garden Suburb

Expiry 23rd January 2018

Applicant: Ms Moira McHarrie

Proposal:

Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

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: Planning Statement Ref CA/3045 By Apar Smith Planning; Design and Access by Wolff Architects; Daylight and Sunlight to Neighbouring Properties and Proposed Accommodation by BVP dated October 2017; Planning Noise Assessment Facade Sound Insulation by Environmental Equipment Corporation Ltd Ref SDV/EC14746-004; Technical memorandum ref EC14746-005 Rev 1 by Environmental Equipment Corporation Ltd; Sustainability Summary dated 23th October 2017 by Darren Evans; Transport Statement by Vectos dated November 2017; Drawing no. 000 Rev A; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 213 Rev F; Drawing no. 214 Rev E; Drawing no. 215 Rev E; Drawing no. 216 Rev F; Drawing no. 217 Rev F; Drawing no. 231 Rev D; Drawing no. 233 Rev G; Drawing no. 234 Rev E; Drawing no. 235 Rev F; Drawing no. 236 Rev C; Document titled "Optional requirements M4(2): Category 2- Accessible and adaptable dwellings Details of optional requirements that cannot be met given that the proposals involve the conversion of an existing building" reference ASP/2955/M4(2).

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 including demolition works shall take place until details of the retention of front façade hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mitigation measures to prevent damage to the front facade.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the front facade retained at all times.

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

- 4 a) No development 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. This shall include details of the proposed brise soleil and solid spandrel panels labelled on the hereby approved drawings.

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 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.

- 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 Before the building hereby permitted is first occupied the proposed windows in the rear elevation facing Temple Gardens should be installed as indicated on the following approved drawings:
- Drawing no.213 Rev F;
 - Drawing no.214 Rev E;
 - Drawing no.215 Rev E;
 - Drawing no.216 Rev F;
 - Drawing no.217 Rev F; and
 - Drawing no.233 Rev G.

The windows on this elevation shall be obscured glazed and use brise soleil as shown, fixed shut with only a fanlight opening and shall be permanently retained as such thereafter.

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

- 8 a) No development other than demolition works shall take place until details of the proposed green roof and how this will be maintained 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 2016.

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 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 217 Rev F; 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).

11 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

12 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

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

14 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2016.

16 a) No development shall take place until a scheme of proposed noise mitigation measures including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road 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 noise from traffic and adjacent residential 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 (October 2016) and 7.15 of the London Plan 2016

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

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

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

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

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

- 19 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. access, site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.
 - xi. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

- 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 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 213 Rev F shall be implemented 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.

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 52% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 23 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), in all regards other than the sections detailed in the hereby approved document reference ASP/2955/M4(2)". 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 London Plan (2016) and the 2016 Mayors Housing SPG.

- 24 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.

Informative(s):

- 1 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 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.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then the Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 10 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

- 11 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.

- 12 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet and further reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor

air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance: 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, May 2015); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) London Local Air Quality Management Technical Guidance LLAQM.TG(16), 6) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) and 7) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions'.

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.

- 13 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- 14 The applicant is advised that if the works are implemented in conjunction with planning permission 15/01377/FUL then they will be perceived to have been implemented as one development and would be liable to make provision towards affordable housing.

Officer's Assessment

1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There is also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels".

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. It is understood that works have started on site and conditions pursuant to the development have been discharged.

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

2. Site History

Relevant Planning History at the host site:

Reference: 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reference: 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

Reference: 17/4772/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

Reference: 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

Reference: 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

Reference: 15/04900/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 23 December 2015

Description: Demolition of existing buildings and erection of new five storey building including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats

Reason for refusal:

1. The proposed development by reason of its pedestrian access and relationship to Temple Gardens would result in a harmful impact on neighbouring residential amenity due to associated noise, disturbance and general activity as perceived by neighbouring residential properties on Temple Gardens, being contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012)

Reference: 15/07709/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 28 January 2016

Description: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

Reference: 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings".

3. Proposal

The applicant seeks planning permission for the partial demolition of the existing building, including rear and side elevations, and associated part four part five storey rear extensions to accommodate a mix use development. The scheme would involve office space at ground floor level and 6no. self-contained flats on the upper levels, with associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. In addition, the applicant seeks consent for the relocation of the entrance, new fenestration at front and front rooflights, in addition to the marginal increase of 0.5m of the ridge height to obscure the existing handrail and balustrade for the roof level. The scheme would not offer any off-street parking.

The proposed office would have a floor area of 124sqm at ground floor.

The proposed flats would be comprised of:

- 4 x 2 bed (4p) flats
- 2 x 2 bed (3p) flats

The communal roof terrace would have an area of 97sqm.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

The building, including new rear extension would be sited 1.16m away (apart from the angled windows) from the rear boundary with the approved building at the rear.

It must be noted that the application is very similar to the previously approved scheme on the site under reference 16/7565/FUL in terms of the bulk and massing. The changes from the previous extant permission include:

- Change in the size of the flats from the previously approved 2 x 1 bed for 2 occupiers to 2 x 2 bed for 3 occupiers. This would result in an increase of 2 additional residents on the site;
- Alteration to the rear balconies to the north;
- Increase in the cycle parking provision.;
- Increase in the height of the front rooflights by 100mm;
- Enlarging the flat roof lights;
- Replacement for previous brise soleil on rear elevation with solid brickwork.

In addition, the scheme wishes to establish that in light of the supporting highways information, the future occupiers of the scheme would be able to purchase parking permits. The previous scheme required future occupiers to enter into a section 106 agreement to amend the Traffic Order and prevent future occupiers from purchasing parking permits.

4. Public Consultation

Consultation letters were sent to 163 neighbouring properties.
15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

Character

- Object to the increase in density due to the increase in the size of the flats.
- Site is being overdeveloped

Amenity

- Impact of balconies on amenity
- Roof garden would increase noise and disturbance and overlooking neighbouring gardens.
- Object to the change in fenestration due to overlooking.

Highways

- Concerned about pedestrian safety and the lack of banksmen promised as part of the previous Construction Management Plan.
- Insufficient parking and pressures will heighten if occupiers can purchase permits/unreasonable strain on neighbouring occupiers on adjacent roads
- Traffic survey is misleading and objector disputes findings stating that there is sufficient capacity. What the survey indicates is different to the reality of parking in the area.
- Survey does not take into account other developments in the area.
- The survey was carried out during restricted hours when non-permit holders move their cars and when most residents aren't home. It was also carried out in the summer. The survey is not accurate

- "The survey makes the claim that yellow lines are included in the total parking overnight - but if we park on the yellow line outside our house we then have to be able to reliably move our car before 8am"

- Permission on Temple Gardens has been previously refused based on insufficient parking provision.

are writing to object most strongly to the proposed parking provision for occupants of this property.

Regardless of the survey, we know from our own experience that parking places are already hard to find.

- "Surely there is adequate space to provide parking spaces within the new development"

- "The provision of cycle parking seems unnecessary as most people buying luxury flats are more likely to own and use cars, not bicycles."

Other

- Developer is avoiding affordable housing provision by hiding ownership of three parcels of land. The land is owned by the same person split across 3 offshore companies.

Highways officers have commented on the scheme and have no objection to the scheme; details of Highways comments are noted in the appraisal section below.

A site notice was erected on the 7 December 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

5.3 Assessment of proposals

Context

A material consideration in the determination of the application is the extant application on the site, approved under reference 16/7565/FUL. As mentioned, the proposal is similar to the approval in terms of in terms of the use, bulk and massing. The changes from the previous extant permission are as follows:

- Change in the size of the flats from the previously approved 2 x 1 bed for 2 occupiers to 2 x 2 bed for 3 occupiers. This would result in an increase of 2 additional residents on the site;
- Alteration to the rear balconies to the north including introduction of balcony at rear of third floor;
- Increase in the cycle parking provision to account for the increase number of occupiers (from 10 to 12 cycles);
- Increase in the height of the front rooflights by 100mm;
- Enlarging the flat roof lights;
- Replacement for previous brise soleil on rear elevation with solid brickwork;
- Removing the requirement to enter into a section 106 agreement to amend the Traffic Order and prevent future occupiers from purchasing parking permits.

The assessment below will therefore assess the differences between the approved and proposed schemes.

Principle of Development

The loss of the former police station has already been established by the consented scheme. Similarly, the approval on the site has also established the mixed development uses and the number of flats. In this regard, officers do not consider that there are new material considerations which would alter the previous support for the development.

With regards the density mix, the site is located within a Town Centre location. The change from two 1 bed units, to two 2bed units is considered to be acceptable and would accord with the Council's Development Management Plan. Officers do not raise any objection to the increase in density given that this would result in two additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged.

Impact on the character of the area

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would seek to retain the front building, particularly the street frontage. Therefore paragraph 135 of the NPPF would apply.

The applicant proposes to retain the front elevation as part of the redevelopment and a condition has been added requiring for details of the retention elements to be provided to the Local Planning Authority, including mitigation measures to prevent damage to the front facade. At the front, the scheme would involve the marginal increase in the ridge height to obscure the proposed hand-rail (to the same level as the existing hand rail). This is considered to be a positive alteration which would have a minimal impact on the character of the area or the appearance of the building, given the height of existing building and its siting.

The proposed rooflights at the front would retain a level of hierarchy to the building. These rooflights would be increased by 100mm compared to those previously approved. Overall however, due to the pitch and form of the roof, the increase in the size of the rooflights would not be visible from the streetscene and it is not considered that this warrants grounds to refuse the application. The rooflights would still be considered to read as subordinate additions on the main roofslope and would be centrally located, retaining a level of hierarchy in the fenestration of the building.

The proposed changes to the front elevation are as previously approved and the principle of these works are considered to be acceptable, however further details would be secured by a condition attached.

The existing building benefits from prominent flank walls which are clearly visible from the northern and southern approach. There are no additional windows proposed to the side elevations, and any additional windows would require planning consent; officers are therefore satisfied that the proposed impact from streetscene of the proposed development would be limited.

The rear extension, although a maximum of 5 storeys, would be similar in terms of bulk and massing as the existing structure, and would not be visible from the streetscene, therefore its impact is limited. At its highest point, this would be comparable in scale to the approved building at the rear, immediately adjacent to the site. It is accepted that the building at the rear is more modern in design and in principle the Local Planning Authority do not object to this, particularly given the approval to the adjacent site.

Details of the modern components of the building and materials at the rear, would be provided as part of a condition, including the "solid spandrel panel" and the "brise soleil". The changes to the current application include reconfiguration for and replacement of brise soleil with solid brickwork. The design approach however is similar to the approved scheme and officers raise no objection in this regard. The alteration to the balconies at the rear and addition of a balcony at third floor are considered to be acceptable and would reflect the general form and design approach of the building at the rear.

The increase in the size of the flat rooflights would not be visible from the streetscene and would not be harmful to the character of the building.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area.

Impact on the amenities of neighbours

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

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

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Furthermore, there is an approval development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL). The plans for the development at the host site indicate the layout of the approved scheme. The limited windows of the new approval at the rear of the site serve non-habitable rooms. The windows on the host site facing the rear of this development have been designed to prevent direct mutual overlooking between habitable rooms. The plans indicate obscure glazing up to 1.8m in height from finished floor level, with clear glazing above this height. Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. It is considered that subject to compliance with a suitably worded condition, there would not be direct overlooking between neighbouring occupiers. The fenestration

serving the staircase of the proposed building would not be required to be obscured glazed as it fronts a blank wall.

The proposed alterations to the rear balconies and inclusion of an identical one at third floor is not considered to cause harmful overlooking into neighbouring occupiers.

The applicant has provided a daylight/ sunlight report which concludes that the light to the approved scheme would be comparable to what was previously considered to be acceptable (with the existing rearward structure). Officers are therefore satisfied that the visual amenities of neighbouring occupiers would not be compromised in this regard and consideration has been given to the existing structure.

Environmental Health officers previously reviewed the scheme and supporting documents, and the same conditions have been applied to this this recommendation. It was considered that as there are issues with poor air and noise quality due to traffic on Golders Green Road, however EH officers recommended that the proposal would be acceptable subject to certain conditions and further details. These include conditions relating to noise mitigation measures including acoustic ventilators, which at the rear would ensure noise mitigation for the proposed development at the rear, and acoustic fencing at roof level. The acoustic fencing (located at the rear only) would be sited a considerable distance to prevent overlooking into the approved building at the rear, as demonstrated by the section drawing provided and hereby recommended for approval.

In light of the considerations above, the proposal is recommended for approval. It is not considered that the changes from the approved scheme would have a detrimental impact on the visual amenities of neighbouring occupiers.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms 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; in this regard the development is acceptable.

The Sustainable Design and Construction SPD specifies in Table 2.4 that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The applicant has demonstrated through the daylight and sunlight report, that the habitable rooms to the scheme proposed, particular to the west of the site, would benefit from suitable light in accordance with the BRE standards. All the units are dual aspect and therefore would be considered to provide suitable outlook to future occupiers. It is noted that part of outlook for flats 1,3, and 5 is towards flank wall of approved development however outlook is acceptable 'on balance'.

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 communally around buildings or on roofs or as balconies. The proposal would involve the provision of outdoor amenity space for 3 units through private terraces. There would also be a roof terrace which is proposed to be used as a communal facility; Environmental Health officers are satisfied that subject to acoustic fencing, the communal

area would provide a suitable outdoor amenity area. The cumulative outdoor amenity space provision for the development would be 115sqm through the communal terrace (97sqm) and balconies (total of 18sqm); the development would be expected to provide 125sqm based on 25 habitable rooms. Notwithstanding this, the site is located in an area identified as a Town Centre with the associated amenities and the units all exceed the minimum space standards, therefore the shortfall in this case is considered to be acceptable.

As with the comments above relating to the amenities of neighbouring occupiers, the Environmental Health team consider that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. This would include the requirement for acoustic ventilators to both the front and rear windows to reduce noise levels between both buildings.

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

Highways

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

The site has an access road that was originally used for the police station, however will now be used for the approved residential development to the rear (approved under reference 15/07709/FUL).

The site lies in a Town Centre location and associated local amenities, however has a low PTAL score of 2, with bus available as the only public transport mode available within the PTAL calculation area. The site has various traffic restrictions to the front, which include payment parking and no waiting areas. The development is located in a controlled parking zone (Zone TF). The previous application (16/7565/FUL) contained a parking survey which stated that the on street stress level was at capacity and a CPZ exemption was proposed via a S106 agreement, this should be mirrored in this application.

Pedestrian access is proposed both from the existing access road to the side of the development that serves the property to the rear of the proposed development and the front of the site. This is considered to be acceptable in terms of pedestrian safety.

In accordance with Policy DM17, the scheme would require the provision of between 5 and 8 parking spaces based on the number and size of the units proposed; however the proposal does not have any off-street parking provision due to the restrictions on the site.

The applicant has provided a Transport Assessment which includes a parking survey. The parking survey provides a review of the on-street situation at both peak times of residential parking demand and during times of CPZ operation to show that vehicles with permits can park on the surrounding kerb side, the survey also carefully assessed the available on street capacity.

The transport statement contains a parking survey which fully conforms with the Lambeth Parking Survey methodology. The survey states that at peak times of residential parking

demand 00:30-05:00 there is 50% and 53% (the survey was undertaken on the 20th and 21st June 2017 at 04:30) parking stress. With the development included, the parking stress would be between 51% and 55%.

The survey data, based on the physical survey, shows that there is the equivalent space for 270 spaces. It's worth noting that that the capacity is measured on length of available kerbside spaces then divided by 5m and rounded down to the nearest 5m to give a worst case scenario. A proportional amount of this parking availability is on single yellow lines. While the raw data of the kerb side survey lists "dropped kerbs" and "double yellow lines", these sections of kerbside/ highway network have not be included within the capacity calculation; this calculation has been verified by highways officers.

It must be noted that there is no "weighting" for parking pressure or available spaces close to the development; the full 200m (in all directions) survey area is considered equally.

Residents will be eligible to park in both of the CPZ areas at peak times of residential parking demand as neither of the CPZ's are in operation at this time. The Lambeth parking survey methodology allows for the yellow lines to be included within the parking survey as their restrictions are not in operation or enforceable at peak times of residential parking demand.

The applicants have interrogated census car ownership data and assumed a worst-case scenario for the number of associated vehicles with the future development(6 vehicles). The robust parking survey undertaken at peak times of residential parking demand and during CPZ operation hours shows that there is sufficient on street parking space for all vehicles associated with the proposed development, while still protecting existing resident parking amenity.

Given these factors, the undertaken parking survey robustly calculates the impact of associated vehicles and their ability to park on the surrounding highway network. As such the applicant has demonstrated that there is a suitable amount of available kerb side space for future residents to park their vehicle, a CPZ exemption (through a section 106 agreement) will not be required to mitigate the impact of overspill parking by future residents.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 12 cycle spaces and the proposal is in compliance with this. Cycle parking for each of the uses on the site should be segregated.

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). As the majority of the building is a new build, the proposal would be expected to comply with M4(2) and the scheme includes the provision of a lift. 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 52% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

Community Infrastructure Levy

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

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

The proposal would be liable for both Mayor's CIL and Barnet CIL.

5.4 Response to Public Consultation

It is considered that comments raised by objectors have been addressed in the report particularly in the character, amenity and highways section of the report. The following responses to other comments are noted below:

"Concerned about pedestrian safety and the lack of banksmen promised as part of the previous Construction Management Plan". This comment appears to be in reference to the approved scheme at the rear of the site (Ref. 15/01377/FUL) which is independent of the proposal.

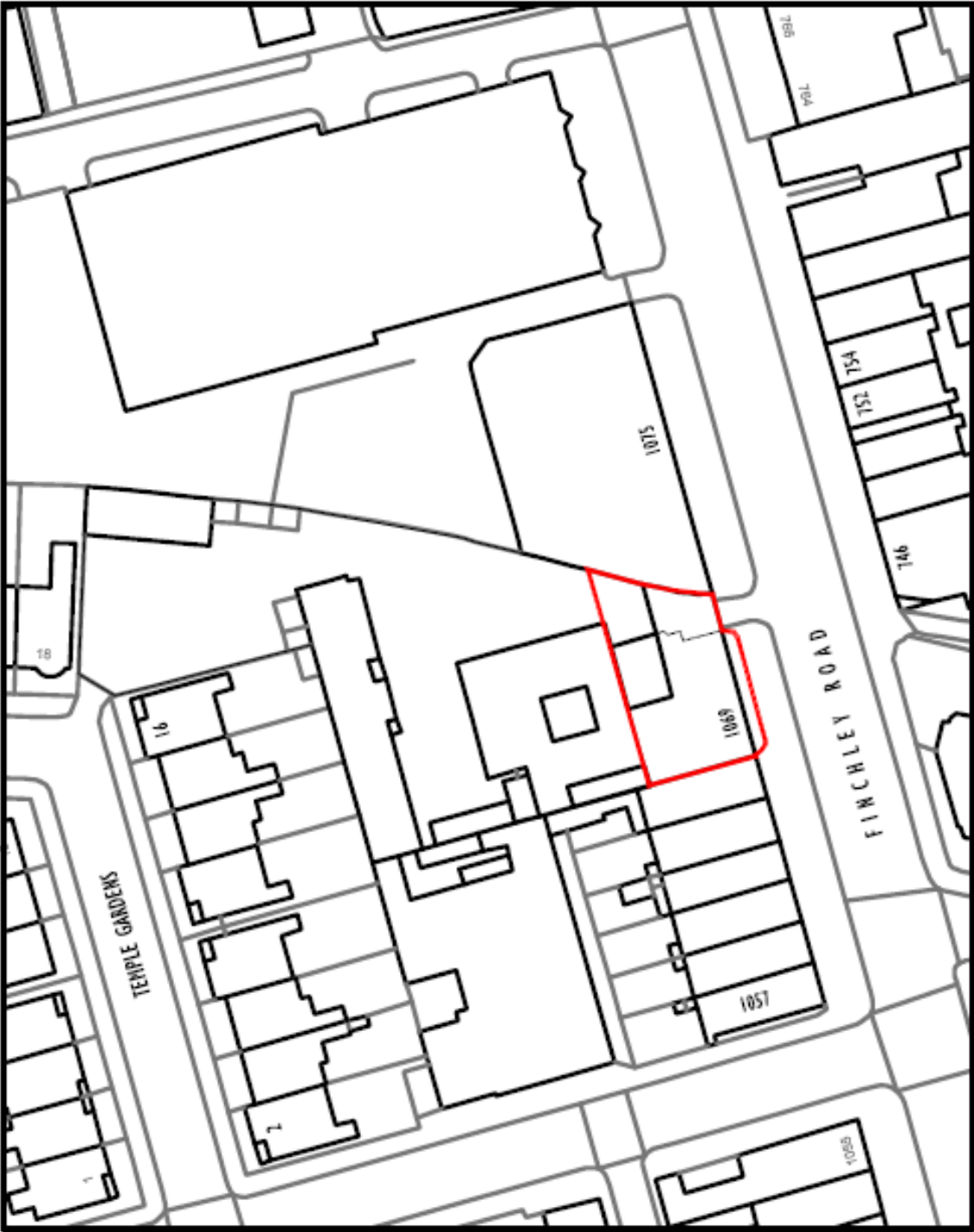
"Developer is avoiding affordable housing provision by hiding ownership of three parcels of land. The land is owned by the same person split across 3 offshore companies." The development due to the scale would be considered as a minor application and would not require affordable housing contributions. The Local Planning Authority is obliged to assess the application as submitted.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **55 Cranbourne Gardens London NW11 0HU**

Reference: **17/7572/HSE**

Received: 29th November 2017

AGENDA ITEM 7

Accepted: 4th December 2017

Ward: Golders Green

Expiry 29th January 2018

Applicant: Mr Fried

Proposal: Demolition of existing dwelling. Construction of part two-storey, part three-storey (including lower ground floor level) single family dwellinghouse with rooms in roofspace. Associated alterations to hard and soft landscaping

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 plans accompanying this application are:

Location Plan Drawing No 1625-PL-000
Existing Site Plan Drawing No 1625-PL-001
Existing Ground Floor Plan Drawing No 1625-PL-101
Existing First Floor PPlan Drawing No 1625-PL-102

Proposed Front Elevation Drawing No 1625-PL-310
Lower Ground Floor Landscape Plan Drawing No 1625-LA-301 Rev 0
Ground Floor Landscape Plan Drawing No 1625-LA-302

Proposed Rear Elevation Drawing No 1625-PL-311
Proposed Side Elevation Drawing No 1625-PL-312
Proposed Side Elevation Drawing No 1625-PL-313
Proposed Side Elevation Drawing No 1625-PL-314
Section A-A Drawing No 1625-PL-330
Sections B-B, C-C, D-D and E-E Drawing No 1625-PL-331

Received 29 November 2017

Building to Plot Ratios Drawing No 1625-PL-250
Proposed First Floor Plan Drawing No 1625-PL-303

Proposed Ground Floor Plan Drawing No 1625-PL-302
Proposed Lower Ground Floor Plan Drawing No 1625-PL-301
Proposed Roof Plan Drawing No 1625-PL-305
Proposed Second Floor Plan Drawing No 1625-PL-304

Received 4 December 2017

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

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

- 5 Before the building hereby permitted is first occupied the proposed dormer window(s) in the eastern elevation facing 53 Cranbourne Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

- 7 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 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1625-PL-302 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 12 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 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.

14 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.

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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

Officer's Assessment

1. Site Description

The application site is situated at 55 Cranbourne Gardens. The site currently contains a two storey detached dwelling which exhibits a hipped and tiled roof form with a central front gable wall projection and front bay window projections.

The site is within a predominately residential area characterised by large detached houses.

The application site is not situated within a conservation area, and does not contain any heritage listed structures or protected trees. It is not identified as being within a Flood Risk Area, or subject to any other known planning restrictions.

Recent planting has been carried out along the boundary of the site with the rear gardens of properties along Park Way.

2. Site History

Reference: 17/1913/FUL

Address: 55 Cranbourne Gardens NW11 0HU

Decision: Refused

Decision Date: 10.11.17

Description: Demolition of existing dwelling and construction of a new two storey dwelling with basement and room in roofspace. Associated hard and soft landscaping, parking, refuse and recycling

Reason for refusal: The proposals, by reason of its scale, siting, size, height bulk and massing on the west elevation in close proximity to the boundaries with 1, 3 and 5 Park Way would appear oppressive, visually dominating and have an overbearing appearance which would result in the occupiers of these properties suffering an unacceptable loss of residential and visual amenity. The proposal would be contrary to Policy DM01 of the Adopted Barnet Development Management Policies 2012 and Residential Design Guidance.

Reference: C06881

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Refused

Decision Date: 1979

Description: Three storey detached house with integral garage

Reference: C06681A

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Approved subject to conditions

Decision Date: 1981

Description: Vehicular Access

Reference: C06881A

Address: Land adjoining 55 Cranbourne Gardens NW11

Decision: Refused- Appeal dismissed (T/APP/N5090/A/87/062407)

Decision Date: 1986

Description: Erection of three storey detached house with garage, two vehicular accesses and landscaping.

Summary: The site has been subject to applications in the past to construct a new dwelling. The previous applications made at the site have been for larger dwellings. It is noted that with the exception of the most recent refusal, the previous two applications are historic and the decisions carry limited weight due to the length of time which has passed and the change in policy.

3. Proposal

The proposal is to demolish the existing dwelling and construction of a new two storey dwelling with basement and rooms in roofspace. Associated hard and soft landscaping, parking, refuse and recycling.

The proposed dwellinghouse has a total width of 18.2 metres with an additional recessed bay to the side of the property giving a total width of 20 metres. The proposed dwellinghouse has 2 no. front outriggers that projects 1.1 metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.7 metres. The dwelling has a height of 10 metres.

The proposal includes a Front dormer measuring 2.8 metres in width, 1.6 metres in height and depth of 0.7 metres.

The rear dormer is 2.8 metres in width, 1.6 metres in height and 0.7 metres in depth.

The proposed dwellinghouse has a side dormer to each side elevation measuring 1.9 metres in depth, 2.8 metres in width and 1.6 metres in height.

The total depth of the dwelling is 14.6 metres including a single storey rear extension of 3.4 metres in depth. The single storey element has a height of approximately 4.8 metres from floor level and 5 metres including the pyramid roof light.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- o Loss of privacy- the proposed structure will be situated extremely close to the boundary fence and closer than existing will result in a loss of privacy. There are more windows proposed in the rear elevation than in the existing dwelling.
- o The proposed dwelling appears out of scale with neighbouring properties. The height is exacerbated by the fact that properties in park way are at a lower level to those in Cranbourne Gardens
- o Loss of light to neighbouring properties
- o Impact on water drainage
- o The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls
- o Disruption to neighbours as a result of noise, dust and construction activities.
- o Overdevelopment of the site from 205m² to 732m²
- o Concerned there will be additional balconies and external staircases which will affect privacy and amenity. Request a condition preventing any balconies
- o Loss of parking

- o Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor. Concerned the location and use of the plant could have an adverse impact on neighbouring amenity.
- o A scheme was refused in 1979 and 1986 and upheld with appeal. This scheme is of a similar scale and should be refused for the same concerns regarding overlooking and impact on character and visual amenities of residents.
- o Description is incorrect and the Council are deliberately misleading the public as this is a dwelling built over 4 floors.
- o The dwelling does not comply with Barnet Residential Design guidance

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

1. Whether harm would be caused to the character and appearance of the street scene and the wider locality.
2. Whether the proposed dwelling would provide suitable accommodation for future occupants.
3. Whether harm would be caused to the living conditions of neighbouring residents.
4. Sustainability/Environmental Issues
5. Highways and parking

5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the street scene and the wider locality.

The proposed dwellinghouse has a total width of 18.2 metres with an additional recessed bay to the side of the property giving a total width of 20 metres. The proposed dwellinghouse has 2 no. front outriggers that projects 1.1 metres in depth beyond the front elevation wall of the main body of the dwellinghouse and they have a width of 5.7 metres.

The height of the dwelling from finished ground level in front of the property is 10 metres. The site slopes down half a metre from pavement level resulting in the dwelling having a height of 9.5 metres when taken at the footpath and street level.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal is considered to represent a significant increase in the mass and volume of the existing building on the application site. At 20 metres, the width of the proposed dwellinghouse is noticeably wider than the average building frontage on Cranbourne Gardens, which generally span between approximately 7 and 15 metres. The application site however, has a maximum width of 40 metres, which is significantly wider than the average width of the plots in the surrounding area, so therefore the width of the proposed dwellinghouse would not appear incongruous within the site. The applicant has provided a comparison of the dwellinghouse within the site compared to surrounding plots and the building to plot ratio is not disproportionate or out of scale with the pattern of development in the area.

It is noted that there are properties on Cranbourne Gardens that have building frontages that span wider than the average. No. 36 Cranbourne Gardens is a two storey single family dwellinghouse with a width of approximately 26 metres including its single storey attached garage. This dwellinghouse was erected following the demolition of the existing properties at No. 36 Cranbourne Gardens and No. 38 Cranbourne Gardens. It was approved through application C01274H on 14/12/1999. As application C01274H was approved before Barnet's Local Plan (2012), Barnet's Residential Design Guidance SPD (2016) and Barnet's Sustainable Design and Construction SPD (2016) were published, only limited weight can be given to No. 36 Cranbourne Gardens when assessing the impact that the proposal at No. 55 Cranbourne Gardens would have on the streetscene. While it is considered that the property at No. 36 Cranbourne Gardens demonstrates that buildings with wider than average frontages are acceptable, it must be noted that buildings should not overly dominate the streetscene.

In terms of its visual impact on the streetscene the width of the proposed dwellinghouse is considered acceptable. At 9.5 metres in height from street level, the height of the property is considered acceptable in its setting and is not disproportionate in scale with the heights of dwellings in the area. The applicant has provided drawings showing the proposed dwelling within the streetscene and allowing a comparison to be made in the height of scale of neighbouring properties. The applicant sought pre-application advice which raised some concerns with the height and design of the front outriggers. As a result of discussions, the ridge height of the outriggers has been reduced and the roof design has been amended from a gable end to a pitched roof which reduces the visual prominence of these outriggers considerably.

Due to their size, height and position, the proposed side dormers are not considered to visually clutter the side elevations of the proposed dwellinghouse and nor would they have a negative impact on the character of the streetscene.

The existing site is to be excavated to allow for the construction of the lower ground floor. The basement is proposed to be used for a pool, gym, guest bedroom, playroom, plant room and family lounge. The basement is shown with a total height of 4 metres. The basement internal height is 2.8 metres. The depth of the basement is 16.2 metres. The

basement extends the footprint of the building by 2.8 metres into the front garden. The basement is proposed with an external access from the rear garden recessed approximately 1.1 metres below former ground level. From the rear of the site, the basement will be partially obscured with a sunken access approximately 1.5 metres from finished garden level leaving a portion of the basement of approximately 2 metres visible above finished garden level and the level of adjacent gardens. The site is not within a flood risk area and is identified as clay soils. The principle of a basement is supported and no concerns are raised regarding the suitability of the site to accommodate a basement of this scale. Furthermore, a basement impact assessment is not required under the Sustainable Design and Construction Supplementary Planning Document.

While it is noted the scheme is similar in design to a recently refused scheme 17/1913/FUL, the reason for refusal was concerned with the impact to the amenity of neighbouring occupiers and did not raise objection to the design or scale of the property in terms of character or the impact to the streetscene.

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

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

There is a fall in topography from east to west across the locality of the application site. The western side elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 6.5 metres from the rear amenity space at No. 5 Park Way and set back approximately 20 metres from its rear elevation. The western side elevation of the proposed dwellinghouse is also set back at a minimum distance of approximately 8.7 metres from the rear amenity space at No. 3 Park Way set back approximately 27 metres from its rear elevation. While the shortest point of separation of the proposed dwelling in relation to 3 and 5 Park Way has not changed significantly, a 2 metre deep bay window has been removed from along the side elevation since the earlier scheme which increases the overall sense of space between the boundary and overall perception of bulk and massing. A reduction has also been made to the depth and width at the rear of the ground floor level.

The western side elevation wall has a height of 6.9 metres above ground level to the eaves at the front of the application site and total height from finished ground level of 9.1 metres to the eaves. Including the roof, the side elevation has an estimated height of 12.2 metres. The expanse of the side wall measures 11.3 metres with an additional depth of approximately 3.4 with a height of 6.5 metres. An earlier application was refused on the grounds that the size, height and position of the western elevation wall, in addition to the fall in topography from east to west would appear overly dominating and oppressive as viewed from the rear amenity spaces at No. 3 Park Way and No. 5 Park Way and the rear elevations of the property at No. 5 Park Way.

The bay feature protruding toward the neighbouring boundary has now been removed which provides more open space along the side boundary of the proposed dwelling. There is no reduction to the height of the wall. In addition, there have been reductions to the rear formal dining room at ground floor. The width of the rear formal dining room has been reduced away from the side boundary. These alterations have reduced the bulk and massing of development on the corner closest to the boundary with 3 and 5 Park Way.

Since the previous application, the applicant has designed and began to implement a landscaping scheme providing screening to the boundary on Park Way. The previous refusal acknowledged that ' While the soft landscaping helps break up the visual impact to a degree, due to the size of the proposed dwellinghouse and the topography of the site, soft landscaping alone is not considered adequate to address the issue of the overbearing impact.' The applicant has now taken steps to further reduce the scheme by removing the rear most bay projection and reducing the footprint by squaring of the rear corner of the dwelling closest to the boundary with 3 and 5 Park Way. Officers consider that this soft landscaping, in addition to the amendments made, will mitigate the perceived visual impact of this development.

It is noted that in 1987 an appeal was dismissed for the erection of a 3 storey house on the land adjoining 55 Cranbourne Gardens (ref: C06881A). The appeal inspector stated 'I am concerned at the scale of the proposal, entailing building across the entire width of the site, with gaps of 1 metre or less between the buildings and the site boundaries to either side'. The applicant has had pre-application advice with Council officers and reductions were made to the width of the property after comparisons were made to the appeal scheme. In a subsequent pre-application scheme and in the refused application, officers sought a further reduction away from the boundary with Park Way particularly in light of the appeal decision. While the previous schemes were not considered to have overcome the concerns that the proposed house would have an overbearing impact on the adjoining properties on Park Way, the proposal has been further amended since the previously refused scheme. Given the reductions made since the previously refused scheme to reduce the scale of the property in relation to the neighbouring properties, officers consider the impact on the amenity of neighbouring occupiers is now acceptable. While there are comparisons between the previous appeal scheme and the current proposal, it is acknowledged that the proposed scheme is now at its closest, more than 6.5 metres from the boundary with Park Way which is now considerably greater separation than the earlier appeal scheme. Conditions have been recommended including a detailed maintenance plan to ensure the replacement and management of the landscaping on the site.

The eastern side elevation wall of the proposed dwellinghouse is positioned at an acute angle to the western side elevation of No. 53 Cranbourne Gardens. The proposed dwellinghouse's eastern side elevation wall is set back at a minimum distance of approximately 1.2 metres from the boundary with No. 53 Cranbourne Gardens. The road Cranbourne Gardens curves to the west as it goes north and the rear elevation of the proposed dwellinghouse follows the building line. Due to its size, height and position, the proposed dwellinghouse is not considered to cause the occupiers of No. 53 Cranbourne Gardens to suffer a material loss of amenity as a result of a loss of outlook, or a loss of daylight/sunlight and nor would it have an overbearing impact on these properties.

Barnet's Sustainable Design and Construction SPD (2016) states that 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. The proposed side dormer on the western elevation is set back approximately 10 metres from the rear amenity space at No. 3 Park Way and set back approximately 29 metres from its rear elevation. The proposed side dormer on the western elevation of the proposed dwellinghouse is set back at a minimum distance of approximately 17 metres from the rear amenity space at No. 1 Park Way and set back approximately 27 metres from its rear elevation. It is not considered that the proposed side dormer on the western elevation would overlook the rear amenity space at No. 3 Park Way. It is also noted the existing property benefits from a balcony at first floor to the south-west corner of the dwelling. The proposed new dwelling would remove this balcony.

Although the new dwelling will be wider and closer than the existing balcony, the windows at first floor will serve bathroom windows and will not offer any outlook.

The proposed side dormer on the eastern elevation is set back at a minimum distance of approximately 3.3 metres from the boundary with No. 53 Cranbourne Gardens and are a minimum distance of approximately 6.1 metres from the first floor of the western boundary wall of this property. There is a window on the first floor of the western side elevation of No. 53 Cranbourne Gardens and there are 2 no. roof lights on the western roof plane of No. 53 Cranbourne Gardens, which the proposed side dormer would overlook. Due to the position in relation to No. 53 Cranbourne Gardens it is considered necessary that the eastern side dormer be obscure glazed and permanently fixed shut unless the part of the window that is open able is 1.7 metres above the floor level of the room that it serves. This could be a condition of consent if the application were approved.

Whether the proposed dwelling would provide suitable accommodation for future occupants.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All of the bedrooms in the proposed dwellinghouse meet these requirements.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. Furthermore, habitable rooms should have an adequate standard of outlook.

Concerns were raised in the pre-application stage regarding the amount of glazing and outlook for bedrooms in the second floor. The current proposal is for 2 bedrooms in the second floor. The bedrooms on the second floor have the following internal dimensions and glazing:

Eastern Bedroom floor space: 15.2m²

Glazing required: 3 metres

Glazing provided: 3 metres

Western bedroom floor space: 15.9 m²

Glazing required: 3.1metres

Glazing provided: 3.1 metres

The bedrooms in the second floor demonstrate compliance with the minimum standard for glazing however as the dormer window in the eastern elevation must be obscure glazed then the eastern bedroom would be reliant on one narrow rooflight facing the rear garden which is less than 1 metre in width. Whilst this would not strictly comply with the Residential Design Guidance Supplementary Planning Document in terms of outlook, it is not considered harmful given the remaining bedrooms have an acceptable outlook.

Sustainability/Environmental Issues

The Local Planning Authority seeks compliance with local and London wide planning policies on the achievement of relevant housing technical standards, reducing water usage, accessibility, and minimising carbon dioxide emissions from new development. Should an application be granted suitable conditions on these matters would be imposed.

The applicant has provided an energy and sustainability statement outlining that the expected carbon dioxide reductions on the site are 14.9% and the development would achieve a mains water consumption of 105 litres per head per day or less.

Highways and Parking

The plans show one dedicated off street parking bay and generous area of hardstanding in front of the property to accommodate vehicle access and parking. A condition will be included to ensure the parking is provided.

5.4 Response to Public Consultation

- o Loss of privacy: the dormers will be obscurely glazed on the eastern elevation to prevent overlooking. The windows in the rear elevation are not considered to overlook the neighbouring properties.
- o The proposed dwelling appears out of scale: an assessment has been made above
- o Loss of light to neighbouring properties: The building is not considered to result in a loss of light detrimental to the neighbouring properties.
- o Impact on water drainage: Sufficient garden is retained on the site and there are no flood risks known at this site.
- o The removal of trees and shrubs from the site has already impacted the outlook for neighbours and neighbours views will be replaced with brick walls: there is no protection on the previously existing vegetation and its removal is not part of this application.
- o Disruption to neighbours as a result of noise, dust and construction activities: a condition requiring a construction management plan will be included to provide details of construction activities and minimise impact to neighbouring occupiers. A condition of construction working hours will also be included.

- o Overdevelopment of the site: the scale of development on the site is not considered to harm the character of the area.
- o Concerned there will be additional balconies and external staircases which will affect privacy and amenity: a condition will be added that the flat roofs will not be used as a balcony. Any further balconies will need permission and will be considered on their own merits.
- o Loss of parking
- o Pollution and noise from the lower ground floor plant room which is at level with neighbouring ground floor: The plant is not considered to generate adverse noise or pollution harmful to residential amenity.
- o A scheme was refused in 1979 and 1986 and upheld with appeal. This scheme is of a similar scale and should be refused for the same concerns regarding overlooking and impact on character and visual amenities of residents: addressed above.
- o Description is incorrect and the Council are deliberately misleading the public as this is a dwelling built over 4 floors: the description has been carefully considered. The proposal is a two storey dwelling with 4 levels of accommodation- including a lower ground

floor and roof level accommodation. The suggested description of a 4 storey dwelling would not be as accurate as that used by the LPA.

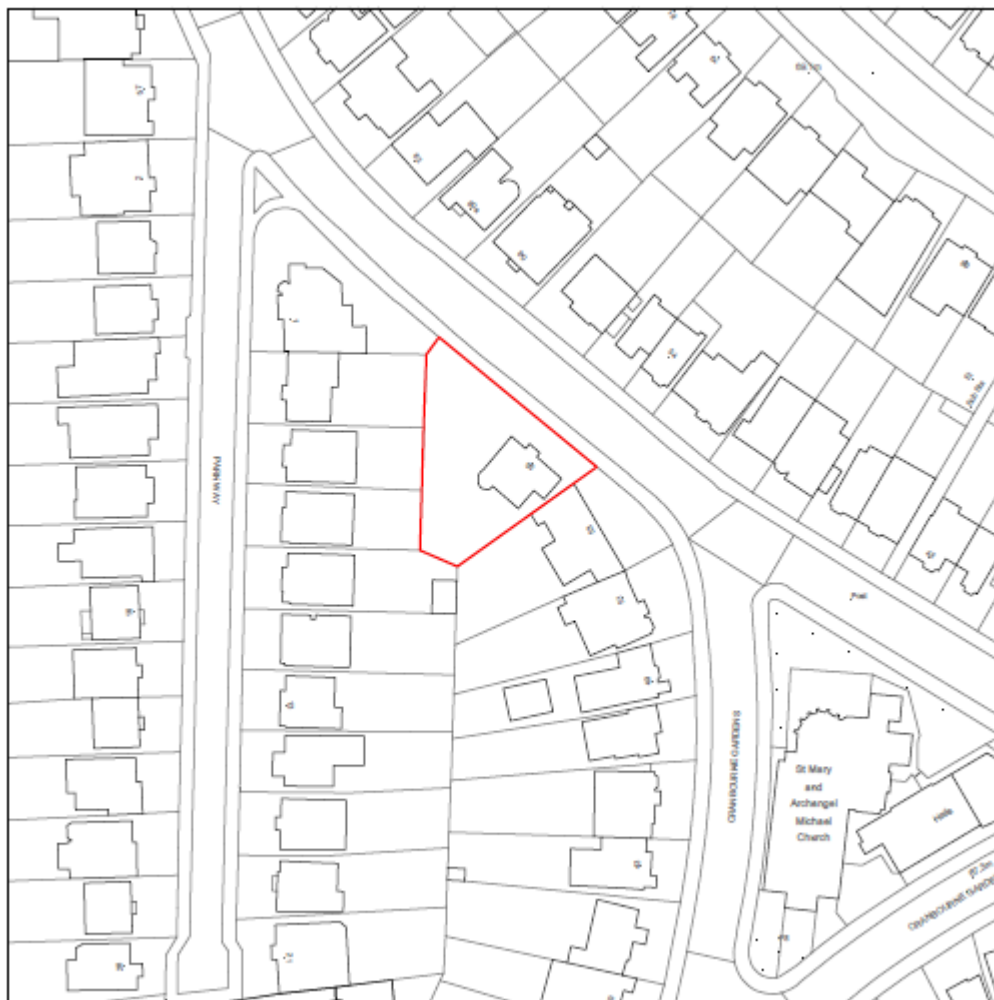
o The dwelling does not comply with Barnet Residential Design guidance: assessment made above.

6. Equality and Diversity Issues

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

7. Conclusion

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



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- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing Huntingdon Works 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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application property is an end of terrace property with L-shaped footprint with a two storey rear wing located in the East Finchley ward. The property has been converted into two self contained flats. The property is sited next to Huntingdon works which is occupied by small businesses and is in close proximity to the high street.

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

2. Site History

Reference: F/01761/12

Address: 2 Huntingdon Road, London, N2 9DU

Decision: Approved subject to conditions

Decision Date: 27 July 2012

Description: Single storey side extension.

3. Proposal

The application relates to a two storey side/rear extension to infill the existing recess of the L-shaped footprint of the existing building. The proposal will provide additional living space for the existing flats.

It should be noted that the proposal has been amended since its initial submission and no longer extends as deep as the existing two storey bay window. In addition the two storey side extension off the main building line has also been removed.

4. Public Consultation

Consultation letters were sent to 20 neighbouring properties.

7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The design is inconsistent with existing houses on the street by reason of its size, siting and rearward projection. three storey element of the extension is even more incongruous, overdevelopment of the site, overbearing mass and scale; high density.
- Loss of amenity to neighbouring occupiers.
- Extension will over and block the retained right of way which serves other properties on the street.
- Plans are inconsistent.
- Loss of outdoor space and use of side passage.
- Loss of light
- Use of frosted glass will lead to a loss of light in the rooms which will affect quality of life.
- The proposal will bring the residential properties closer to the works next door and associated traffic, neighbours may start complaining about the noise generated from the works due to the closer proximity.
- Application does not deal with how the tree will be dealt with.
- Loss of garden space which also contributes to character of the area.
- Building works will be disruptive.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Character and appearance

The proposal has been amended since its initial submission and no longer seeks to extend to the side of the main building line. The extension will infill an existing recess in the L-shaped footprint of the building and as such the extension will not project beyond the main side building line of the property. The proposal will be sited behind the existing part of the building and as such will not change the design or appearance of the property when viewed from the streetscene on Huntingdon Road. In addition the depth of the rear extension has been amended so it does not project further than the main rear building line of the rear wing and will not align with the bay. The architectural feature of the bay to the rear will be retained and as such the the proposal will not interrupt the character of the host property with the bay being a common feature along this road.

The proposed extension is considered to be sympathetic to the existing property and will not be overbearing and will not result in the overdevelopment of the site. The proposal is considered to respect the character and appearance of the host property and the wider surrounding area.

Amenity of neighbouring occupiers

The proposed extension is not considered to result in harm to the neighbouring occupiers, the proposed extension will not be visible from no.4 Huntingdon Road being set on the

other side of the existing rear wing. The proposed extension is sited adjacent to Huntingdon works and is set a sufficient distance to ensure that the proposal will not result in harm to the users of this site. There are no amenity concerns with the amended proposal.

Amenity of future occupiers

The proposal will alter the internal configuration of the property to provide 2 bedrooms in the ground floor unit and a 4 bedroom unit in the upper floors. Each of the units will comply with the London Plan space standards for flats which requires a minimum floor area of 70sqm for 2 bed 4 person dwellings over one storey. The upper floor will be a 4 bed 8 person unit measuring 125sqm, this complies with the relevant standard in accordance with the London Plan.

Barnet's SPD Sustainable Design and Construction indicates that 5sqm of amenity space is required per habitable room. The proposal provides sufficient amenity space to the rear of the property to comply with this guidance.

The internal re-configuration of the ground floor flat is such that a bedroom window will face towards the existing side passage, whilst the side passage will maintain access to the rear amenity from the front of the property this will be exclusively for the ground floor flat with a gate positioned to prevent the upper floor residents being able to use the side passage at the point there is a bedroom window. It is noted that there is an area to the side of the property for refuse and recycling bins which are accessed by both flats but beyond this the gate will be positioned for the ground floor flat to maintain sufficient privacy in particular to the bedroom window. The new gate is at a sufficient distance from the bedroom window that it will not result in a perception of enclosure from the bedroom window.

It is noted that an existing rear staircase will be retained which provides direct access from the upper floor flat to the rear garden space, therefore this is considered to be the primary access to the rear garden space. A side boundary fence will be positioned to protect the amenities of the ground floor flat to prevent the access route enabling overlooking to the downstairs windows.

5.4 Response to Public Consultation

The proposal has been amended since its initial submission and no longer seeks to extend to the side of the main building line. As such no change to the public right of way is now proposed as part of the proposal. The extension will infill an existing recess in the L-shaped footprint of the building and as such the extension will not project beyond the main side building line of the property.

The proposal will be sited behind the existing part of the building and as such will not change the design or appearance of the property when viewed from the streetscene on Huntingdon Road.

The proposed development will not extend any closer to the neighbouring works than the existing building.

The garden space retained is still sufficient to comply with the guidance contained within the Sustainable Design and Construction SPD that indicates that 5sqm of garden space will be required per habitable room for flats. The remaining garden area is 117sqm

excluding the existing shed. The amended extension will not project beyond the rear building line and will retain the bay window feature and as such is not considered to result in overdevelopment or result in the loss of open space to such a degree that would change the character of the area.

The extension is such that there will be sufficient amenity of existing and future occupiers of the flats. The extension will provide additional living space as apt of an open plan kitchen/diner and living room there is sufficient glazing to ensure that the development will provide sufficient outlook and light to the flats.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location Church Walk House, Church Walk, London NW2 2TJ

Reference: 17/6776/S73 **Received:** 25th October 2017
Accepted: 27th October 2017

Ward: Childs Hill **Expiry:** 26th January 2018

Applicant: Church Walk House Development LLP

Proposal: Variation of condition 2 (Plans Numbers) pursuant to planning appeal Ref. APP/N5090/W/16/3149976) dated 19/12/16 ref 15/05969/FUL for `Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping`. Amendment include minor alterations to the internal layout with incorporation of an internal substation, a new car park plant room relocated bin store, relocation of cycle storage and other minor changes

RECOMMENDATION I:

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation to secure the provisions in the existing section 106 agreement that was completed in association with planning permission 15/05969/FUL (allowed on appeal, Planning Inspectorate reference APP/N5090/W/16/3149976):

- Contribution in Lieu of Affordable Housing - £470,513.00
- Review Mechanism
- Local Employment Agreement or Contribution in Lieu of a Local Employment Agreement - £37,380.00
- Monitoring of the Agreement - £1,679.40

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - A2598 100 P10 Red Line Location Plan
 - A2598 101 P10 Block Plan
 - A2598 110 P10 Existing Lower Ground Floor - Second Floor

A2598 120 P10 Existing Site Sections AA, BB, CC and DD
A2598 121 P10 Existing Site Sections EE, FF, and GG
A2598 130 P10 Existing Site Elevations North, South, East and West

A2598 199 P12 Proposed Lower Ground Floor
A2598 200 P12 Proposed Ground Floor
A2598 201 P12 Proposed First Floor
A2598 202 P12 Proposed Second Floor
A2598 203 P12 Proposed Third Floor
A2598 204 P12 Proposed Roof
A2598 300 P12 Proposed Site Sections AA, BB, CC and DD
A2598 301 P12 Proposed Site Sections EE, FF, and GG
A2598 400 P12 Proposed Site Elevations North and East
A2598 401 P12 Proposed Site Elevations South and West

Design and Access Statement

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

3. Prior to commencement of development of the external construction of the building and hard surfaces, details including samples where necessary of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted have been submitted to and approved in writing by the local planning authority. Materials shall include translucent or opaque screening to the height of the railings to be provided for all of the second and floor apartments with the exception of those on the north-west elevations of Units 2-08 and 2-10, and on the south-east elevations of Units 2-02 and 2-04. The development shall then be carried out and maintained in accordance with the approved details.

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

4. No development, other than demolition of existing buildings, shall take place until full details of the finished levels, above ordnance datum, of following items have been submitted to and approved in writing by the local planning authority:

For the permitted building:

- (i) finished floor levels
- (ii) external hard surfaced areas
- (iii) roof surfaces
- (iv) floors and balustrades of balconies and terraces
- (v) photovoltaic panels

Outside the site:

- (vi) roads
- (vii) roof heights of the neighbouring buildings adjoining the site

(viii) roof heights of the neighbouring buildings on Prospect Road.

The development shall then be carried out in accordance with the approved levels.

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. Prior to the occupation of the development hereby approved, details of the design, height and materials of all boundary treatments shall be submitted to and approved in writing by the local planning authority, and the approved boundary treatments shall have been implemented. The approved boundary treatments shall then retained as such thereafter.

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.

6. Prior to commencement of the external construction of the development, a scheme demonstrating ecological improvements to the site, including the design and position of bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and retained as such thereafter.

Reason: To ensure that the development provides for mitigation and improvements for wildlife and biodiversity, in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

7. Prior to the fitting of any ancillary plant or equipment including but not limited to photovoltaic panels, heat pump(s) and extractor units, details of the ancillary plant and / or equipment shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

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.

8. The Card Geotechnics Limited Construction Management Plan- Revision 1 September 2015 Statement shall be adhered to throughout the construction period for the development.

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

9. Demolition or construction works shall take place only between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Barnet Local Plan.

10. Prior to the first occupation or use of any part of the development hereby permitted, the ground level collection point for refuse and recycling bins serving the apartments, which shall be within 10m of the highway, shall have been constructed in accordance with details of its location, appearance and materials that have first been submitted to and approved in writing by the Local Planning Authority, and the approved collection point details shall then have been implemented along with the following facilities that were previously approved under LBB Planning ref. 17/3822/CON:
- (i) Basement level bin stores to serve the apartments within the development as shown within the Residential waste management plan dated 12 June 2017 (ref. A2821 2-10 R1), and
 - (ii) the refuse stores for the four houses: drawing no. 3.2 HOUSE REFUSE ENCLOSURES.

The approved facilities shall then be implemented in association with the development and refuse / recycling collections shall be carried out in accordance with the approved Residential Waste Management Plan as noted at (i) above, for the lifetime of the development.

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 October 2016).

11. (a) The site shall be remediated in accordance with the measures and timescale in the following documents, which were approved under reference 17/3928/CON:

Phase I Desk Study Report - reference 13550/GIR - Soils Limited dated June 2013
Phase II Ground Investigation Report - reference 13550/GIR - Soils Limited dated June 2013
Phase III Ground Investigation Report - reference 15432/GIR - Soils Limited dated April 2016

Remediation Method Statement - reference 16352/RMS - Soils Limited dated July 2016

- (b) A verification report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.
- (c) If, during the course of the development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a further verification report for all the remediation works shall be submitted to the local planning authority prior to the re-commencement of works, and works shall not recommence until the report has been approved in writing by the local planning authority.

The development shall then be completed in accordance with all of the above provisions, prior to the first occupation of the development and retained as such.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the

Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

12. Prior to the first occupation or use of any part of the development hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority a scheme of soft landscaping.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any new trees or plants which within a period of five years from the completion of the development die, are removed or become seriously injured or diseased shall be replaced in the next planting season with others of similar size and species.

Any existing trees shown to be retained as part of the approved landscaping scheme which are removed, die or become severely damaged or diseased within 5 years of the completion of the development shall be replaced with trees or shrubs, the details of which shall be approved in writing by the local planning authority, 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.

13. The location, extent and depth of all excavations for services and the reinstatement of ground levels (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on or adjacent to the site shall be carried out in accordance with the Arboricultural Impact Assessment Report & Outline Method Statement ref. ERE/CWH/AIM/01 rev. A dated 8th November 2017 which was previously approved under LBB planning reference 17/3822/CON.

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

14. Prior to the commencement of any further works onsite, a summary update of tree protection works that have been put in place in preparation for works to commence shall be submitted to and approved in writing by the Local Planning Authority. All other works shall be carried out in accordance with the Landmark Trees Arboricultural Impact Assessment Report submitted with this application (Ref: ERE/CWH/AIA/01b, Date: 21st December 2017), including provision of summary updates by the applicant's appointed arboriculturist of all works carried out in proximity to protected and otherwise retained trees. Tree protection in accordance with the approved AIA Report shall remain in place until works have been completed on the site and all machinery, materials and equipment have been removed from the site.
15. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in

writing by the local planning authority. The landscape management plan shall be carried out as approved.

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 2016.

16. Before the first occupation of the approved development, the approved drainage works shall be completed in accordance with the following details which were approved under LBB planning reference 17/3822/CON:

BELOW GROUND DRAINAGE SPECIFICATION rev. T2 13/04/2017

BELOW GROUND DRAINAGE STRATEGY REV. P5 13/06/2017

1883-C-100 rev. T3 OVERALL PROPOSED BELOW GROUND DRAINAGE LAYOUT

1883-C-101 rev. T3 BASEMENT DRAINAGE LAYOUT PLAN

1883-C-102 rev. T2 PROPOSED BELOW GROUND SURFACE WATER DRAINAGE LAYOUT

1883-C-103 rev. T2 PROPOSED BELOW GROUND FOUL WATER DRAINAGE LAYOUT

1883-C-104 rev. T1 COORDINATED SERVICES LAYOUT

1883-C-200 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 1 OF 6

1883-C-201 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 2 OF 6

1883-C-202 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 3 OF 6

1883-C-203 rev. T4 PROPOSED DRAINAGE DETAILS SHEET 4 OF 6

1883-C-204 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 5 OF 6

1883-C-250 rev. T3 PROPOSED BELOW GROUND MANHOLE SCEDULE SURFACE WATER

1883-C-251 rev. T3 PROPOSED BELOW GROUND MANHOLE SCEDULE FOUL WATER

1883-M-400 rev. T3 EXTERNAL SERVICES LAYOUT

Amended information: Civil Design Note 01 re. P01 DATE: 29/09/2017

The works approved under this condition shall then retained and maintained as such for the lifetime of the development.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2016.17. Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details and retained as such thereafter.

17. Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the

Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

18. Before the development hereby permitted is first occupied, details of privacy screens for balconies/ terraces to be installed shall be submitted to and approved in writing by the local planning authority. The approved screens shall be implemented prior to the first occupation of the development 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

19. The level of noise emitted from the plant hereby permitted 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 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 be 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

20. Before the development hereby permitted is occupied, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the local planning authority. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in accordance with the approved details prior to first occupation and thereafter be retained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

21. Before the development hereby permitted is first occupied, car parking spaces shall be provided at basement level and at ground level in accordance with drawing Nos A2598 199 P12 and A2598 200 P12 submitted with the planning application. Thereafter, the parking spaces shall not be used for any purpose other than the parking and turning 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.

22. Before the development hereby permitted is first occupied, cycle parking spaces shall be provided in accordance with drawing No A2598 200 P12 submitted with the planning application. Thereafter, the cycle parking spaces shall not be used for any purpose other than the parking of bicycles 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.

23. Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking areas 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 other 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.

24. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is occupied. Development shall be implemented in accordance with the approved details.

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.

25. Prior to installation, details of the boilers shall be submitted to in writing by the local planning authority for approval. The boilers shall have dry NOx emissions not exceeding 40mg/kWH (0%). The development shall be implemented in accordance with these details.

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

26. The residential units shall not be occupied until the relevant requirements of the level of energy performance equivalent to ENE1 Level 4 for Sustainable Home have been met and the details of compliance provided for the local planning authority.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.2 and 5.3 of the London Plan 2016.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 April 2018, unless otherwise agreed in writing, the Service

Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

- . The application does not make any provision towards affordable housing, contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
2. The application does not make provision for a Local Employment Agreement. This would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document on Skills, Enterprise, Employment and Training.

Informatives:

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 following measures have been developed to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of this site. For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website www.securedbydesign.com.

Public Realm

- Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.

- Communal areas, such as playgrounds, seating or drying areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- Windowless gable end walls adjacent to spaces for which the public have access should be avoided, as this prevents natural surveillance.

Boundaries / Gates

- Side and rear boundaries should be 2.1m in height (minimum), be positioned where possible at the front of the building line (if a recess is necessary, then not to exceed 600mm) and designed to avoid climbing aids. This can be achieved in a variety of different ways, i.e. close board, panel, etc. but if a trellis topping is to be used, this should be diamond style trellis.
- Fencing between rear gardens should be 1.8m in height (minimum) and designed to avoid climbing aids.
- Chain link style fencing is not an acceptable option.
- Side gates should provide vision, be positioned where possible at the front of the building line, (if a recess is necessary, then not to exceed 600mm) 2.1m in height (minimum) and designed to avoid climbing aids, particularly around the hinges and locking mechanism.

Doors / Windows

- Recessed doorways should not exceed 600mm.
- Communal doorsets should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2.
- Communal doorsets should incorporate an automatic closing mechanism, automatic deadlock, with internal thumb turn, knob or handle - external entry should be restricted by key, key code, key fob, proximity reader or combination thereof.
- All easily accessible doorsets, including front, back, French, patio and balcony doors, should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2, STS 201 Issue 4:2012, STS 202 Issue 3:2011 Burglary Rating 2, or LPS 2081 Issue 1:2014 Security Rating B. Due to crime problems associated with letter plate apertures, such as arson, hate crime, lock manipulation and 'fishing', Secured by Design strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building.

- All sliding and bi-fold doorsets not designated as the primary access/egress route should meet the same physical attributes as above.
- A door chain or opening limiter and internal letterbox shield should be fitted to all individual dwelling front doors.
- A door viewer should be fitted at a height of between 1200mm to 1500mm from the bottom of all front doors (not required with adjacent unobscured glazing).
- All easily accessible windows should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012, or LPS 2081 Issue 1 Security Rating A.
- All easily accessible windows should have key operated locks. Where windows are required under Building Regulations to act as a fire escape route, the opening window must not have key operated locks.
- Windows that form an integral part of the doorframe should be shown to be part of the manufacturer's certificated range of doorsets. Alternatively where windows are manufactured separately from the doorframes, they should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012 or LPS 2081 Issue 1:2014. In such cases the window should be securely fixed to the doorset in accordance with the manufacturer's requirements.
- All glazing in and adjacent to communal, front, back and doors and ground floor windows and windows that are easily accessible above ground floor level, should incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A.
- Communal entrance doors should have vandal resistant audio, visual access control panels, with electronic lock release - tradesperson release buttons are not permitted. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.
- Secure external mailboxes to serve each property should be fixed to the external face of the building.

Balconies / Terraces

- Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.
- Drainpipes/soil pipes that provide access to flat roofs or balconies will require metal shrouds to prevent climbing (regardless of whether they are PVCu or not). Unless constructed to be finished flush with the building or wall, again to inhibit climbing.

Parking

- Car parking areas should be close to the properties they serve, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.
- Basement parking facilities should have secure, controlled access, incorporating full height gates or barriers, accessed via key, key code, key fob, proximity reader or combination thereof. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

Refuse / Cycle Storage

- Bin storage areas should be enclosed and incorporate a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Cycle storage areas should, ideally be enclosed and built into the fabric of the building is visibly permeable, incorporating a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Where this is not possible, it should be sited in a secure communal area, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

External Lighting / Alarm Systems, etc

- All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks, should comply with BS 5489.
- The overall uniformity of light is expected to achieve 40% and should never fall below 25%. The colour rendering qualities should achieve 60 (minimum) on the Colour Rendition Index - certification will be required.
- External lighting should be switched using a photoelectric cell (dusk to dawn) with a manual override.
- Utility meters should, where possible, be sited outside the front of the dwelling - alternatively they should be sited on the ground floor, between access-controlled doors (air lock system).
- A 13amp non-switched fuse spur, suitable for an alarm system, should be provided
- if a full alarm system is provided, it should comply with:
 - BS EN 50131 & PD6662 (wired system)
 - BS 6799 (wire free system)

If complete systems are installed and a police response is required, reference should be made to the ACPO Security Systems Policy, a copy of which can be obtained from the SBD website - www.securedbydesign.co.uk

- 3 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity 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, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £56,805 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £219,105 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit:

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

Officer's Assessment

1. Site Description

The site slopes upwards across the frontage towards the junction of Church Walk with Finchley Road and also downwards from the frontage to the rear boundary with properties in Lyndale Avenue. To the rear and along this boundary, there are trees, some protected by a Tree Preservation Order, and vegetation. Until recently the site contained Church Walk House and JF Kennedy House, but these have now been demolished as part of the implementation of an extant permission which was granted on appeal (please refer to Site History, below, for further details).

The site's context includes semi-detached dwellings at Lyndale Avenue to the south and south west, which share their rear boundary with that of the application site. The north eastern boundary is formed by Church Walk, with the rear gardens of terraced dwellings on Prospect Road on the opposite side of this narrow street. The and north western boundary is formed by The Vicarage, and All Saints Church is to the west of that, on the opposite of Church Walk which curves around between these two buildings towards Lyndale Avenue. At the opposite end of the site, there is a two storey detached dwelling at 11 Church Walk and beyond this there is a prominent block of flats, Moreland Court, which has three street frontages to Church Walk, Finchley Road and Lyndale Avenue.

The established built forms of the surrounding properties varies in scale, building types and plot sizes so that there is a varied character and appearance to the area.

2. Site History

Reference: 15/05969/FUL

Decision: Refused but subsequently allowed on appeal (Planning Inspectorate reference APP/N5090/W/16/3149976)

Decision Dates: Planning decision date 8 April 2016; appeal decision date 19 December 2016.

Description: Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. selfcontained

units with associated parking and landscaping.

Reference: 17/0684/NMA

Decision: Approved

Decision Date: 9 March 2017

Description: Non-material amendments to appeal decision reference APP/N5090/W/16/3149976 dated 19/12/16 (planning reference 15/05969/FUL) for 'Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping.' Amendments include alterations to the wording of conditions 3, 4, 5, 7, 11, 12, 13, 16 and 23.

The effect of these non-material amendments was to vary the wording of the above conditions to allow demolition and appropriate construction works to take place in advance of formal approval. It was considered that the proposed amended wording would not be material to the approved scheme, and as such, no objections were raised.

Reference: 17/0808/CON

Decision: Approved

Decision Date: 30 March 2017

Description: Submission of details of condition 14 (Arboricultural Method Statement) pursuant to APP/N050/W/16/3149976 (planning reference 15/05969/FUL) dated 19/12/16

Reference: 17/1240/CON

Decision: Approved

Decision Date: 25 April 2017

Description: Submission of details of condition 6 (Bat Survey) pursuant to APP/N050/W/16/3149976 (planning reference 15/05969/FUL) dated 19/12/16

Reference: 17/3875/NMA

Decision: Refused

Decision Date: 14 July 2017

Description: Non material amendment to planning permission 15/05969/FUL dated 19/12/16 for 'Demolition of existing building and construction of part two part three storey building with

additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping. Amendments include minor internal layouts to include space for a substation, alterations to the stair and lift core and lobby, new car park extract plan room, relocated bin store, relocated cycle store, roof plant and addition of rain water down pipe to east elevation

Reference: 17/3822/CON

Decision: Approved

Decision Date: 11 December 2017

Description: Submission of details of conditions 4 (Levels), 10 (Refuse), 13 (Details of Excavations for Services in Relation to Trees), 16 (Surface Drainage Works) and 23 (Details - Vehicle Access Ramp) pursuant to appeal decision APP/N5090/W/16/3149976 (planning ref. 15/05969/FUL) dated 19/12/16

Reference: 17/3928/CON

Decision: Approved

Decision Date: 28 September 2017

Description: Submission of details of condition 11 (Desktop Study) pursuant to appeal decision APP/N5090/W/16/3149976 (planning ref. 15/05969/FUL) dated 19/12/16 (Not including verification details)

3. Proposal

The application is for minor material amendments to the approved building to accommodate 35 units including four houses, as approved on appeal against the Council's refusal of planning application ref. 15/05969/FUL. The building envelope remains as in the description for that proposal, as part two, part three storey building with additional roof and basement levels. The two houses would feature private gardens to the rear, and there would be a communal garden between these, to the rear of the apartment accommodation. At the front of the site there would be a landscaped area with car parking, and additional car parking would be provided at basement level.

The accommodation would consist of 35 units in all, including four houses and 31 flats all within a single building. The four houses would be provided in pairs at opposite ends of the building with the two end houses having two stories over the basement level. The building level would step up towards the central part of the building to provide the other two houses with three stories of accommodation. The flats would be provided with eight at ground floor level, twelve at first floor level, six at second floor occupying space at that level only, and five

duplex flats over both second and third floor levels. The third floor portions of the duplex or penthouse apartments would be contained within three separated four storey elements which would form a symmetrical arrangement when viewed from front and rear elevations. The central element would contain the upper floor of one of the duplex flats, and the elements to either side would each incorporate upper floor accommodation for two of the flats. Taken together, the three third floor elements along with the stepping up of the houses at both ends of the building would result in a building of varied height and roofscape.

The amendments include some that were considered last year in a refused non-material amendment application, ref. 17/3875/NMA. The report for that application set out that some of the changes applied for would be considered non-material, meaning that the changes would be so minor in planning terms that they were not considered to require a full planning application and could have been approved without consultation. However, some of the changes applied for did not fall into that category, as they are considered to be material changes. The fact that they are material changes does not in itself mean that they are unacceptable, rather that they must be subject to further consultation both with neighbouring occupiers and other interested parties, and with Council consultees including Highways, Environmental Health and Trees.

The application describes the changes as follows:

- Minor internal layout amendments including the inclusion of space for a sub-station, minor alterations to the stair and lift core and lobby and a revised internal residential layout to accommodate these changes;
- New car park extract plant room (at basement level);
- Relocated bin store location within the basement area (see corresponding collection and management arrangements submitted pursuant to Condition 10 of the Planning Permission);
- Relocation of secure cycle store above internally above the access ramp, allowing additional landscaped areas to the front boundary;
- Clarification on the detail and extent of roof plant (position as per approved roof plan) and condenser units & housings within the rear enclosures of the four houses; and
- Addition of rain water down pipe to eastern elevation.

Additional information sought during the course of the application related to whether or not the building envelope would increase or not. The basement depth would be 0.475m less than in the approved scheme, which would be achieved by providing a lower floor to ceiling height in the basement car park than in the approved scheme. This would have been 3.75m high as approved, and reduces to 3.275m in the current proposal. The external building envelope would remain unchanged as a result of this reduction in the basement depth of the basement, and the heights of roofs would remain the same as in the approved application. However, balcony levels would be 195mm higher than in the approved scheme and the key projection through the previously approved building envelope would result from the addition of handrails at second and floor levels, which would be set at 1.1m above terrace level. The agent for the scheme has advised that these changes have been made to comply with building regulation requirements with additional thermal insulation under the terraces and over the habitable spaces below the roof, resulting in the terrace level being raised, and the handrails having been raised to provide the requisite minimum balustrade height.

Condenser units and changed locations for photovoltaic panels would add further small elements to the proposals, and some windows would be slightly reconfigured as compared to the approved scheme.

4. Public Consultation

Consultation letters were sent to 419 neighbouring properties.

11 responses have been received, which raise the following issues:

- Lack of detail for window configurations.
- Roof plant will have an adverse visual impact and may be subject to higher noise levels. More clarification is required about the workings of these roof units and their environmental and visual impact.
- Photoelectric panels should not increase the height of the building. Consolidated of the panels on one roof may result in an increase in height, impair the view and light for an adjacent neighbour.
- Disagree to the added roof level

These issues are discussed below at Section 5.3 and 5.4 of this report.

Consultee responses

Tree Officer: An objection was initially made on the basis that insufficient information had been provided to determine the implications of the changes in this application. While arboricultural details as require by condition 14 of the appeal decision was previously approved under LBB planning ref. 17/0808/CON as noted in the Site History for this report, a revised Arboricultural Impact Assessment Report was submitted then submitted (Landmark Trees, Ref: ERE/CWH/AIA/01b, Date: 21st December 2017). The Tree Officer had no objection to the proposals on the basis of the additional information provided.

Highways: No objections subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan March 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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (Adopted) September 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS6, CS7, CS9, CS10, CS12, CS13.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM11, DM13, DM15, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016)

5.2 Main issues for consideration

The key issues for consideration relate to how the application differs from the proposals in the extant permission, as granted on appeal. While the 2015 application was refused by the Council, in allowing the appeal the Inspector considered that the proposal was acceptable in respect to the key points listed below. The features and aspects of the current proposals that remain unchanged to those that have already been approved do not form part of the re-assessment of this development. The key points from consideration here are therefore:

- (i) Character and appearance;
- (ii) living conditions of the occupiers of neighbouring properties;
- (iii) affordable housing; and
- (iv) provision of employment.

These are considered in the following section.

5.3 Assessment of proposals

Character and appearance

As noted in Section 3 of this report, the application is for minor material amendments to the proposals as permitted by the 2016 appeal decision. The appeal decision considered that the proposal would not harm the character and appearance of the area, and there can therefore be no objection on the principle of impacts on the character and appearance of the site and its surroundings. The building envelope remains almost exactly the same as in the appeal proposal, with the key projections beyond the building envelope as permitted in the extant permission resulting from the addition of railings around the approved terraces and balconies

and a very small additional projection at roof level in the middle of the three four storey elements. Neighbour letters have also raised issues regarding the appearance of photovoltaic (PV) roof panels which would be consolidated onto one roof rather than spread across the highest points as in the appeal proposal, and one letter referred more generally to an additional roof level. A particular concern has been raised by residents in Prospect Row about the angling of these panels, which take the heights of these items above the roof heights of these houses to the north. There also is a small additional element on the roof of the central of three third floor elements of the building, comprising an automatic opening vent (AOV) which is located over the central stairwell that would serve the apartments. This item of roof plant would be under 2 sq.m. in area. The impacts of other additional plant and equipment that are noted on the ground floor plan - extractor fans, heat pumps and condenser units - are also cited in some objection letters.

It is noted that 'solar thermal panels' were shown on all three of the third floor elements in the approved drawing. This would have formed a symmetrical arrangement, over which the conditions in the appeal decision provided little control. It is not considered that the additional visual impacts on character and appearance of the PV panels are likely to be significantly greater in this application than in the approved scheme; however, the recommendation conditions include provision for this item to be further assessed to ensure that the panels are visually acceptable. The AOV noted above, and the other elements which would all be located lower down on the building, would result in only very limited visual impacts that can also be readily controlled by conditions, and these items area also given closer attention in the conditions in Recommendation II above than in the equivalent conditions in the planning permission. This is considered to be justified in order to ensure that design quality is maintained in line with the appeal proposal.

Other elements of external design that change from the approved scheme are the location of the cycle store, and detailed design of some of the windows.

The cycle storage for the apartments has been relocated from adjacent to the front boundary and placed towards the rear of the building at ground floor level, above the vehicle access ramp to the basement. In the approved drawings, the bin store would have been located within this area. It has now been relocated to the basement, from where the bins will need to be moved on collection days up to ground floor level. The changes to the rear elevation are minimal and this aspect of the scheme is acceptable in terms of impacts on the appearance of the building and the character of the area.

Reconfiguration of some windows is limited to amendments to the position and layout of some windows in the duplex apartments on the upper floors. This does not result in a significant increase in glazed surfaces. Condenser units and changed locations for photovoltaic panels would add further small elements to the proposals. It is not considered that these elements result in any unacceptable changes to the building's appearance, subject to the conditions recommended above. Other than the above points the design and setting of the building would remain the same as in the approved scheme.

In terms of appearance and impacts of character, the differences from the approved scheme are considered to be minor, and it is not considered that the changes would result in any additional visual impacts as compared to the approved scheme. No objection is therefore raised on this issue. There is scope to address neighbours' concerns, by expanding scope of the conditions in the extant permission to require additional details to be submitted and

approved, with respect to the appearance of the additional elements that would be included in this amended proposal.

Living conditions for the occupiers of neighbouring properties

The appeal decision notes that neighbouring properties on Lyndale Avenue have gardens at a lower ground level than that of the appeal site, and that the new building would be larger, higher and closer to these neighbouring properties than the existing buildings on the site. However the location of the building within the site was considered to be sufficient to ensure that the living conditions of the occupiers of Lyndale Avenue would not be detrimentally impacted upon. Overlooking from balconies was not specifically considered in the appeal decision, although it was noted that the development had been designed in line with the spacing standards set out the Council's Sustainable Design and Construction.

As noted above, terrace and balcony levels would be raised by 195mm. In assessing whether this would result in any additional impacts to neighbours, it is noted that minimum separation distances from the rear of these terraces to the rear elevations of houses in Lyndale Avenue is 23m. This measurement is from the lower ground level terraces for two of the four approved houses in the scheme and a communal ground level terrace to the rear of apartments. Distances increase from the upper levels; to the same rear elevations in Lyndale Avenue, with minimum separation distances being 25m at first floor level, 26m at second floor level, and 29 - 30m at third floor level. These distances are the same as in the approved scheme, and it is considered that with this level of separation, the increased height of 195mm for the terrace levels would be almost imperceptible from neighbouring properties. However, additional protection from these neighbours could be provided by requiring translucent or opaque glazing or screening to be provided within the additional railing height, which would be provided at second and third floor levels. Exceptions to this requirement would be the facing balconies between the four storey elements, where the duplex flats face each other - although it may well be the case that the developer may wish to include screening along the fronts of these balconies to limit the views between the upper levels in these flats. However that would be a matter for the developer, and would apply only to the balconies on the north-west elevations of Units 2-08 and 2-10, and on the south-east elevations of Units 2-02 and 2-04. It would be important however to ensure that the sides of these balconies would be adequately screened and this is provided for in the recommended condition, along with the fronts and sides of the remaining balconies facing both south-east, towards Lyndale Avenue, and to the north-west, towards Prospect Road.

Overlooking of properties in Prospect Road, at The Vicarage to the north-west of the site or to 11 Church Walk, to the south-east, were not specifically noted in the appeal decision. The additional requirement noted above would protect occupants at these properties from any additional perceived impacts on privacy that would result from the slight raising of the balcony levels.

Affordable housing

A contribution of £470,513.00 towards off-site affordable housing in lieu of on-site provision was secured by a Section 106 planning obligation in the approved scheme. The recommendation for approval of this application is subject to this being secured by a Deed of Variation for the existing planning obligation.

Provision of employment

In addition, a Local Employment Agreement with an alternative provision of contribution of £37,380.00 in lieu of a Local Employment Agreement was also secured by the Section 106 planning obligation in the approved scheme. The recommendation for approval of this application is subject to this also being secured by a Deed of Variation for the existing planning obligation.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above.

On balance, it is considered that the amendments in this proposal as compared to the refused scheme and the requirements set out in recommended section 106 clauses and conditions are sufficient to address these concerns. The support of some neighbouring businesses is noted, and the viability of local shops would be improved by the additional customer base that would result from the development.

6. Equality and Diversity Issues

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

7. Conclusion

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

LOCATION PLAN

