

**Location**                      **Development Site East Of 23 Formerly Known As 25 Oakleigh Road North London N20 9HE**

**Reference:**                      **17/3106/FUL**                      Received: 15th May 2017  
Accepted: 19th May 2017

Ward:                              Oakleigh                              Expiry 14th July 2017

Applicant:                        DR. A. CHRISTODOULOU

Proposal:                         Erection of a four storey building to provide 9no self-contained units. Associated parking and vehicular access

**Recommendation:** Approved subject to conditions AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions and obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. P.01 Rev P, P.01J Rev P, P.03 Rev P, P.04 Rev P, P.05 Rev Q, P.06 Rev Q, P.07 and OS map.

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

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

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

- 3     a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.  
  
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- Details and samples of the facing and roofing materials to be used for the external surfaces of the buildings, with specification for detailing on the elevations;
  - Elevations at 1:10 of the proposed windows, including details of materials and details of window reveal and method of window opening;
  - Details of the proposed rainwater goods;
  - Drawings and details of any vents or flues, including their size, specification, location on the building, and finished colour.
  - Specification of the proposed balustrades and winter gardens, including 1:20 or 1:50 drawings detailing the materials, size, window openings and design.
- 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 the conservation area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 a) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
- b) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).
- d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF

- 6 Notwithstanding the submitted plans, before the development hereby permitted is first occupied, car parking and cycle parking spaces and cycle storage facilities shall be provided on site in accordance with a scheme to be submitted to and approved by the Planning Authority and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The cycle parking details shall include details of the type of cycle stand proposed.

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

- 7 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;
  - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity caused by the main road and proximity to the bus stop, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 5.3 of the London Plan 2016.

9 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and DM04 of the Development Management Policies DPD (adopted September 2012), and 5.21 of the London Plan 2011.

- 10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from adjoining premises and the road on the development and measures to be implemented to address/mitigate against its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 13 a) Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby approved shall not be first occupied until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented.

b) Before the development hereby approved is first occupied the development shall be implemented in full accordance with the details and specifications as approved by this condition and shall be permanently retained as such thereafter.

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

14 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).

15 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

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

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

17 Prior to the first occupation of the new dwellinghouses (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 so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015)

- 18 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

- 21 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.
- b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

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

**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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL and Barnet CIL. Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,



please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section -

Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

- 4 The applicant is reminded that Oakleigh Road North is a traffic sensitive road. Deliveries during the construction period should not take place between 8:00am to 9:30am, or 4:30pm to 6:30pm Monday to Friday. Careful consideration must also be given to the optimum routes for construction traffic.
- 5 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
  - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 7 The applicant is advised that, in respect of the requirements of Condition 6, any design should take into account the comments by Transport for London in respect of additional cycle parking spaces being required.

## **Officer's Assessment**

### **1. Site Description**

The application site is a vacant plot, and the previously existing warehouse building was demolished some time ago. The site fronts Oakleigh Road North. The site is within, but on the edge of, the Whetstone Town Centre.

The neighbouring properties to the south west comprise a row of two storey terraced properties with a hipped roof. These are in a mixture of uses, with a residential use directly adjacent to the application site and a mixture of residential with commercial at ground floor level to the rest of the buildings. To the rear of these properties, and also abutting the rear part of the application site, is the rear garden of The Griffin Public House.

The neighbouring building to the north east ("Barrydene") is a six storey block of flats. The building is set back from the street, with soft vegetation demarcating the boundary between the boundary and this neighbouring site.

## **2. Site History**

15/01806/FUL: Erection of 9no. self-contained flats comprising of 3 x 1-bedroom, 4 x 2-bedroom, 2 x 3-bedroom, with associated parking spaces on lower ground floor, new cross over to the front, fence to the side boundaries, refuse collection to the front and associated landscaping. Approved July 2015.

B/04076/14: Erection of 1no. 4 storey building to facilitate 9no. self-contained units including basement parking for 14no. cars. refuse facilities, cycle store and hard/soft landscaping. Refused September 2014. Appeal Dismissed.

B/00977/14: Demolition of existing building and erection of 1no. 4 storey building to facilitate 9no. self-contained units and ground floor commercial unit, including refuse facilities, cycle store and hard/soft landscaping. Basement parking for 14no. cars. Refused June 2014.

## **3. Proposal**

This application proposes the construction of a four storey building to provide nine flats. The proposed building would measure approximately 17.2 metres in width, a maximum of 32.7 metres in depth at ground floor level and 26.1 metres at first floor, and 11.5 metres in height to the top floor's flat roof (with a 1.1 metre high glass balustrade above).

Seven car parking spaces are provided within an undercroft area at ground floor level to the rear of the site.

The nine flats would be split as 2x one-bedroom flats, 4x two bedroom flats and 3x three-bedroom flats. The ground floor would contain two flats (1x one-bedroom, 1x two bedroom). The first floor would contain three flats (2x two-bedroom, 1x three-bedroom) and the rearmost two bedroom flat would benefit from a roof terrace. The second floor would contain 1x one-bedroom flat, 1x, two-bedroom flat and 1x three-bedroom flat, each of which would benefit from balconies. The third floor would contain 1x three-bedroom flat. There would also be a communal roof garden area to the rear of the third floor, and to the roof of the third floor.

## **4. Consultation**

### **4.1 Response to public consultation**

Consultation letters were sent to 46 neighbouring properties. A site notice was also displayed. 18 responses have been received, comprising 17 objections and one letter of comment.

The objections received can be summarised as follows:

- Neighbouring terraces face toward the application site and provide private outdoor amenity space.
- Some elements of the new proposals are an improvement on the permitted scheme, namely the removal of underground parking and the new design of the Oakleigh Road North frontage with the fourth floor stepped back and lighter when compared to the bulkier roof of the approved building.
- Current scheme proposes additional larger flats but fewer car parking spaces. Permission should only be granted subject to car ownership of future residents being restricted at all times to the number of spaces allocated to them.
- There is no reference to the provision of electric parking spaces.

- Current scheme has a much higher element to the rear, to achieve the new arrangement of flats and parking. The overall form of this would be overbearing and oppressive.
- Side windows should be restricted by condition to be obscure glazed and fixed shut.
- Assurance required that side terraces will only be used for maintenance purposes.
- Existing brick wall alongside boundary with Barrydene should be retained.
- Security gates conflict with windows in the adjacent ground floor apartment.
- Application is a gross overdevelopment and will result in a dangerous precedent.
- The site is in a dangerous location and traffic incidents are frequent.
- Proposed access will conflict with the bus bay.

The representations received can be summarised as follows:

- The previous application for this site (15/01806/FUL) was approved with a condition (5) requiring a programme of archaeological evaluation. If this application is approved the same condition should be imposed.

## **4.2 Consultee responses**

### Traffic and Development Team

The proposal will provide 9 self-contained units consisting of 2 x 1-bedroom, 3 x 2-bedroom and 4 x 3bedroom on 4 floors. A total of 7 parking spaces including one disabled space are proposed at the rear of the site with a new crossover. An existing crossover will be made back to footway. 9 cycle spaces are being provided Vehicle access would be via the existing modified crossover.

The proposed parking provision of 7 spaces would meet the lower end of the LBB parking standards but considered acceptable as the location is a PTAL 4 and close to the town centre and public transport. The London Plan requires 1 cycle space for 1 bed units and 2 spaces for above 1 units. The site provides 9 cycle spaces and therefore will need to be increased to meet the required minimum standard.

The proposed vehicle crossover will impact on the bus cage in front of the site and confirmation is required from London Buses that this is acceptable or required to be modified. Any recommendation for approval will be subject to prior approval of vehicle access location from TfL.

Recommendation: The application is recommended for approval on highways grounds subject to London Buses / Transport for London approval:

### Transport for London

- The site registers a Public Transport Accessibility Level of 4 on a scale of 1 to 6b which indicates a good level of accessibility.
- The applicant proposes 7 parking spaces for 9 residential units at a ratio of 0.78 per unit. TfL deems this ratio too high given the site's PTAL and proximity to services and urges the applicant to reduce parking to around 0.5 spaces per unit. One Blue Badge space is proposed which is welcome as are the dimensions of the space.
- The applicant proposes 9 cycle spaces around the ground floor which is below London Plan standard and should be increased to a minimum of 16 spaces. The shortfall of cycle parking could easily be accommodated in one of the car parking spaces. The applicant should clarify what type of stand will be used for cycle parking.
- Refuse collection will take place on Oakleigh Road North and TfL has no objection to this.
- The applicant should outline a construction programme as TfL is concerned with the impact on bus services.

## Historic England - Archaeology

- The planning application lies in an area of archaeological interest.
- Previous advice from this office has been for the recommendation of an archaeological condition which allows for an initial evaluation of the site to be followed by an appropriate mitigation strategy. Our advice remains unchanged and I therefore reiterate our previous advice.
- Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by condition:

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS8, CS9, CS12, CS13, CS14 and CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM12 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

As noted in the history section above, planning permission was granted under application reference 15/01806/FUL in July 2015 for the construction of a building containing nine flats. Therefore the principle of a flatted development is considered acceptable. The current application differs from that application in the following ways:

- The height of the building has changed. The eaves height of the approved building is 8.5 metres and ridge height 12.3 metres. In comparison the height to the parapet of the current scheme is 9.8 metres, and the maximum height is 11.4 metres.
- The overall width of the frontage has increased from 16.3 metres to 17.2 metres. The distance to the western boundary has reduced from 1.8 metres to 1.5 metres
- The design of the building has changed. The approved scheme when viewed from the front had three storeys with a hipped crown roof. It included two front projecting gables. The current scheme is more contemporary in design, with a primarily three storey front façade and a recessed fourth storey. The front projecting bays remain, with a height not exceeding the main three storey parapet height.
- Basement car parking is no longer proposed. The 12 basement car parking spaces have been replaced by seven surface car parking spaces.
- No ground floor amenity space is proposed. Instead, all amenity space is provided within balconies (as previously approved) and roof terraces (new).
- The previously approved single storey (with rooms in the roofspace) to the rear has been replaced by a part single, part three storey structure. The rearmost part would be single storey with a roof terrace above. The three storey would contain flats, and have a roof terrace on top.
- A new refuse container storage area is proposed to the rear of Flat 1, the approved scheme included the containers being stored adjacent to Oakleigh Road North.
- The unit mix has been changed as follows, from 3x one-bedroom flats, 3x two-bedroom flats and 2x three-bedroom flats to 2x one-bedroom flats [eg one fewer], 4x two-bedroom flats [eg one additional] and 3x three-bedroom flats [eg one additional]

Approved ground floor: 1x one-bedroom, 2x two-bedroom,  
Proposed ground floor: 1x one-bedroom, 1x two bedroom.

Approved first floor: 1x one-bedroom, 1x three bedroom  
Proposed first floor: 2x two-bedroom, 1x three-bedroom

Approved second floor: 1x one bedroom, 1x three bedroom  
Proposed second floor: 1x one-bedroom, 1x two-bedroom, 1x three-bedroom.

Approved third floor: 1x two-bedroom.  
Proposed third floor: 1x three-bedroom.

Given the extant planning permission, the main issues for consideration in this case are whether the amended scheme would cause any harm:

- to the character and appearance of the street scene and the wider locality;
- to the quality of living space for future occupants;
- to the living conditions of surrounding and adjoining neighbouring residents;
- to Highway safety.

### **5.3 Assessment of proposals**

#### Impact on the character of the area

As noted above, the proposed building would have a taller front façade (ie main front elevation) than the approved scheme (eg the height from ground level to eaves is increased as a result of the new front parapet wall from 8.7 to 9.8 metres), and would have a greater width. However, its design has also been changed. The more contemporary flat roofed design reduces the overall massing of the building, and this in part is clear from the maximum height being reduced from 12.3 metres to 11.4 metres and the height of the front bay projections being reduced from 11.1m to 9.8m. The flat roofed design with architectural features to break up the massing helps the building to assimilate itself more appropriately into the street scene. The flat roof reflects the design of Barrydene to the east.

Whilst the main front elevation has been increased in height, the front bay projections are lower in height and the facade would still be of a massing and appearance which would relate appropriately to both neighbouring buildings, in the context of this mixed street scene. The proposed building would not, as a result of the spacing that would remain between it and the neighbouring buildings, appear cramped within its plot. The set-back from Oakleigh Road North ensures that the prominence of the proposed building in the street scene would be no greater than that as approved. The additional storey of accommodation has been set back from the main front façade, with the balustrade to the roof terrace set further back and specified to be glass to reduce its visual impact on the building.

It is acknowledged that the massing of the rear part of the proposed building is greater than that previously approved. However, the building has been designed with recessed sections to break up the massing of the flank façade from viewpoints to the east. The majority of this additional massing is set back from Oakleigh Road North such that it would not be immediately visible or prominent, and would not harm the character or appearance of the street scene or wider locality.

The submitted drawings indicate design features including balconies, banding in the facing materials, and modern glazing. Details of these features are all reserved by condition, to enable the LPA to ensure the resultant building is of a high quality finish.

It is noted that the approved scheme included bin stores to the front, whilst the current scheme shows the bins to be stored to the rear of the main building, with the collection point being on Oakleigh Road North. The relocated storage area is considered to improve the overall appearance of the development when compared to the approved scheme.

#### Quality of amenity for future occupants

No objections were raised in the previous application by the LPA in respect of the quality of the internal accommodation for future occupants. The proposed units and rooms meet the minimum requirements, and units have sufficient windows and quality of outlook to ensure the relevant internal quality standards are met.

In the current scheme there are changes to outdoor amenity space, with communal space provided on two rooftop levels, and balconies proposed to all units. Having regard to the outdoor space proposed, and the site's location within a town centre, the level of amenity space afforded to each unit is considered acceptable.

The submission makes reference to the use of winter gardens and acoustic fence to help mitigate against any impacts of noise from the public house on the amenities of future occupants, and this matter will be dealt with by a condition.

#### Impact on the amenities of neighbouring properties

No objections were raised by the LPA in the previous application in respect of the impact of the proposal on the amenities of neighbours.

As noted above, the height of the main front and side facades has been increased from the previously approved eaves height of approximately 8.5 metres, to the proposed parapet height of approximately 9.8 metres. This will increase the massing of the building when viewed from the neighbouring properties. It is noted that the overall height of the roof is reduced from the previous scheme, with the addition of a flat roof also reducing the massing of the building overall. It is considered that taken together, these changes ensure that overall, the current scheme would not have any greater impact on the amenities of neighbouring occupiers than the approved scheme. The additional built form to the rear is set away from No. 23 Oakleigh Road North and as a result of this distance is not considered to harm the amenities of the occupants of this neighbouring property.

The additional rear extension would be set sufficient distance from windows and terraces at Barrydene such that it would not appear overbearing or visually intrusive when viewed from this neighbouring building. It is noted that there would be new windows facing the neighbouring property, however these are specified on the drawings to be obscurely glazed and fixed shut, and this will be secured by condition to ensure there is no harm to the privacy of neighbouring occupiers.

#### Impact on highway safety

No objections were raised by the LPA in the previous application in respect of the impact on highway safety. In the current application a basement car park is not proposed, and the number of car parking spaces has been reduced. Policy DM17 notes that residential development may be acceptable with limited or no parking within a controlled parking zone but only where it can be demonstrated through a survey that there is sufficient on street parking capacity. It also notes that the council's maximum parking standards are 1.5 to 1



spaces per unit for 2 to 3 bedroom flats and 1 to less than 1 spaces for development consisting of mainly one bedroom flats. Given the mix of units, this development requires between 7 and 12 parking spaces.

A Traffic Assessment has been submitted with this application and assessed by the Traffic and Development Team. They have confirmed that the proposed parking provision of seven spaces would be at the lower end of the council's parking standards, but nevertheless would meet the standard. The site is close to public transport and TfL have suggested that too much car parking is provided. Taking into account the above, and Barnet's parking requirements, it is considered that the parking provision is acceptable.

It is noted that TfL have suggested additional cycle parking spaces should be provided. A condition is attached which requires the applicant to provide details of the proposed cycle parking arrangements, including number of spaces and type of cycle stand, and these details will give the applicant the opportunity to increase the on-site parking provision.

### **Accessibility and Sustainability**

The application scheme is required by Policy 3.8 of the London Plan to meet Building Regulation requirement M4(2). The floor plans confirm a lift is proposed and the applicant has confirmed that the scheme would meet Part M4(2) of the Building Regulations.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered acceptable to comply with the London Plan's requirements.

In terms of water consumption, a condition is attached which would require each unit to receive water through a water metre, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day.

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

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

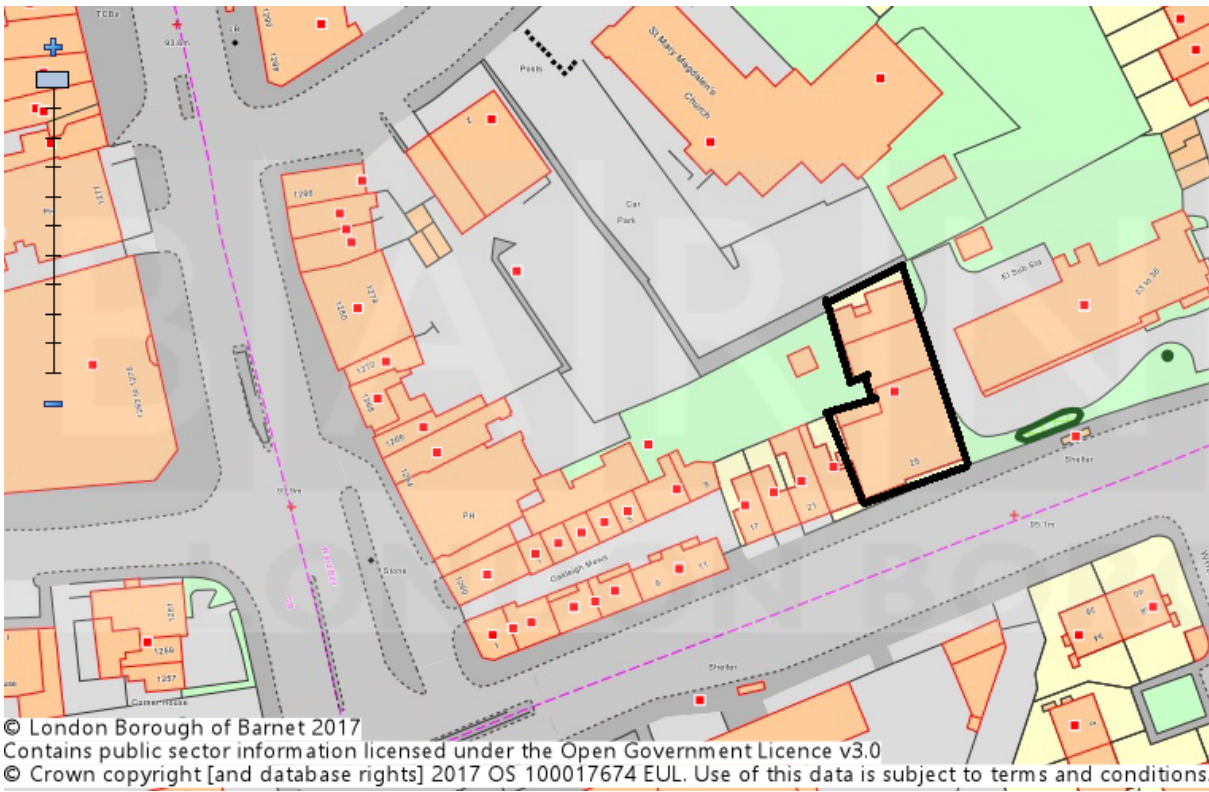
The comments raised are addressed in the appraisal above.

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

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

### **7. Conclusion**

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



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