

Location **44 Holden Road London N12 7DN**

Reference: **17/8101/FUL** Received: 21st December 2017
Accepted: 19th January 2018

Ward: Totteridge Expiry 16th March 2018

Applicant: Bellcast Ltd (Andy Tomaso)

Proposal: Demolition of existing building and erection of part three, part four storey building containing 9no. self-contained flats. Associated private and communal amenity space, refuse and recycling storage and associated landscaping, 9 parking spaces (including 1 disabled space), 20 cycle parking spaces

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:

OS Map 1:1250
A1000 Rev.5 (Location Plan)
A1120 Rev.5 (Proposed Front and South Elevations)

- (11) 01 Rev C (Site Layout Plan)
- (11) 02 Rev C (Ground Floor Plan)
- (11) 03 Rev C (First Floor Plan)
- (11) 04 Rev C (Second Floor Plan)
- (11) 05 Rev C (Third Floor Plan)
- (11) 06 Rev C (Roof Plan)
- (11) 07 Rev C (Proposed Front Elevation)
- (11) 08 Rev C (Proposed Rear Elevation)
- (11) 09 Rev C (Proposed Side Elevation South)
- (11) 10 Rev C (Proposed Side Elevation North)
- (11) 11 Rev C (Proposed Sectional Elevation)

Design and Access Statement (dated 21/12/2018)
Planning Statement (dated 21/12/2018)
Planning Submission (Arboriculture) (dated September 2016)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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

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

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

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

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

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

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

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

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

7 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 2015.

- 8 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan and a method statement detailing precautions to minimise damage to trees and details regarding the installation of the proposed structural root cell for the replacement protected tree, in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 10 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. (11)01 Rev C shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 11 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 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 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% 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.

- 13 Notwithstanding the plans submitted, before development commences, details of the revised vehicular access including car access warning (signal control) system, the management of the system, details of where vehicles will wait and the maintenance contract details 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.

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

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

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

- 15 Before the building hereby permitted is first occupied the proposed windows in the north elevation facing No.42 and 46 Holden Road as illustrated on drawing numbers (11)09 and (11)10 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 16 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).

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

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

- 18 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.

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

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

- 20 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

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

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

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

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

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

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

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

Informative(s):

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

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

6 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

7 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

8 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Holden Road and consists of a three-storey detached property set within a plot of approximately 0.12ha. The existing property is currently occupied as 3no. self-contained flats.

The area of Woodside Park is residential in character with a mix of property styles and a variety of single family dwellings, conversions and newer flatted developments.

The existing building is not nationally or locally listed and is not located within a conservation area.

2. Site History

Reference: 16/6324/FUL

Address: 44 Holden Road, London, N12 7DN

Decision: Refused (Committee overturn)

Decision Date: 26.01.2017

Description: Demolition of existing building and erection of part three, part four storey building containing 9no. self-contained flats. Associated private and communal amenity space, refuse and recycling storage and associated landscaping, 9 parking spaces (including 1 disabled space), 20 cycle parking spaces

Appeal Reference: APP/N5090/W/17/3170571

Appeal Decision: Appeal dismissed

Appeal Decision Date: 21.06.2017

It is worth noting that an application (16/6352/FUL) has been approved subject to a legal agreement by the Local Planning Authority at the adjacent site at no.42 (and St Barnabas Church) for the "Conversion of the existing St Barnabas Church from Use Class D1 (community use) to Use Class C3 (residential) comprising 21 flats and four floors, along with associated external alterations. Demolition of the existing bungalow at 42 Holden Road and construction of a three storey plus lower ground floor building comprising 9 residential flats and car parking, provision of private and shared amenity space, cycle and bin stores and other associated works."

3. Proposal

The application seeks consent to demolish the existing building on site and redevelop the site for the erection of a part three, part four-storey building containing 9no. self-contained flats. The proposed flats would comprise of 3 studios, 1 x 1-bedroom, 4 x 2-bedroom and 1 x 3-bedroom units. The proposed building would have a width of approximately 10m and a total depth of approximately 22.5m.

The proposal also includes the provision of 9 parking spaces (including 1 disabled space), private and communal amenity space, refuse and recycling storage and cycle storage.

The proposal has been amended during the application as follows:

- Reduction in scale, massing and roof height so that the proposal occupies less width across the plot, increasing the space between neighbouring properties;
- Roof form and structure significantly altered to reduce the overall bulk and scale;

- Removal of secondary gable;
- Provision of hipped roof over side projection;
- Removal of front dormer;
- Removal of second floor rear terrace;
- Reconfiguration of accommodation to replace studio and 1-bedroom flat on first floor with 2 x 2-bedroom flats and replace top floor 2-bedroom flat with 2 x studio flats;
- Alteration to side elevation windows to have 1700mm high obscure glazed windows;
- Revisions to side driveway and parking arrangement.

4. Public Consultation

Consultation letters were sent to 96 neighbouring properties.
12 responses have been received, comprising 12 letters of objection.

The objections received can be summarised as follows:

- Existing building should be retained and extended;
- No.44 maintains the appearance and design of a traditional family home;
- increased traffic pressure;
- Ecologically preferable to retain the building, since the energy and material embodied in the present building will be retained and used;
- Previous history of subsidence and concerns relating to damage to neighbouring properties;
- need to provide for associated infrastructure to support additional residents.

Due to the receipt of revised plans, the application was subject to a re-consultation period of 14 days to allow the members of the public to view the revisions and provide any comments. No further comments have been received.

Internal Consultees

Aboricultural Officer - No objections. Comments discussed in assessment section of the report.

Traffic and Development - No objections. Comments discussed in assessment section of the report.

London Fire and Emergency Planning Authority - No objections.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

The Mayor's Draft London Plan 2018

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS13, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redeveloping the site for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking provision;
- Impact on trees; and
- Any other material considerations.

5.3 Assessment of proposals

An application (LPA reference 16/6324/FUL) was previously refused by the Chipping Barnet Area Planning Committee for the 'Demolition of existing building and erection of part three, part four storey building containing 9no. self-contained flats. Associated private and communal amenity space, refuse and recycling storage and associated landscaping, 9 parking spaces (including 1 disabled space), 20 cycle parking spaces.'

The application was refused for the following reasons:

1. *The proposed development by reason of its size, siting, design, massing, bulk, height and depth would have an overbearing appearance when viewed from the adjoining properties, nos. 42 and 46 Holden Road which would adversely affect the outlook from these properties and loss of light, detrimental to the residential amenity of the neighbouring occupiers contrary to CS5 of the Local Plan Core Strategy (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).*

2. *The proposed development would also result in the loss of the existing building which contributes to the overall character of the area without a suitable replacement building contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (Adopted October 2016).*

The applicant appealed the decision and the appeal was subsequently dismissed by the Planning Inspectorate. The Inspector found that the proposal would not respond to the character and appearance of the area as positively as the existing building does and would therefore have a detrimental effect on the character and appearance of the area. In addition, the Inspector found that due to the proposed scale and mass of the proposal, and its positioning within the site, it would have a detrimental impact on the living conditions of neighbouring properties.

Principle of development

The application site consists of a building containing 3no self-contained flats and the wider area is of mixed character incorporating detached and semi-detached dwellings and both small and large scale flatted developments. The mix of residential typology is evident along the whole street. As a result, it is considered that a proposal to redevelop for a flatted development would broadly follow the general pattern and typology of development within the street.

The majority of the submitted objections have raised concerns over the demolition of the existing building as they consider it to be of architectural merit and a positive contribution to the character and appearance of the street scene. The principle of demolition is difficult to dispute as the building is not nationally or locally listed or located within a conservation area. The Inspector commented that No.44 is an imposing structure within the street scene due to its design, height and mass and is visible from far away when approaching the site from either direction. While the demolition was not strictly ruled out, the Inspector highlighted positive features of the existing building and that the replacement did not contribute to the character and appearance of the area as positively as No.44 does and as such was considered to be contrary to the relevant policies.

The next section of the report will assess whether it is considered that the proposed replacement building is of a high-quality replacement and whether it maintains or enhances the positives features identified from the existing building. The principle of demolition is considered to be acceptable subject to the Inspector's comments being satisfactorily addressed.

Impact on the character and appearance of the existing site, street scene and surrounding area

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

The application seeks to demolish the existing building on site and construct a new building of part three, part four storeys. The proposal has been considerably amended during the application and in comparison to the previously refused scheme. The siting and scale of the proposal would allow for permeable views through the site to the mature trees and vegetation at the rear of the site. The depth and massing of the proposal across the width and to the rear has been reduced, as well as the proposed level of hardstanding at the rear of the site. This considerable reduction of mass and built form is considered to help maintain the sense of space and openness offered by the existing building.

The proposal incorporates a front gable much more comparable to the design and detailing of the existing building. The size and number of the windows have been reduced, being much more traditional in appearance and having more similarities with the design and appearance of the existing building. While the introduction of external projecting balconies create an appearance more akin to the flatted developments, the overall scale and massing is considered to be reflective of the original building.

The revised scheme is considered to be a considerable improvement in terms of design, external appearance, scale and massing and officers consider it would satisfactorily address the Inspector's previous concerns. The proposal is considered to be in keeping with the nature and setting of the application site and would positively contribute to the character and appearance of the street scene and wider area.

Impact on the amenity of neighbouring properties

The application site is flanked on either side by neighbouring properties. To the north of the site is No.46 Holden Road, a semi-detached house and to the south is No.42 a detached bungalow.

It was previously acknowledged that due to the size of No.44 in comparison to No.42, it already had an overbearing effect on the occupiers of No.42. While the proposal would reduce the gap between the properties, the number of windows and glazing has been significantly reduced and windows are to be fitted with partial obscure glazing. On balance, the previous Inspector's concerns are considered to be appropriately overcome and the proposal is not considered to have a further detrimental impact on the occupiers of No.42. Since the appeal decision, the application at the neighbouring site at No.42 and St Barnabas Church for the conversion of the church to 21 flats and the demolition of No.42 and construction of a three-storey building and lower ground floor comprising 9 flats has been granted subject to a legal agreement. At the appeal this had been given limited weight by the Inspector as the legal agreement had not yet been completed and the decision had not yet been issued. With the consent now having been issued, further weight can now be

afforded to this neighbouring scheme. The proposed flatted development at No.42 is much larger in height and width than the proposal at no. 44 and the proposed facing windows would be fitted with partial obscure glazing. As such the proposal is not considered to impact on the amenities of the future occupiers of the development at No.42.

On the northern side, the proposal has been considerably stepped away from the boundary with No.46 and its depth reduced from the previous refused scheme. The side projection towards No.46 would also sit lower in height than the main building. At its nearest point, the separation distance between the buildings would be approximately 5.5m, increasing to 7.5m at the back of the buildings. The number of windows has also been significantly reduced and would serve bathrooms and a secondary window to a studio flat. Taking into account the proposed separation distance and the proposed layout and siting, the proposal is not considered to have an overbearing effect or overlooking impact on the amenities of No.46.

The proposal would only provide small external balconies to the front elevation with Juliet balconies on the rear. This is not considered to result in any adverse overlooking impacts or contribute to an overbearing impact on the neighbouring properties.

The proposal has been subject to considerable reductions in scale and massing, stepped further away from No.46 and alterations to the fenestration details. On consideration of all the elements, the proposal is considered to satisfactorily address the previous Inspector's concerns and would not have a detrimental impact on the amenities of No.42 or No.46.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide the following units:

Flat 1 - 3B5P - 99sqm
Flat 2 - 2B3P - 64sqm
Flat 3 - 2B3P - 84sqm
Flat 4 - 2B4P - 80sqm
Flat 5 - 1B2P - 58sqm
Flat 6 - Studio - 39sqm
Flat 7 - 2B3P - 64sqm
Flat 8 - Studio - 42sqm
Flat 9 - Studio - 40sqm

All of the proposed would meet the minimum space requirements and are considered to provide adequate outlook for each of the proposed units.

The flats at the front of the site would benefit from small external balconies and would all share the communal garden at the rear of the site. The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. The communal rear garden measures over 500sqm which is over double the required space needed to serve the proposal.

Officers have assessed the current scheme against the proposed development on the neighbouring site. In terms of their potential relationship with other, officers are satisfied with the design, scale, siting, layout, density and height of both proposals and that they have an

acceptable relationship with each other. Officers are also satisfied with the associated amenity impacts that could be achieved in both developments and have considered the window arrangements and are satisfied that overlooking will not be a significant issue. At its closest point, the separation distance between the developments would be approximately 5m, with this increasing at the development's step back.

Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

For 1 bedroom units 0.0 - 1.0 space per unit
For 2 and 3 bedroom units 1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

4 x 1b = a range of (0.0 - 1.0) = 0.0 - 4.0 parking spaces required
4 x 2b = a range of (1.0 - 1.5) = 4.0 - 6.0 parking spaces required
1 x 3b = a range of (1.0 - 1.5) = 1.0 - 1.5 parking spaces required

This equates to a range of parking provision of between 5 to 11.5 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

9 parking spaces including 1 disabled space are being provided. The Council's Traffic and Development service has assessed the proposal and taking into account the site's PTAL rating, are satisfied that the proposed parking provision is in accordance with the DM17 residential parking standards.

The Traffic and Development service note that the proposed vehicular access to the car parking area at the rear, measures only 2.5m wide. This means it will only be able to serve one vehicle at a time. They note that the safety implications of this can be overcome by installing a signalised access to ensure that there is no conflict between the vehicles entering and egressing the site. A condition is attached to this permission that this is implemented in accordance with the recommendation of the highways officers to ensure that no undue impacts would result on the highway. The parking layout at the rear of the site has been amended to ensure that there is adequate turning space within the site.

The proposed refuse storage is sited at the front of the site which is considered acceptable in relation to the collection of refuse and recycling.

Trees

Policy DM01 advises that trees should be safeguarded.

The applicant has submitted an arboricultural report which has been assessed by the Council's arboricultural consultant. Their comments are as follows:

There are two ash trees either side at front of the property. The tree on the right side is protected by a Tree Preservation Order (TPO) (T3001 - applicants plan) and is designated as category B. On the left side is one ash tree (T3003 - applicants plan) which is category B designated. T3002 is shown on the plan, but this tree has been removed.

The current tree retention & landscape proposals are very similar to that proposed under the previous refused scheme. The TPO tree will be removed to accommodate a driveway to car parking at in the rear garden. The ash trees either side of this proposal have equal merit, due to level changes upwards from the highway installing a new vehicle access without impacting on either tree significantly is not possible. The driveway through T3001 means T3003 is retained with minimal harm. Designed access is simplified by this arrangement. It is advised that T3001 must be replaced with a scots pine (*Pinus sylvestris*) 35cm girth 5m high. The use of strata-cells below the driveway is supported as a way of providing high quality rooting areas in the built environment. This area proposed should be increased to the highway boundary and towards the main property. At T3003 a no-dig surfacing for pedestrian access into the property is acceptable. The open trial pit on the site shows that there are significant roots in this area that must be retained.

Twelve trees will be removed in the rear garden and are valued as category U & C (low value). This loss will have an impact on visual tree amenity as they are visible between the properties. Six category B trees growing on the rear boundary (TG3005, T3007 & T3006; 3rd party land) will remain. No-dig surfacing through the root protection areas of (TG3005, T3007, T3006; 3rd party land and T3013 will ensure minimal harm to these trees.

It is proposed that 17 trees replace the 13 trees proposed to be removed to accommodate this application. The species selected are acceptable and will provide long term visual amenity and diversity. The replacement 'Raywood ash' must be changed for scot's pine (*Pinus sylvestris*).

Details of the strata-cells and extent must be shown.

In summary no objection is raised in relation to trees matters. It is recommended that conditions are attached relating to the submission of a detailed arboricultural method statement and scaled tree protection plan, as well as a scheme of landscaping.

The Arboricultural Officer has noted that there may be bats present around the building. With no assessment having been carried out, officers consider that it would be appropriate that a survey should be carried out to assess whether the development would have any impact on bats. This will be sought via condition.

Other Material Considerations

The proposed development has an internal lift within the development from a level access from the car park and the street. It is therefore considered that the proposed development would be able to comply with the mandatory requirements of M4(2) of the Building Regulations.

5.4 Response to Public Consultation

The majority of comments raised relate to the demolition of the existing building and the proposal not being significantly different than the previously refused scheme. However, the scheme has been subsequently amended during the application to reduce the overall massing and bulk of the proposal. This was undertaken after these initial comments were received. It is considered that the revised scheme is of an appropriate scale, massing and

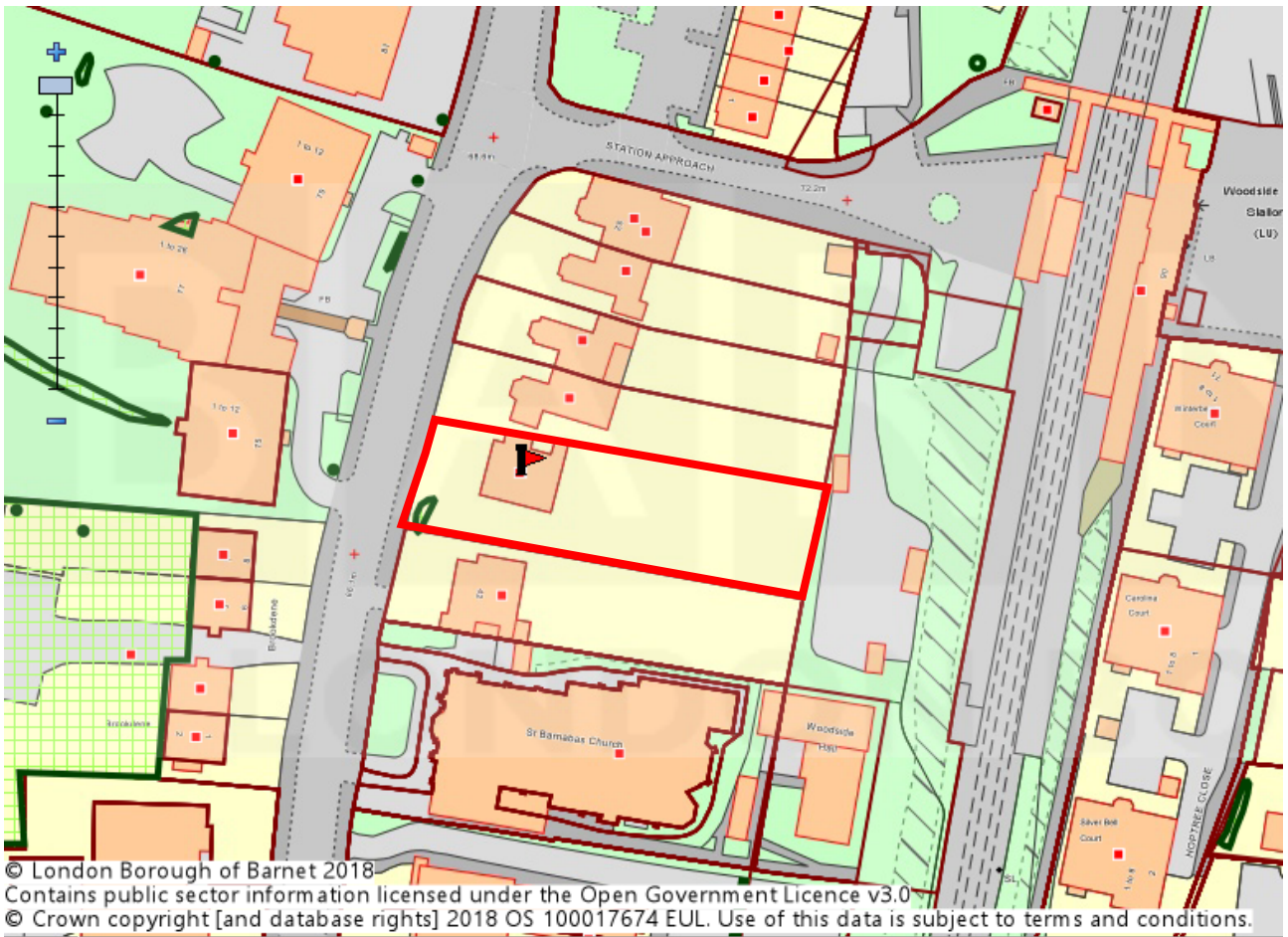
design and would positively contribute to the character and appearance of the site and street scene and overcomes the concerns raised by the Planning Inspector.

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 or on highways grounds. This application is therefore recommended for approval.



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