

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 11TH FEBRUARY, 2020

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

Danny Rich	Alan Schneiderman	Shimon Ryde
Melvin Cohen	Claire Farrier	

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

Andrew Charlwood – Head of Governance

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Media Relations Contact: Tristan Garrick 020 8359 2454

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

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	The Lodge Long Lane London N3 2PY 19/5137/CON West Finchley	13 - 20
7.	116 Ashurst Road London N12 9AB 19/6420/FUL Woodhouse	21 - 40
8.	Melvin Hall Golders Green Road London NW11 9QB 19/6586/FUL Golders Green	41 - 58
9.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

7 January 2020

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

Apologies for Absence

Councillor Melvin Cohen

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on the 12 November 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Melvin Cohen.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

6. 14 THE GROVE LONDON NW11 9SH [19/2118/FUL]

The planning officer introduced the report.

Representations were heard from Pinchas Smus and David Coleman objecting to the application and the applicant's representative.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following;

Amended condition 4:

- 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 and a refuse collection management strategy 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.

The vote was recorded as follows:

FOR	3
AGAINST	2
ABSTAINED	1

RESOLVED that the application be approved, subject to the above amendments and the conditions detailed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

7. ZERO AVONDALE AVENUE LONDON N12 8EP - 19/4358/FUL

The planning officer introduced the report and addendum.

Representations were heard from Paul Chrysaphiades and Martin Werth objecting to the application and the applicant's representative.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following;

Amended condition 14 (as per addendum);

To safeguard the appearance of the development and the character of the locality in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

The vote was recorded as follows:

FOR	1
AGAINST	1
ABSTAINED	4

With vote being tied the Chairman used her casting vote to approve the application.

RESOLVED that the application be approved, subject to the Section 106, the above amendments and the conditions detailed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control

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

**8. REAR OF 21 TORRINGTON PARK NORTH FINCHLEY LONDON N12 9TA
[19/5635/FUL]**

The planning officer introduced the report and addendum.

Representations were heard from Belinda Sutherland and Sherica Weeraratne objecting to the application and the applicant's representative.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the Section 106;

The vote was recorded as follows:

FOR	2
AGAINST	3
ABSTAINED	1

It was moved by Councillor Alan Schneiderman and seconded by Councillor Farrier, that the application be **REFUSED** for the following reasons:

1. The proposed development, by reason of the siting of the residential dwelling, would constitute backland development, which would out of keeping and detrimental to the character and appearance of the locality. This would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).
2. The proposed dwelling, by reason of its siting and height, would appear overbearing when seen from properties in Park Lodge and would result in increased noise and disturbance, which would be detrimental to the visual and residential amenities currently enjoyed by the occupiers of Park Lodge. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012), policies DM01 and DM02 of the Local Plan Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).
3. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).

The vote was recorded as follows:

FOR (refusal)	4
AGAINST (refusal)	2
ABSTAINED	0

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

In accordance with Council Procedure Rule 13, Councillor Greenspan and Councillor Marshall requested that their vote against refusal be recorded in the minutes.

9. 31 - 33 DOLLIS AVENUE LONDON N3 1BY [18/5398/S73]

The planning officer introduced the report.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject Section 106 and the conditions set out in the report.

The vote was recorded as follows:

FOR	6
AGAINST	0
ABSTAINED	0

RESOLVED that the application be approved, subject to the Section 106 and the conditions detailed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

10. LAND TO THE REAR OF 31-33 DOLLIS AVENUE FINCHLEY LONDON N3 1TB [18/6635/FUL]

The planning officer introduced the report and addendum.

Representations were heard from David Abrahams objecting to the application and applicant's representative.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject Section 106 and the following;

Amended recommendation 1 (as per addendum);

Substitute 3127_DR_0102 H (Proposed Site Plan Original Boundary); with 3127_DR_0102 J (Proposed Site Plan Original Boundary **and delete 3127_DR_0101 G (Proposed Site Plan Lower Ground)**)

Amended recommendation 9 (as per addendum);

Substitute 3127_DR_0102 H (Proposed Site Plan Original Boundary); with 3127_DR_0102 J (Proposed Site Plan Original Boundary)

The vote was recorded as follows:

FOR	2
AGAINST	0
ABSTAINED	3
ABSENT	1*

*Cllr Marshall didn't vote as was not present for all the representation

RESOLVED that the application be approved, subject to the Section 106, the above amendments and the conditions detailed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

11. 130 GRANVILLE ROAD LONDON NW2 2BZ [19/2886/FUL]

The planning officer introduced the report and addendum.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject Section 106 and the following;

Amended recommendation 1 (as per addendum);

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution of £2,072.55 is required towards the amendment of the Traffic order. Monitoring contribution of 5% of total financial contributions, which is £103.63

Amended recommendation 2 (as per addendum);

As 'recommendation' in agenda, with amended condition 2: Substitute 1064.PA4.300 Revision A Proposed Section A-A [Uploaded 07 January 2020] and add Daylight and Sunlight Assessment report reference AK/CC/P15-974/08 Revision A dated 29.04.19 and Technical Note by Create Consulting dated 06.01.19.

The vote was recorded as follows:

FOR	6
AGAINST	0
ABSTAINED	0

RESOLVED that the application be approved, subject to the Section 106, the above amendments, the conditions detailed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

12. FLAT 10 DOLPHIN COURT WOODLANDS LONDON NW11 9QY - 19/4807/FUL

The planning officer introduced the report and addendum.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following;

Amended condition 2 (as per addendum):

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

- 3008/1 (As amended and uploaded 10 December 2019)
- Site Location Plan
- Site Location Plan with red annotation showing location of the flat
- Email confirmation of no exterior plans dated 17.09.19"

Issue of the decision to be delegated to officers following confirmation that correct ownership certificate has been submitted.

The vote was recorded as follows:

FOR	6
AGAINST	0
ABSTAINED	0

RESOLVED that the application be approved, subject to the above amendments and conditions detailed in the report AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

None.

The meeting finished at 7.45 pm

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Location **The Lodge Long Lane London N3 2PY**

Reference: **19/5137/CON**

Received: 20th September 2019

Accepted: 20th September 2019

Ward: West Finchley

Expiry 15th November 2019

Applicant: The Lodge Long Lane Ltd

Proposal: Submission of details of condition 9 (Soft landscaping) pursuant to planning appeal APP/N5090/W/18/3197652 dated 16/10/18 (planning reference 17/4102/FUL, decision dated 19/09/2017) [AMENDED PLAN]

AGENDA ITEM 6

Recommendation: Approve

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Informative(s):

- 1 The plans and documents accompanying this application are:

'Planting Plan' Revision E dated 16 January 2020

Arboricultural Impact Assessment and appendices produced by SJ Stephens Associates [as amended, dated 21 January 2020] (uploaded 24 January 2020)

- 2 In accordance with paragraphs 38-57 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. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policy CS1
- Relevant Development Management DPD (2012): Policy DM01

2. Site

The application site comprises a detached single-storey dwelling with accommodation in the roof space, within an enclosed area of land at the south-eastern corner of Victoria Park.

3. Site history

Reference: 16/4524/FUL

Address: The Lodge, Long Lane, London, N3 2PY

Decision: Refused

Decision Date: 1 September 2016

Description: Demolition of existing building and erection of a three storey building with basement level to provide 8no. self-contained units with associated underground parking, bike, refuse and recycling storage and amenity space

Reference: 17/4102/FUL

Address: The Lodge, Long Lane, London, N3 2PY

Decision: Refused

Decision Date: 19 September 2017

Description: Demolition of existing building. Erection of a two-storey building comprising of 6no self-contained flats with rooms in roof space; installation of juliet balconies to first floor and roof levels to rear and side side elevations; provision of new access from Long Lane, 6no. parking spaces, cycle storage, refuse and recycling storage and associated alterations to hard and soft landscaping.

Appeal decision: Allowed

Appeal decision reference: APP/N5090/W/18/3197652

Appeal decision date: 16 October 2018

Reference: 19/0783/CON

Address: The Lodge, Long Lane, London, N3 2PY

Decision: Approved

Decision Date: 13 May 2019

Description: Submission of details of conditions 3 (Demolition and Construction Method Statement) 4 (External Materials) 5 (Carbon Dioxide emission) 6 (Drainage) 7 (Revised external layout) 9 (Landscaping) 12 (External Lighting) pursuant to planning appeal APP/N5090/W/18/3197652 dated 16/10/18 planning ref 17/4102/FUL

4. Background and proposal

Appeal decision reference APP/N5090/W/18/3197652, decision dated 16 October 2018, granted planning permission for 'demolition of existing building and construction of a 2-storey block of 6 No. flats including accommodation in roof space, 6 No. parking spaces, cycle storage, refuse storage, associated site works and landscaping' (as described on the

appeal decision letter), following refusal by the Local Planning Authority (Barnet planning application reference: 17/4102/FUL, decision dated 19 September 2017).

Under this application, the applicant seeks approval of details for Condition 9 of the appeal decision.

The applicant has previously discharged conditions, including Condition 9. Details for Condition 9 is being re-submitted to address the removal of the laurel.

5. Assessment of proposal

Condition 9 pursuant to appeal decision APP/N5090/W/18/3197652, decision dated 16 October 2018, states:

"No dwelling shall be occupied until the three areas shown as new soft landscape area on the approved drawing have been laid out in accordance with a scheme of landscaping previously submitted to and approved in writing by the local planning authority."

The applicant has submitted a 'Planting Plan', which has been amended during the life of this application (revision E, dated 16 January 2020).

The residents who had contributed comments to this application were notified of the submission of this amended plan by way of email/letter and given 14 days to provide any additional comments. All comments are considered in the section below.

The 'Planting Plan' has been amended with an annotation that the hedging on the park side will be replaced in agreement with the London Borough of Barnet Greenspaces department. The Greenspaces Service Manager has reviewed this amended plan and confirmed this is acceptable.

The 'Planting Plan' shows the removal of the multi-stemmed laurel shrub to be replaced with x 7 pleached lime trees (*Tilia x europaea*) at 14/16cm girth. The Tree Officer has reviewed this and deemed this is acceptable, stating that once established and maintained they will provide good visual interest and screening between the park and the development.

The Arboricultural Impact Assessment by SJ Stephens Associates including its appendices (amendments dated 21 January 2020) has been amended to reflect and ensure consistency with the 'Planting Plan'. This document has been reviewed by the Tree Officer, who has deemed it acceptable.

6. Public comments

Comments from members of the public have been received in regard to this conditions application. A total of 12 residents have objected.

The objections received can be summarised as follows:

- Query why public consultation was not undertaken
- Query why a minimum of 21 days was not given for the amended 'Planting Plan'
- Comments regarding the removal of the Laurel. The Laurel is in Victoria Park so not for the applicant to require its removal. The Laurel must remain to screen this development from Victoria Park.

- Comments regarding the protection (with reference to inadequate protection) for the Yew and Field Maple tree. Objection to pruning works to these trees
- Comments regarding disregard for conditions
- Comments regarding harm to habitat/nature/ecology
- Query about the site boundaries
- Query about the sale of the site
- Concerns tree protection would not be adhered to
- Query why enforcement has not been taken

7. Response to public comments

The response to public consultation points are below:

- Query why public consultation was not undertaken

There is no formal consultation requirement for applications to discharge/approve details for conditions.

- Query why a minimum of 21 days was not given for the amended 'Planting Plan'

14 days was provided to provide comments on the amended 'Planting Plan'. As stated above, there is no formal consultation requirement for applications to discharge/approve details for conditions.

- Comments regarding the removal of the Laurel. The Laurel is in Victoria Park so not for the applicant to require its removal. The Laurel must remain to screen this development from Victoria Park.

Following a survey by an external surveyor, the Greenspaces Service Manager has confirmed that the Laurels are inside the Lodge Boundary and not within the park.

The 'Planting Plan' (revision E, dated 16 January 2020) shows that the removal of the multi-stemmed laurel shrub is to be replaced with x 7 pleached lime trees (*Tilia x europaea*) at 14/16cm girth. The Tree Officer has reviewed this and deemed this is acceptable, stating that once established and maintained they will provide good visual interest and screening between the park and the development.

- Comments regarding the protection (with reference to inadequate protection) for the Yew and Field Maple tree. Objection to pruning works to these trees

The 'Arboricultural Impact Assessment' and its appendices have been amended to reflect and ensure consistency with the 'Planting Plan'. This has been reviewed by a Tree Officer and deemed acceptable.

- Comments regarding disregard for conditions

The building has been demolished but the erection of the new building has not commenced and there are currently no works on site

- Comments regarding harm to habitat/nature/ecology

It is not considered that these would be a grounds to refuse the landscaping condition application. The protection of birds, bats and other protected species are set out in legislation, separate from planning.

- Query about the site boundaries

Following a survey by an external surveyor, the Greenspaces Service Manager has confirmed that the Laurels are inside the Lodge boundary and not within the park.

- Query about the sale of the site

This is not a matter for planning.

- Concerns tree protection would not be adhered to

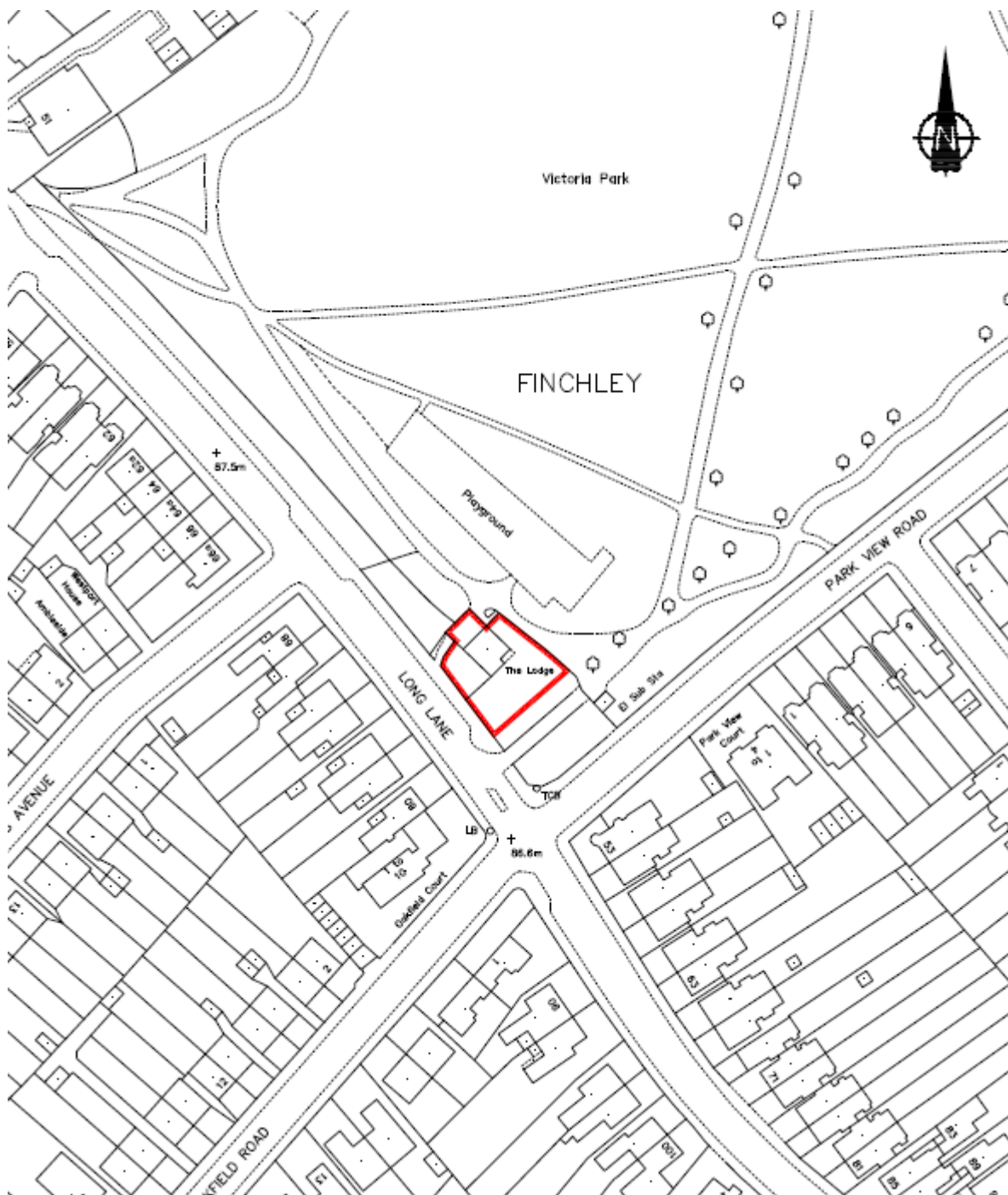
This would not be a reason to refuse this application.

- Query why enforcement has not been taken

This is not a matter for this conditions approval application

8. Conclusion

The 'Planting Plan' (as revised) has been reviewed and deemed acceptable by a Tree Officer. As such, details for Condition 9 pursuant to appeal decision APP/N5090/W/18/3197652, decision dated 16 October 2018, can be approved.



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Location **116 Ashurst Road London N12 9AB**

Reference: **19/6420/FUL**

Received: 2nd December 2019

Accepted: 2nd December 2019

Ward: Woodhouse

Expiry 27th January 2020

Applicant: Mr David Reilly

Proposal: Demolition of the existing dwelling and erection of 3no two storey plus rooms in the roofspace dwellings. Associated cycle storage, refuse and recycling store, parking and amenity space

AGENDA ITEM 7

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: [insert plan numbers].

Design and access statement November 2019

1911.001,
1911.003
1911.004
1911.005
1911.010
1911.020
1911.021
1911.022
1911.023
1911.052.A
1911.053.A
1911.054.A
1911.060.A
1911.070.A
1911.071.A

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as

assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

- 4 a) 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

6 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 prior to the occupation of the hereby approved development.

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

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

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

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Class 1 Part A - E of Schedule 2 of that Order shall be carried out within the area of the curtilage of each dwelling 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).

- 9 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.

- 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 commencement of the development details of the vehicular sight line to the either side of the proposed site access with the Public highway shall be submitted to and approved in writing by the Local planning Authority. The access is thereafter to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

- 12 Prior to occupation of the development the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility

between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

- 16 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 17 Prior to occupation of the development the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

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

- 18 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.

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

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

- 20 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).

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

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

- 22 Prior to the first occupation of the 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 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.

- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

- 6 The applicant is advised that any works required on public highway to facilitate the development will be at the applicant's expense and will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 7 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority under S184 or S278. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.
- 8 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highway Development Control Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres. Information on application for a S184 or S278 highway agreement

- 9 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 Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - 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.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 10 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 £60 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 comprises of a two-storey detached single family dwellinghouse located on the eastern side of Ashurst Road. Ashurst Road is a residential street comprising of large two storey detached, terraced and semi-detached properties. To the north lies the green space of Friary Park, with skatepark, tennis courts and Blacketts Brook.

The property is sited within a rather large square plot, as the rear garden extends to an approx. 23m depth from the rear elevation of the property and to an approx. width of 20.5m. Land levels slope downward from north to south.

The site faces onto Ashurst Road and lies in a line of houses with no. 114 adjacent to the south east boundary and no. 118 on the other side. The subject property lies side by side with its neighbours and all have rear windows that face onto their back gardens. Trees, bushes and fences on the shared back garden boundaries help partially screen views.

There are no known designations and the property is not a listed building and not located within a Conservation Area.

2. Site History

Reference: 18/6071/FUL

Address: 116 Ashurst Road, London, N12 9AB

Decision: Refused. Appeal Dismissed

Decision Date: 18 December 2018

Description: Demolition of existing dwelling and construction of 3no two storey dwellings with rooms in the roofspace. Associated parking, refuse/recycling, cycle store

Reference: C02452E/04

Address: 116 Ashurst Road, London, N12 9AB

Decision: Refused

Decision Date: 7 September 2004

Description: Single storey rear/side extension to dwelling house.

3. Proposal

Demolition of the existing dwelling and erection of 3 two storey plus rooms in the roofspace dwellings. Associated cycle storage refuse and recycling store, parking and amenity space.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties.

10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of site leading to a cramped living situation.
- Set an unacceptable precedent.
- Detrimental impact on street parking.
- Considerably larger than the existing building.
- Bedroom 1 & 4 setback further than the neighbouring properties.
- Contrast to the present unobtrusive two storey building.
- Not in keeping and out of character with the local vernacular.

- The proposal is essentially no different from the previous 18/6071/FUL.
- First floor level out of character.
- Loft overdevelopment.
- Car parking concerns.
- Removal of trees - environmental impact.
- Visually overbearing and intrusion of privacy.
- Loss of light and outlook.
- removal of trees and vegetation.
- Increase in pollution and noise in the area.
- The ridge height is great than what is existing, roof ridge will be noticeable to all passers-by as well as to residents.
- Reduce open space.
- Visual detrimental.
- The application refers to materials including grey man made roofing slate to match surrounding properties but the majority of neighbouring houses have roof coverings of either brown clay or concrete tiles.

Neighbours have been notified of the receipt of the amended plans. Any further responses will be reported at the meeting.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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, semidetached 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:

- Principle of development

- The impact on the appearance and character of the area;
- The impact on the amenities of neighbouring and future occupiers;

5.3 Assessment of proposals

Principle of development

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. In accordance to Paragraph 117, development should 'promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

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

The application seeks approval for the demolition of the existing dwelling and the construction of 3 two storey terraces dwellings. Associated cycle storage refuse and recycling store, parking and amenity space.

There is no in-principle objection to the demolition of the existing building given that the building is not in a conservation area nor is it a noted heritage asset.

Policy CS4 provides policy on quality homes and housing choice in Barnet and states that, "seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness."

DM08 states that, "Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough."

The proposed building would provide three, four bed terrace dwellinghouses in place of existing detached dwelling and would contribute towards an increase in family homes in Barnet and would comply with Policies CS4 and DM8.

The proposal would replace the existing dwelling which has been heavily extended and would not constitute good design. The replacement dwellings would provide better quality residential accommodation and enhance the streetscene. The principle of redevelopment to provide three, terrace dwellinghouses on this site, is therefore considered acceptable.

Application 18/6071/FUL was previously refused and then dismissed at appeal reference number APP/N5090/W/19/32274. It was not refused on "principle" grounds, the principle was considered acceptable. However, it was considered that the height, bulk and design would significantly harm the outlook and have a materially overbearing effect on the neighbouring properties.

However, the Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

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

Ashurst Road is predominantly residential in character, the houses share some characteristics being mainly two storeys high with pitched roof and facing the Ashurst Road. There is a mix of detached, semi-detached and terraced units along the street and differing size of gaps between the properties.

The proposed development involves full demolition of the existing dwelling and construction of three terraces two stories in height.

The proposed front elevation featuring pitched roof design including 3 roof lights, bay windows and architectural detailing would all follow common characteristics seen along Ashurst Road. The proposed dwellings would also not be significantly higher, or appear more cramped, compared to others in the street. Furthermore, application 18/6071/FUL featured the same front elevation and the inspectorate stated that proposed front elevation would not appear markedly out of character with the area.

It should be noted that the original submitted application comprised a flat roof design and large dormer which measured the full width of the roof slope presenting as 3-stories in height. This was not considered in keeping with the surrounding area. The applicant was advised to substantially reduce the dormers and redesign the first-floor extension taking note of the surrounding areas which feature pitched roofs and architectural features.

The rear elevation is two stories in high featuring a half-pitched roof design on the first-floor extension and small dormers which are located in the middle of the roof slope. The amended design complements the overall design and reflects the character and appearance of the rear of other properties in the immediate locality.

The proposal has been reduced in size from previously refused planning application 18/6071/FUL which measured 18.88m in depth on the ground floor and 15.9m on the first floor. The proposal measures 16m in depth on the ground floor and 11.88m on the first floor.

Application 18/6071/FUL proposed a scheme that was 3 storeys in height at the rear with a flat roof design. Within the appeal the inspectorate concluded that the rear would appear totally different from the front, due to the rear elevation's height, flat roof, depth and lack of architectural detailing the rear aspect would appear dominant, bulky and incongruous. It is believed that the concerns highlighted by the inspectorate on the previous scheme have now been adequately addressed under the subject application.

The amended proposal respects the prevailing design and character of Ashurst Road will not have a harmful impact on the character and appearance of the street scene and wider locality.

Impact of residential amenities

In terms of protecting overlooking, Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justification justifications.

There would be a 28m separation distance between the rear elevation and the neighbouring garden to the rear. This is compliant with the Council's Residential Design guidance SPD. As such the privacy of the neighbouring gardens is not considered to be detrimentally affected by the proposal.

It is considered that, the proposal would not result in the loss of privacy, outlook or light of neighbouring properties.

The proposal measures 16m in depth on the ground floor and 11.88m on the first floor. The proposal has increased the depth by 3m on the ground floor and 4m in depth on the first floor than what is currently existing.

There is an improved separation distance of 2.35m separation from the proposal to the shared boundary with no. 118 and separation distance 10.7m from no.114.

No flank windows are proposed in the first-floor elevation and the proposed rear dormers would be moderate in size and would not cause overlooking for the neighbouring properties.

As such, officers are satisfied that the proposal will not result in any significant impacts on neighbouring amenity. While the number of dwellings is increased to three, these will be 3x4 bedroom dwellinghouses and not considered to result in any noise or disturbance which would conflict with neighbouring properties.

The subject application has been considerably reduced from the previously refused application (18/6071/FUL). The rear elevation has been redesigned, the depth of the single and first floor rear extension has been considerably reduced, the balconies have been removed and the height has been reduced to 2 storeys with rooms in the roof.

On balance, the proposal is not considered to significantly harm the amenity of the occupiers if the neighbouring properties.

Provision of adequate accommodation for future occupiers

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

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms.

	Unit Type	London Plan	Proposed
116A	4 Bedroom 6 Person	112 sqm	148.75sqm
116B	4 Bedroom 6 Person	112 sqm	148.75sqm
116C	4 Bedroom 6 Person	112 sqm	148.75sqm

The proposal meets the recommended guidelines. The proposed terraces would feature dual aspect and would provide a reasonable level of outlook and daylight for each of rooms.

Provision of adequate outdoor amenity space for future occupiers

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For houses 40m² of space for up to four habitable rooms.

Unit Type	SPD requirements	Proposed
116A 4 Bedroom 6 Person	85sqm	175.36sqm
116B 4 Bedroom 6 Person	85sqm	100.51sqm
116C 4 Bedroom 6 Person	85sqm	140.56sqm

The proposal exceeds to SPD requirements.

Overall, the proposal is considered to provide an acceptable level of residential accommodation for future occupiers.

Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The proposed development would provide two car parking space to the front of the properties. Which is compliant with the recommended guidelines.

For each property the two parking spaces will be accessed from the public highway via a crossover and the existing removed. Details shall be submitted to illustrate dimensions of driveways and crossover spacing as a condition of consent. The required width on the forecourt to accommodate two vehicles is 4.8 metres and be of adequate width so that a vehicle will not overhang the public footway.

Overall, the proposal is found to be acceptable on highways ground and compliant with policy DM17.

Waste Recycling and Cycle Parking

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

Paragraph 11.5 of the Residential Design Guidance SPD 2016, states that, "The design and layout of new residential development should take account of the needs of cyclists through the provision of safe, accessible and secure cycle parking. In accordance with the cycle parking requirements set out in the London Plan. 2 cycle parking space is required for dwelling with more than 1 bedroom.

Refuse storage would be provided in the front garden. According to the submitted information, the proposed bin stores will be located within 10m form the public highway and the Highways Officer have been consulted and raise no objection.

The cycle storage would be provided in the rear garden for each dwelling. However, no detail has been provided. Conditions are attached requiring details of cycle and screened refuse storage to address this issue.

5.4 Response to Public Consultation

The public consultation have been addressed within the report and through conditions of consent.

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 **Melvin Hall Golders Green Road London NW11 9QB**

Reference: **19/6586/FUL**

Received: 12th December 2019

Accepted: 12th December 2019

Ward: Golders Green

Expiry 6th February 2020

Applicant: Maribella Ltd

Proposal: Sixth floor front extension to create an additional self-contained unit

AGENDA ITEM 8

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution towards amending the Traffic Management Order to prevent future occupiers from obtaining residents parking permits: £2022.00

Contribution towards improvements to Local Parks: £1,100.00

Monitoring contribution of 5% of total financial contributions, which is £156.10

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

U-J11724-LP001,
U-J11724-EP001,
U-J11724-EP002,
U-J11724-EE001,
U-J11724-EE002,
U-J11724-PP001 received 27/01/2020,
U-J11724-PP002 received 27/01/2020,
U-J11724-PE001,
U-J11724-PE002,
U-J11724-PE001,
U-J11724-PV001,
Supporting Statement November 2019.

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

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

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

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

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

4 a) No development or site works shall take place on site until a 'Demolition 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 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.

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

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

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

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

8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

9 The windows hereby approved shall match the original windows in material and style.

Reason: To protect the character and appearance of the building in accordance with policy 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 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 11.06.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application 19/6586/FUL under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to Policy DM17 of Barnet's Development Management Policies DPD (2012) and the Planning Obligations SPD.

2. The development fails to provide a legal agreement to enable contributions towards local amenity open space within the London Borough of Barnet and therefore would not mitigate the lack of provision of outdoor amenity space, contrary to Policy DM02 of the Barnet's Development Management Policies DPD (2012), Barnet's Sustainable Design and Construction SPD (2016) and the Planning Obligations SPD.

Informative(s):

- 1 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.

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

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

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

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

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

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

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

- 3 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 Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - 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.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 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.

- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

1. Site Description

Melvin Hall is a residential apartment block that contains a total of 37 flats and 25 car parking spaces. The building was constructed in the 1960s/1970s and is characterised by its protruding terraces and a flat roof with sets backs to the 7th floor.

Vehicular access to the site is via Golders Green Road with a secondary access via Highfield Road. These are controlled with a barrier and drop down bollards providing access to 25 car parking spaces at the rear. There is a small area of hard standing to the rear of Ray Court fronting Highfield Road providing four additional car parking spaces. There is no cycle parking on site currently.

The property is not listed and does not lie within a Conservation Area.

2. Site History

Reference: C10506G/04

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: WITHDRAWN

Decision Date: 19 Feb 2004

Description: Erection of four-storey building to provide 8no. self-contained flats, with associated parking accessed from Highfield Road (OUTLINE).

Reference: C00409AK/00

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: Refuse

Decision Date: 05 Dec 2000

Description: Erection of two 3.5 metres telecommunications towers to carry 6 antennae and 4 dishes.

Reference: 15/07820/FUL

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: Approved subject to conditions

Decision Date: 24 March 2016

Description: Roof extension to accommodate 1no self-contained flat with external balcony. Parking area to the northwest side.

Reference: 17/2774/CON

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: Approved

Decision Date: 8 June 2017

Description: Submission of details for condition 6 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 15/07820/FUL dated 10/03/16

Reference: 17/3500/S73

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: Approved subject to conditions

Decision Date: 31 July 2017

Description: Variation of condition 1 pursuant to planning permission 15/07820/FUL dated 24/03/2016 for 'Roof extension to accommodate 1no self-contained flat with external balcony. Parking area to the northwest side'. Variation to include; To omit the solid roof and

solid end wall to the balcony to provide an adequate level of daylight through the balcony glazing into the living room

Reference: 19/6103/CON

Address: Melvin Hall, Golders Green Road, London, NW11 9QB

Decision: Approved

Decision Date: 17 December 2019

Description: Submission of details of conditions 10 (Refuse) 11 (Sound Insulation) pursuant to planning permission 17/3500/S73 dated 31/07/19

3. Proposal

Sixth floor front extension to create an additional self-contained unit.

4. Public Consultation

- 227 consultation letters were sent to neighbouring properties.
- A site notice was erected on 23.01.2020

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

The objections received can be summarised as follows:

- The flat should have a designated parking space.
- Parking concerns.
- No parking permit should be permitted.
- Render is not a roof material.
- Not all windows and door are uPVC.
- Trees and hedges will be impacted by scaffolding.
- Waste collection.
- Overdevelopment.
- The development is not in an area for growth.
- Layout of flat does not meet Lifetime home requirements.
- Enough 2 bedroom flats in the area.
- The proposed development will impact on the occupants of flat 35 which is to the left on the 6th floor when viewed from Golders Green Road as they have not been overlooked since Melvin Hall was built in the 1960's.
- Privacy concerns.
- Sound proofing measures in line with building regulation approved document E.
- The unit will not be affordable.
- Two planning application have not been listed.
- Loss of light and sunlight to the 6th floor flat (flat 35) at the front of Melvin Hall as there will, if the development is approved and built, be a structure to the left of this flat when looking towards Golders Green Road.
- No bus goes to Brent Cross from the nearest bus stop to Melvin Hall.
- No traffic management plan.
- No statement provided to show how the applicant intends to protect the existing gardens.
- No reference to waste.
- The proposal would cause massive disruption in the short and mid term and will cause lasting disruption as well with no gain or benefit to the existing residents and will further infringe on the residents' rights.
- The previously approved flat on the 6th floor placed over 5th floor flat cause flood damage, electric damage, dust and noise disturbance for over a year resulting in reduced rent for the 5th floor apartment.

- Not satisfied that even further building above flats on the roof has been properly thought through and the consequences such as structural damage and leakages and water damage have not been provided for.

- Apart from financial benefit to the applicant there is no benefit to the residents of further building above our purpose built block of flats. The massive disruptions and damage caused to the residents, both structurally and materially as well as emotionally, and the infringement of their right to peaceful enjoyment of their home cannot be justified.

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- Whether the proposal would provide good quality accommodation for future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposal

Principle of development

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. In accordance to Paragraph 117, development should 'promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

The applicant proposes using the existing roof of Melvin Hall, whilst ensuring that the overall height of the building is not increased, optimising the housing potential.

The principle of roof top development has been established under application 15/07820/FUL approved in March 2016 for "Roof extension to accommodate 1 no. self-contained flat with external balcony". That application was for an additional flat at 7th floor level. Application 15/07820/FUL was for an extension on the north eastern part of the roof fronting Highfield Road. The subject application is contained to the south west corner and would be at 6th floor level.

As such, the principle has been established.

Impact of the proposal on the character and appearance of the area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

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

The subject application is contained to the south west corner. It would be visible from Golders Green Road and Highfield Road.

This application is for the creation of a roof extension to the existing property. This roof extension will allow the creation of an additional unit with 2 X bedroom 4-person unit.

The applicant proposes to utilise the roof space in the south west corner on the 6th floor of the building. The proposal would mirror the existing units beneath being the same design, size, window placement and will be constructed in matching materials. As such the additional floor will present as a fluid addition. It is not considered that the proposal would detrimentally impact on the established character and appearance of the existing building.

The overall height of the building will not be increased. Given that there is an existing unit on the 7th floor the proposed extension to create an additional unit located on the 6th floor would be considered a subordinate and proportionate addition to the existing building. A similar purpose built flat was approved on the subject building under planning application 15/07820/FUL "Roof extension to accommodate 1 no self-contained flat with external balcony. Parking area to the northwest side". There are similar high intensity purpose built flats in the vicinity and it is considered the development proposed would have an acceptable impact on the character and appearance of the area.

Impact on the Amenities of Neighbours

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

As the extension is located on the 6th floor above the height of the majority of the units there is limited concerns in terms of impacting the privacy and outlook of neighbouring properties.

Flat no. 35 Melvin Hall is located at the front of the building facing Golders Green Road and is on the same floor as the proposed development, it currently has views over the flat roof upon which the extension is proposed. The proposed extension would have some impact on the sunlight and views the flat currently enjoys.

Flat no. 35 Melvin Hall features an inset balcony on the north east elevation, which includes sliding doors into a small kitchen. The kitchen currently would not receive a great deal of sunlight due to the inset balcony. Barnet's planning guidelines would not define a kitchen of this size (approx. 10.8sqm) as a habitable room. A habitable is defined as room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition.

It should be noted that there is a large window serving the living room of no.35 which will not be impacted by the proposed development in terms of light.

The Mayors Housing SPG standard 32 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day.

In relation to outlook, the extension would be visible in views from flat 35 and those at lower floors. However, given the location of the proposed extension in relation to the living area of flat 35, it is considered that adequate outlook would be maintained to serve that property. In relation to the lower floors, it is considered that they would not be impacted to a significantly greater degree, given the relationship to the existing block in this south west corner.

A window is proposed in the proposed elevation perpendicular to flat 35. This would be in line with similar windows in the flats below. In terms of any overlooking, the situation would be the same as the current relationship between these 2 blocks and it is considered that there would not be a significant loss of privacy to the occupiers of flat 35.

It has been assessed that the development would allow for adequate daylight, sunlight, privacy and outlook for flat no. 35 Melvin Hall and flats below.

The stacking arrangement has been assessed and a condition of consent added to include sound installation.

The extension would also be adjacent to Ray Court, at the corner of Golders Green Road and Highfield Road. Given the height of the existing building at Melvin Hall in relation to Ray Court, officers consider that the additional height would not significantly increase overshadowing or be unduly overbearing.

Provision of adequate accommodation for future occupiers

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

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms, the GIA for a 2 bedroom 4 person unit is 70sqm. The proposal has a GIA of 75sqm. Both bedrooms measure 13.sqm which complies with the minimum space requirements.

The property is dual aspect and would provide reasonable levels of outlook and daylight for each of the rooms.

Provision of adequate outdoor amenity space for future occupiers

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats the requirement is 5m² of space per habitable room. As such the proposal should have 10m² of outdoor amenity space.

The proposal does not provide any outdoor private amenity space. However, there is some communal amenity space to the rear of the site which is accessible for the future occupiers of the unit and the site is located within 300 metres of Princes Park.

The applicant has agreed to make a financial contribution towards local parks via a section 106 agreement. This is considered to address the short fall with regards to private amenity space.

Overall, the proposal is considered to provide an acceptable level of residential accommodation for future occupiers.

Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The applicant is proposing a car free development. The applicant has provided justification for this. The site location has a Public Transport Accessibility Level (PTAL) of 4.

The Council's highways officer has been consulted and raises no objection. The construction of a 2bed flat will attract a maximum allowable parking provision of between 1 -1.5 spaces. The applicant proposed no parking provision, as such 1-2 vehicles could be displaced on-street.

Given that the site is in a CPZ and lies in an area with a PTAL score of 4, Highways will accept a car free scheme provided the applicant agrees to enter into a s106 agreement with the Council to deny occupants of the development the right to purchase CPZ permits. The applicant has agreed to this.

Refuse and Recycling

According to the submitted information, the applicant has adding two bins to the existing provision. The proposed bin stores will be located within 10m of the public highway and the Highways Officer has been consulted and raised no objection.

A condition of consent is suggested requesting details of storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection to be approved by Council.

Overall, the proposal is found to be acceptable on highways ground and compliant with policy DM17.

5.4 Response to Public Consultation

The public consultation have been addressed within the report and through conditions of consent.

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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