

Location	Wessex Court 51 West End Lane Barnet EN5 2RA	
Reference:	17/7820/FUL	Received: 11th December 2017 Accepted: 20th December 2017
Ward:	Underhill	Expiry 14th February 2018
Applicant:	Mr M BISHOP	
Proposal:	Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage	

Recommendation: Approve subject to conditions

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

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

423714-2 (Existing Elevations Sections and Roof Plan), 423714-4 Rev A (Proposed Second Floor Plan and Roof Plan), 423714-5 (Site Plan), 423714-5 Rev A (Proposed Elevations and Sections), 423714-10 (Existing Floor Plans) 423714-12 Rev A (Proposed Site Plan), OS Plan, Planning Statement prepared by Joe Henry Planning.

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 sample details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4
- 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. Staff travel arrangement;
 - ix. details of contractors compound and car parking arrangements;
 - x. Details of interim car parking management arrangements for the duration of construction;
 - xi. Provision of a banksman;
 - xii. 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 policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

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

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

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

- 6 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).

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

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

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

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

- 8 a) Before the development hereby permitted is first occupied, details of enhanced landscaping improvements and seating arrangements to the amenity area(s) including planting of shrubs in the area along the access road and installation of benches in the amenity area nearest to Bell Lane block shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015..

- 10 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 11 Notwithstanding the plans submitted, before development commences, details of the gates and the operation of the gated vehicular access as indicated on Drawing No. 423714-12 Rev. A, including maintenance contract details of electronically operated gates, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

12. a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 10% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 10% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015..

Informative(s):

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

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

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

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

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

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

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

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 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding

public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Gates/barriers if proposed in conjunction with crossovers will be set back by 6 metres from the back of the public highway for the vehicular access from West End Lane. This is to ensure that no vehicles are waiting or queuing on public highway due to gates waiting to open and priority will be given to vehicles coming off the public highway. Consideration will be given to the location of the gate/barrier to ensure that waiting vehicle does not cause any obstruction to the free flow of traffic on public highway. Electronic gated access is preferred to ensure minimal adverse impact on public highway.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 7 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

Officer's Assessment

1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats.

The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development plus mansard fronting Bells Hill.

2. Site History

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse

Decision Date: 23 January 2017

Description: Erection of 4 three-room flats

Reference: N02251K

Address: Factory Site West End Lane; Bells Hill Barnet

Decision: Approved

Decision Date: 24.05.1984

Description: Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces.

Reference: C04719A

Address: Wessex Court Wessex Way London NW11

Decision: Refuse

Decision Date: 28 March 1985

Description: Single storey rear extension to form self-contained flat.

Reference: 16/3985/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Withdrawn

Decision Date: 22 August 2016.

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site

property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: Dismissed on the basis of amenity space and provision of refuse and recycling facilities.

Appeal Decision Date: 07.11.2017

Reference: 17/4338/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 24 October 2017

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

Reason(s)

1. The proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

3. Proposal

The proposal is for the demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.

The dwelling mix would be 3 studios, 1 x 1 bed flat and 4 x 2 bed flats.

The current proposal has been amended to take into account officer and the appeal inspector's comments with regards to the proposed amenity spaces and the bin storage and recycling areas. In addition, the proposal amends the number of additional car parking spaces reducing it from 18 to 10 spaces in total.

4. Public Consultation

290 consultation letters were sent to neighbouring properties.

68 responses have been received, comprising 40 letters of objections, 28 letters of support and 0 letter of representation.

The objections received were mainly from residents of Wessex Court and West End Lane.

The objections can be summarised as follows:

- Out of character
- Bulky and over bearing
- Insufficient Parking provision
- Impact on traffic
- Noise & disturbance
- Impact on outlook / view
- Overlooking
- Existing infrastructure inadequate to support proposed
- Existing green areas could be affected to provide more parking
- Problems with existing drainage will be compounded.
- Impact on existing trees
- housing target is being met
- inadequate amenity space
- proposed parking are existing
- impact of construction traffic
- narrow road, insufficient access.

The comments supporting the proposal can be summarised as follows

- Sufficient parking
- cycle parking space will encourage cycling

- Inconvenience would occur anyway if roof was to be replaced under permitted development rights
- Provision of more housing
- Studios present an opportunity for first time buyers
- Roof lower than existing, will not affect view of neighbouring residents
- Improved car park will enhance privacy and security
- Improvement to the general area
- Increase in value of existing flats
- Improvement to appearance of existing building
- Construction works will be minimal

Representation from Barnet Residents Association

- The reason (1) given for rejecting the previous application was in our view the most important and the applicant has not offered any reason why this might now be invalid. This reason can be developed further.
- The officers report on the previous application referred to neighbouring properties being predominantly two-storey Victorian cottages. But much of the street is formed of maisonettes, hence our view that this street already has a very dense level of housing and why we considered the existing block of flats was essentially an instance of over-development.
- The heading to policy DM01 refers to 'character and amenity' and so the reference in DM01(b) to preserving local 'character' should rightly embrace the amenity impact. In this context the officers report on the previous application referred to the development harming the living conditions of ... neighbouring properties. Quite so, which is why this further application should be rejected.

Representation from Cllr Wendy Prentice

- Call in to committee if application is to be refused.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

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

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

The existing block is two storeys high and the overall height is very similar to the height of the adjacent Victorian houses. The flats are seen within the context of the Victorian houses in West End Lane as the property facing Bells Hill has a different setting and context. Considering the block and the Victorian houses differ markedly in terms of their elevational treatment, the consistency in their height together with their roof form and alignment helps to assimilate the block of flats into the area.

The previous two applications (17/0453/FUL & 17/4338/FUL) which are almost identical to the current application were refused by Committee due to bulk, mass and excessive number of dormer windows and the impact it would have on the character of the existing building and the character of the area. The applicant appealed against the Council's decision in respect of refused application ref: 17/0453/FUL and the appeal was subsequently dismissed for the under provision of amenity space and the harm this would have on the living conditions of both existing and future residents.

(The Inspector also commented that the bin and cycle storage adjacent to amenity space, together with its enlargement could encroach on amenity space provision which, given the under provision of amenity space, would be unacceptable).

The Inspector did not consider the size, bulk and massing of the proposed second floor and the number of dormer windows would harm the character of the area.

It should be noted the Inspector's decision would form material planning consideration to the assessment of this application.

This scheme proposes a total of 8 number of units which is identical to the previously refused schemes. However the roof form, amenity space provision, access, refuse and recycling storage facilities and cycle storage facilities differs between the appeal scheme and the two subsequent schemes. This proposal is similar to the recently refused scheme (17/4338/FUL) than the appealed scheme (17/0453/FUL). Both the refused scheme (ref: 17/4338/FUL) and the current scheme proposed a pitched roof whilst the appeal scheme was for a Mansard roof extension. The number of proposed new parking spaces for both the refused applications was 18. Under this application this would be reduced to 10 spaces to allow for an improved access width and refuse and recycling storage facilities to be provided within the site. The amenity space provision has also been increased to comply with the councils standards which also include the provision of amenity space for the existing units at Bells Hill flatted development.

Impact on the character of the area

The proposed roof extension and dormers are exactly the same as the previous scheme (17/4338/FUL) which was refused in October 2017 and similar to the appeal case (17/0453/FUL). Whilst the appeal was dismissed in respect of application ref 17/0453/FUL the inspector did not consider there would be any harmful impact on the character and appearance of the area.

The Inspector was of the opinion that the proposed dormers would transform the buildings "somewhat institutional appearance into one that would be more recognisably domestic, and would relieve its massing". Furthermore, he opined that "the part of the building with the bulkiest appearance would be the side elevations but, as these would not directly face West End Lane and would be close to the side boundaries, their impact on the street scene and surrounding properties would be limited. When viewed in the context of the

street scene, the building would not appear out of character with the varied styles of its surroundings. Although it would be clearly visible and noticeable, it would not appear incongruous or obtrusive, and would represent an improvement to the building's current appearance”.

Given the above, the proposal is not considered to harm the character and appearance of the area and comply with the councils relevant policies .

Impact on the amenities of neighbours

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings.

Concern has been raised by the residents that the proposed pitch roof would have an impact on the front windows of the properties on West End Lane. These are located to the north-west of the building and due to the distance between the application site and the terraced properties; it is considered that no harm would arise in terms of loss of light and outlook.

Concern was also raised in relation to impact of the proposed development on the front gardens. The proposed development is to the south of the properties, the proposed building would be higher than the existing but given the distances between the properties, it is not deemed that it would lead to loss of light. There are existing windows fronting onto the cottages, the addition of the proposed dormers would add to the sense of overlooking however overlooking of the front gardens is not considered to be unduly harmful to residential amenity.

Most of the issues raised related to impact of noise and disturbance arising from the new flats and construction traffic. Conditions relating to sound insulation between the flats and a construction management and logistics plan would be attached

Impact on the amenities of neighbours and future occupiers

It is considered that the application complies with the space standards for the new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space. The proposed units include 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However 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). The applicant is required to achieve the recommended sound insulation levels and a condition is attached to the planning permission to ensure that this is achieved in accordance with the requirements.

To address the under provision of amenity space the plans have been amended incorporating a much larger amenity space. A Total of 1017 sqm of amenity space would be provided.

Currently Wessex Courts has 6 x 1 bed and 10 x 2 bed flats resulting in 48 habitable rooms.

Bells Hill development has 13 x 1 bed and 13 x 2 bed resulting in 65 habitable rooms. The proposal for Wessex Court is for 3 studios, 1 x 1 bed and 4 x 2 bed flats, resulting in 20 habitable rooms.

Council policy requirement is 5sqm per habitable room. The amount of communal amenity space that would be required for 133 habitable rooms would be 665sqm.

Although, the proposal has been revised to take account of the appeal inspectors comments and officer reasons for refusal and provide amenity space in accordance with the councils requirements for the existing and future occupiers of Bells Hill and Wessex Court residents, officers remain concerned that the amenity area proposed to the side of the building adjacent to the access road would not provide a quality usable private amenity space.

In view of this, to ensure that the proposed communal garden provides a quality and usable amenity space that would meet the need of existing and future occupiers, the applicant has agreed to a condition being attached (if the application is minded to be approved) requiring that the quality of the amenity space to be enhanced by planting shrubs along the boundary of the access road and installation of benches in the area nearest to Bell Lane block of flats as this is considered to be the most useable space for these residents.

Refuse and recycling storage facilities would be placed by the existing access to the parking area. The proposal will provide a formal refuse storage area for the existing and proposed flats in Wessex Court. The proposed provision is for 3 x 1100 litre recycling bins) and 3 x 1100 litre refuse bins.

The Council's requirement for refuse and recycling bin storage would be met and would be an improvement to the existing arrangement. A condition requesting details of the storage area will be attached.

A garage will be demolished to provide 12 cycle storage.

Impact on highway and pedestrian safety

The application has been assessed by Highways, and they have indicated that the 26 parking spaces proposed for the existing and proposed use will be in accordance with the DM17 Policy.

Furthermore, the proposed application with the revised access arrangement with 4.2m wide access is acceptable on highway grounds. However information is required as to how the gated access is to be operated. Highways preference is for an electronic operated gate as it would ensure that vehicles will not be waiting on public highway whilst the gated has to be opened manually. Further information regarding the gated access will be required and a condition to this effect would be attached.

In addition Highways have requested that Electrical Vehicle Charging Points and Disabled Parking provision should be provided in accordance with the London Plan Parking Standards

In view of the above, the proposal is recommended for approval on Highways ground subject to conditions and informatives.

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, except for the provision of a lift due to layout and ownership of the existing flats, the viability and service charge implication associated with providing a lift. A request has been made that there should be some flexibility given in this case. As the issues mentioned relates to control outside of the planning regime, the applicant is advised to liaise with Building control in seeking concessions in complying with the condition which is attached and to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% 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.

5.4 Response to Public Consultation

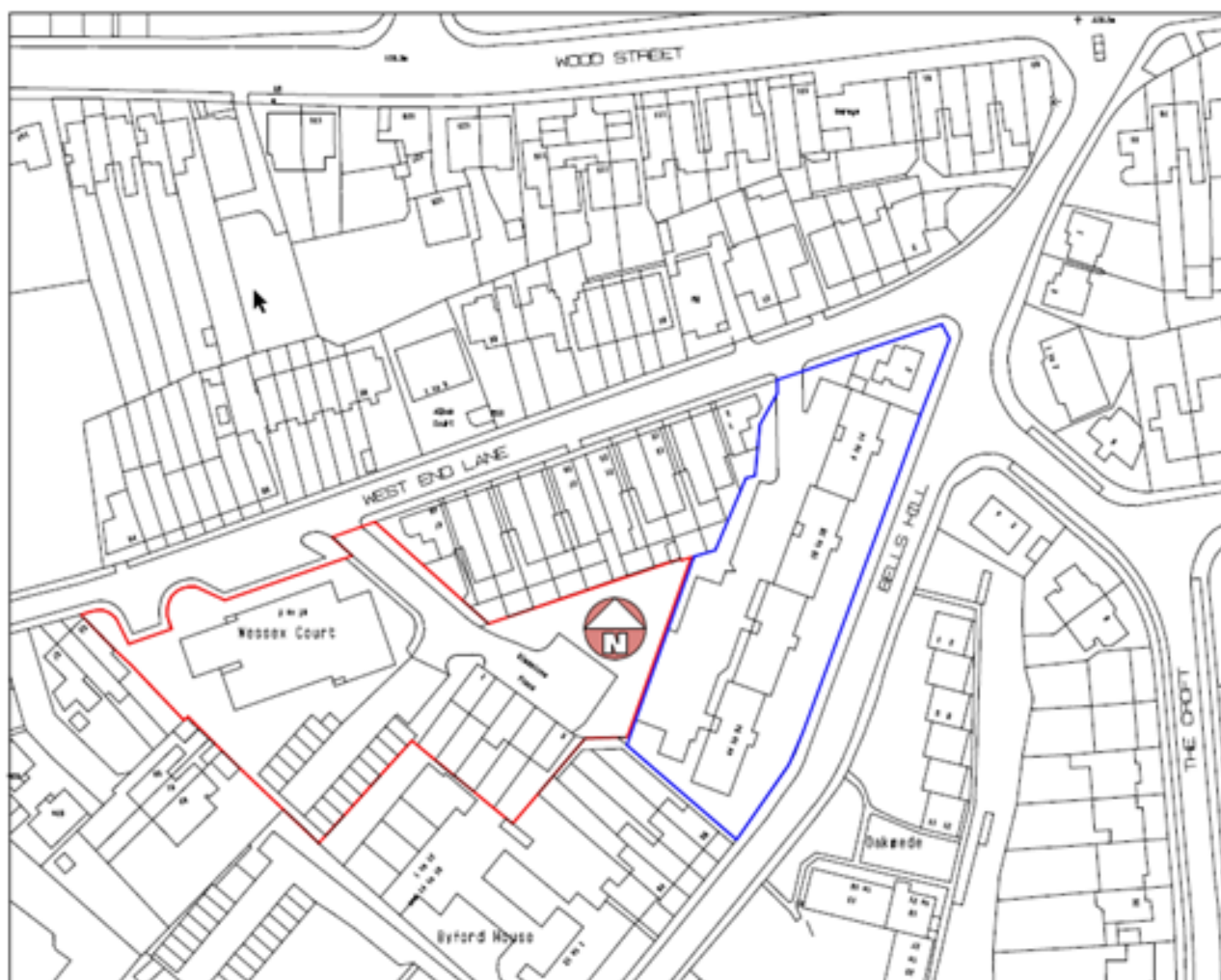
The letters of support and objections are noted and are taken into account in the sections above.

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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