

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

Reference: **16/6445/FUL**

Received: 5th October 2016

Accepted: 6th October 2016

Ward: Totteridge

Expiry 1st December 2016

Applicant: Mr Adam Lipman

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

Recommendation: Approve following legal agreement

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement by RPS CgMs Ref: BC/22231; Tree Survey, Arboricultural Impact Assessment and Tree Protection plan by Martin Dobson Associates; Transport Technical Note by RPS; Daylight and Sunlight Report by Malcolm Holils Ref 53194/IM/SJP; Indicative Existing Drawings; Drawing no. 4848_02D Drawing no. 4848_03E; Drawing no. 4848_04D; Drawing no. 4848_05D; Drawing no. 4848_06D; Drawing no. 4848_07D; Drawing no. 4848_08; Drawing no. 4848_10; Drawing no. 4848_11; Drawing no. 4848_Ex Elevations, Signed Unilateral Undertaking dated 12.12.16.

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

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

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

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 7 Before the development hereby permitted is occupied the cycle parking and car parking spaces as shown on Drawing No. 4848_02D shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

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

- 10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. 4848_02D before first occupation or the use is commenced and retained as such thereafter.

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

- 11 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and rear garden, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, proposed shrubbery around parking areas and refuse areas has been submitted to and agreed in writing by the Local Planning Authority.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

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

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

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

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

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

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

- 15 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).

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

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

- 17 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 19.2% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £6,956.25 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 £33,179.72 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Please note that the maximum width of crossover allowed is 4.8m.

- 8 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 9 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 10 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 11 The landscaping scheme should provide for two landscape scale tree species in the front garden; for example scots pine (*Pinus sylvestris*), and silver birch (*Betula pendula*) with additional shrub/small tree planting around parking areas and refuse stores. In the rear garden additional trees and shrubs should enhance the overall appearance for residents.
- 12 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 13 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

A Unilateral Undertaking accompanies this application which was signed on the 12th December 2016 and restricts future occupiers of the development from obtaining residents parking permits.

1. Site Description

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

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

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

2. Site History

None relevant on the site.

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

3. Proposal

The applicant seeks planning consent for the demolition of the existing building and erection of a three storey plus rooms in roofspace detached building to provide 6 no. self-contained flats with associated car and cycle parking, refuse storage, amenity space and landscaping.

The units would be comprised of 4 x 1bed (2 occupiers), 1 x 2bed (4 occupiers) and 1 x 3bed (5 occupiers).

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

The proposed building would have eaves 1m higher than the existing building measured at the side adjacent to Falcon Court. At the other side, the side wing would have a cat slide roof and partial gable end which would have a lower eaves height than the existing. The main ridge height of the building would be lower than Falcon Court, and would be an additional 2m above the ridge height of the existing building.

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

At the rear, the building at ground floor would project approximately 2.9m from the rear elevation of Falcon Court and would be in line with the existing rear elevation of the existing ground floor rear wing of Villa Verdi for a distance of 2.7m. At upper and first floor levels, the rear elevation would be set in 1.5m from the flank elevations fronting Falcon Court and Villa Verdi and would project 2m over these two floors.

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties. 22 responses have been received, comprising 21 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Harmful impact on light to and outlook from windows to kitchens on Falcon Court
- Overbearing on neighbouring buildings
- Insufficient parking and associated competition for on street parking
- Poor mix of dwellings
- Non-provision of accessible dwellings/ Non-compliance with M4(2)
- Overdevelopment/ other flatted development on larger plots
- Irregularities in the daylight and sunlight report
- Building line at front results in loss of light/ outlook/ overlooking
- Number of future residents
- Overlooking/ loss of privacy to neighbouring properties
- Impact on protected habitats
- Loss of trees
- Access for emergency services
- Affordable housing provision
- Excessive cycling stands but this shouldn't justify insufficient vehicle parking
- Bins in close proximity to neighbouring patios and subsequent smells.
- Use of kitchens at Fallow Court are not used as galley style but as somewhere to cook and eat (kitchen diners)
- Impact on nearby foundations and building structures, and could result in subsidence; would need protection against damage for neighbours

The representations received can be summarised as follows:

- Impact on newts should be explored more before development is considered to be acceptable.

A site notice was erected on the 13th October 2016.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

- Impact on Trees and Ecology
- Highways
- Sustainability Measures

5.3 Assessment of proposals

Principle of Flatted Development

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

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

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

In addition, whilst the Council's DM08 policy stipulates that for market housing the highest priority is for family homes of 4 bedrooms and the development would provide a greater mix of 1 bed units, the scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable.

Impact on the character of the area

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

The road is varied both in the design of buildings and the typologies of dwellings on the road. It is considered that the existing building which dates to the 1970s does not have any particular architectural merit. In terms of the impact of the replacement building on the character of Woodside Grange Road, the design of the building draws from features on the road and the building would sit well on the streetscene. The building is considered to be sympathetic to its context and responds well to the height difference between the flatted development at Falcon Court and the single family unit at Villa Verdi. The ridge height sits in between the two and the inclusion of the catslide at the side adjacent to Villa Verdi allows the roof to appear less prominent than originally intended when viewed against Villa Verdi. The pitch of the roof has been amended in the course of the application to appear shallower, thus reducing the bulk and prominence particularly when viewed in the context of the streetscene. On balance, the building is not considered overly dominant, particularly against the smaller building to the south.

Due to the variety of properties on the road, there is an irregular building line on this section of the road. Whilst the building line would project further than the existing due to the building siting parallel to the road rather than the existing splayed layout, it is considered to respond well to the building lines of immediate neighbouring properties particularly as the proposed building at the front would be recessed at all levels above lower ground floor level.

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

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

The application site benefits from a PTAL of 2 and is considered to fall within an urban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare and 150-250 habitable rooms per hectare. Taking the site area of 0.06ha, the proposal for 6 flats (22 habitable rooms) would equate to a density of 100 units per hectare (366.67 habitable room per ha). Although this is marginally in excess of the recommended density, this is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. The development is considered acceptable in other regards and officer would consider that the density alone would not warrant refusal given that that the development is considered acceptable in other regards.

Impact on the amenities of neighbours

New development should have due regard to the amenity of existing occupiers in neighbouring buildings.

As part of the submission, the applicant has included the approved plans for Falcon Court, which are attached within the Planning Statement, in addition to a Daylight and Sunlight Assessment. Daylight and Sunlight report accepts that there would be some impact on windows on the flank elevation by virtue of the proposed building, however the proposed building retains the same distance from the boundary, albeit with an increase in height. Whilst it is incorrect to assume that these windows are not protected whatsoever, the Local Planning Authority is required to make a balanced assessment and the impact on outlook and light to these windows is a material consideration in the determination of the application. The kitchens of Falcon Court are 10m² and each flat enjoys a separate dining area according to the approved plans for the scheme. Within the Residential Design Guidance SPD, a habitable room is defined as a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m². As has been evidenced by photographs provided by objectors, many of the occupiers at Falcon Court use their respective kitchens for dining as well as cooking, and whilst it is accepted that there would be some loss of light, on balance it is not considered that this impact is sufficient to warrant refusal of the application. It is

acknowledged that the report was carried out on the site itself which objectors have raised concern about, however the officers are satisfied that the assessment is suitable.

All flank windows would be conditioned to be obscured glazed to prevent direct overlooking into the private spaces of neighbouring occupiers.

In addition, the shallower pitch amended as part of discussions during the course of this application would improve the outlook compared to the original submission for the top flat of Falcon Court in particular and the outlook to other units is not considered to be any worse than currently experienced due to the siting of the proposed building being the same as the existing.

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

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

On balance, the impact on neighbouring occupiers is considered to be acceptable.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The units would comply with the minimum space standards relative to the size of the unit.

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The room labelled as a study for flat 6 is not considered to be a habitable room

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

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

Finally, the scheme proposes two new refuse stores located at the front of the site which complies with the Council's Recycling and Refuse Scheme. Whilst these would be located at the front of the site, they are directly abutting the highway and would be housed in refuse stores. It is therefore not considered that these would have an unacceptable impact on the streetscene or on neighbouring occupiers, whilst meeting the standards.

Impact on Trees and Ecology

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

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

The information submitted indicates that there are slight incursions into the root protection areas of three trees; however the measures set out in the arboricultural method statement provide sufficient provision to prevent harm to the retained trees within the garden and third party trees. The tree consultant therefore recommended that subject to conditions, the proposal would be acceptable.

The site is not considered as an area of importance for Nature Conservation. A condition has been added to request that an ecology survey is carried out to review whether there would be an impact on existing wild habitats on the site and if there are, requiring details of mitigation measures. It is considered that this would address the comments raised by objectors.

Highways

The proposal is a demolition of the existing dwellinghouse and erection of 3 storey building to provide residential units comprising of 6 units with 2 car parking spaces proposed.

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

For the proposed development a parking provision of between 2 to 8 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policies approved in September 2012.

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

At the time of writing, the applicant had agreed to and signed the legal agreement with a required contribution of £2000 towards the amendment of the Traffic Management Order to enable limiting the purchase of parking permits by the new occupants of the development.

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

Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 19.2% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

Community Infrastructure Levy

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

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

The proposal has been calculated to be liable for £33,179.72 of Barnet CIL and £6,956.25 of Mayor's CIL.

5.4 Response to Public Consultation

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

With regards to affordable housing provision, due to the small scale nature of the scheme, there would not be a requirement for affordable housing; the threshold for affordable housing is 10 or more units in accordance with Policy DM10.

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

6. Equality and Diversity Issues

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

7. Conclusion

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