

Location **Folly Farm Burtonhole Lane London NW7 1AS**

Reference: **17/6081/FUL** Received: 25th September 2017
Accepted: 2nd October 2017

Ward: Totteridge Expiry 27th November 2017

Applicant: Mr Derrick Beare

Proposal: Demolition of existing dwelling house and structures adjacent to the south-western boundary; removal of existing tennis court, basketball enclosure and outdoor swimming pool. Erection of a new two storey plus basement level dwelling house and new outdoor pool

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:

P001 Rev 00 (Site Location Maps & Plan), P002 Rev 00 (Existing Site Plan), P003 Rev 02 (Proposed Site Plan), P004 Rev 01(Existing & Proposed Site Section), P005 Rev 01(Existing & Proposed Area & Volume and Hard Surface Area Analysis), P006 Rev 00(Existing Ground Floor Plan), P007 Rev 00 (Existing First Floor Plan & Roof Floor Plan), P008 Rev 00 (Existing Sections Looking West & North), P009 Rev 00(Existing West & East Elevations), P010 Rev 00 (Existing South & North Elevation), P011 Rev 01 (Basement Floor Plan), P012 Rev 01 (Proposed Ground Floor Plan), P013 Rev 01(Proposed First Floor Plan), P014 Rev 01 (Proposed Roof Plan), P015 Rev 01 (Proposed Sections), P016 Rev 02(Proposed West & East Elevation), P017 Rev 01 (Proposed North and South Elevation),

Arboricultural Report -Proposed Demolition and Construction prepared by Tim Moya Associates dated July 2017,
Planning Statement prepared by TJR Planning dated September 2017, Ecological Report prepared by Tim Moya Associates dated July 2017, Emptying of Swimming Pools prepared by Buckingham Swimming Pools Ltd, Design and Access Statement prepared by Seth Stein Architects dated September 2017, Flood Risk Assessment and Surface Water Strategy Report prepared by Innervision Design Ltd

dated August 2017, Commentary on the structural design prepared by TSC Consulting Ltd dated July 2017, Energy and Carbon Assessment prepared by Built Services Design Associates dated August 2017, Comparative Analysis Schedule prepared by Seth Stein Architects dated February 2018

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 2016.

- 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 April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

7 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 updated Ecological Survey and an Ecological Enhancement Plan which details any mitigation strategy that may be necessary and builds upon the measures to enhance biodiversity set out in the Phase 1 Habitat Survey 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 and the measures to enhance biodiversity carried out before first occupation.

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 October 2016).

- 8 The development must be undertaken in accordance with submitted arboricultural method statement and tree protection plan ref: 151014-PD-21. All aspects of the arboricultural method statement must be fully implemented and strictly adhered to throughout all phases of the development.

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) 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.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved (which comprises the areas outlined in red and blue on drawing 922-P003 rev 02).

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012)

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

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

- 12 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.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures to meet the reduction set out in the hereby approved Sustainability Statement which achieve an improvement of not less than 60%. 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.

- 14 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).

- 15 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.

16 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include the drainage of the existing swimming pool.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Invasive plant species: Section 7.30 of the submitted ecology report sets out measures to prevent the spread of Himalayan balsam. These steps must be followed where or when applicable to prevent the spread of invasive plants in accordance with law
- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

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

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

5 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

Folly Farm consists of a part single storey and part two storey dwellinghouse. The dwellinghouse is located to the north of Mill Hill Country Club and Folly Brook. The property has a garage to the front entrance into the site, an outdoor pool to the rear of the side elevation of the dwelling to the north and leisure facilities located to the north west of the main dwelling.

The site is in the Green Belt and is surrounded by trees included within a Tree Preservation Order. The site is adjacent to the Folly Brook but lies in Flood Zone 1.

2. Relevant Site History

Reference: N01983J

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Refused

Decision date: 24 February 1999

Description: Two storey extensions to side of house

Appeal: Dismissed

Reference: N01983K/02

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Approved subject to conditions

Decision Date: 24 September 2002

Description: Demolition of existing house and ancillary buildings and erection of new two-storey house with pool and pool rooms.

Reference: 16/1304/FUL

Address: Folly Farm Burtonhole Lane London NW7 1AS

Decision: Withdrawn

Decision Date: 07 October 2015

Description: Demolition of existing buildings and erection of new two storey house and single storey outbuilding with swimming pool.

Reference: 17/0554/HSE

Address: Folly Farm Burtonhole Lane London NW7 1AS

Description: Creation of basement level under existing dwelling house.

Decision: Refused

Reason

o The proposed redevelopment of the site would result in a materially and significantly larger building in respect of footprint, volume and floor area and would cause an inappropriate form of development which would harm the openness of and intrude into the largely rural character of the Green Belt at this location and give rise to a intensified form of development within the Green Belt. No very special circumstances to outweigh the harm caused to the Green Belt has been evidenced. The development would have an unacceptable impact on the aims and purpose of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy 7.16 of

The London Plan 2016 and paragraphs 87 and 90 of the National Planning Policy Framework Published 2012.

Decision Date: 29 March 2017

Appeal Decision - Allowed

Appeal Decision Date: 26 January 2018

3. Proposal

This application seeks consent for the demolition of the existing dwelling house and structures adjacent to the south-western boundary; removal of existing tennis court, basketball enclosure and outdoor swimming pool. Erection of a new two storey plus basement level dwelling house and new outdoor pool.

The proposed house would be set back from the eastern boundary and would be a part single storey, part two storey building. It would have a maximum width of 30.7m, depth of 11.5m and the proposed height varies between 3.9 and 7m.

The external area of the proposed basement would be approx 93sqm and the floorspace would be 91sqm. The basement would provide accommodation for the plant room, wine store and fitness suit. The fitness suit will open up to a terrace which will also serve as a lightwell. The basement will be accessed from within the house.

The ground floor accommodation area would be approx. 323sqm (gross), the external area would measure approx 30.7sqm in depth and overall width of between 11.5m and 12.9m.

The first floor is designed as 3 pods with connecting glass corridors and terraces. The external area of the first pod (master bedroom) would be approx. 119sqm. The pod is L shaped and the width would be approx. 11.5m and 8.8m. The depth would be approx. 10.1m and at the front flank wall would measure 5.3m stepping back approx. 2.7m and extending out by approx. 6.2m.

The external area of the 2nd pod would be approx. 37sqm, the depth is approx. 5.2m and the width 7.1m.

The external area of the third pod would be approx. 60sqm; the width is 9.6m and the depth is approx. 6.2m.

The length of the interconnecting gallery would be approx. 15.6m and the width approx. 2m

The material proposed to be used would be blackened timber cladding, rammed earth wall and glass.

A new open swimming pool is proposed within the site.

The height, scale and bulk of the first floor has been reduced following submission of the application to ensure the first floor is not overly dominant and would allow views through thereby achieving a lighter appearance.

The existing outbuilding located adjoining the site entrance would be retained. Refuse storage would continue to be incorporated in this building.

4. Public Consultation

Consultation letters were sent to 1 neighbouring property.

Consultation was also undertaken following receipt of amended plans.

6 responses have been received, comprising 5 letters of objection and 1 representation.

The objections received can be summarised as follows:

- Out of character with the area
- Inappropriate development in the Green Belt
- Construction Traffic
- Impact on views and rural outlook

Representation from Mill Hill Preservation Society

- o Overdevelopment of the site
- o Harm to the Green Belt
- o Impact of construction traffic
- o Health and safety Issue
- o Public Nuisance
- o Impair the Green Belt and Conservation

Councillor Khatri requested the application be considered by the committee (the site is adjacent to Mill Hill ward) because it is overdevelopment and would have a negative impact on the green belt and conservation area.

Consultee Comments:

Highways: Recommends approval subject to conditions and informatives.

Arboricultural Officer: Recommends approval subject to conditions and informatives.

A site notice was erected on 12/10/2017.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02 and DM15

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the development is appropriate within the green belt
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Impact on biodiversity and trees of special amenity value

5.3 Assessment of proposals

This application follows planning application reference: 17/0554/HSE which was for the creation of a basement level under the existing dwelling house. The application was recently approved by the Planning Inspector, the appeal decision is a material consideration in the assessment of this case. It should be noted that planning permission was granted for a replacement dwelling in 2002 which was never implemented.

Green Belt

Policy DM15 (which reflects the NPPF) states that the replacement of a building will not be permitted where it would have an adverse impact on the openness of the area or the purpose of including land in the Green Belt. The supporting text confirms the requirements

of the NPPF (Para 89) that replacement buildings need not be inappropriate provided the replacement building is not materially larger than the dwelling it replaces.

In terms of the impact on the Green Belt, the proposal has been assessed taking into consideration a three-stage approach: (1) whether the proposal would represent appropriate development in the Green Belt, (2) the effect on the openness of the Green Belt and (3) the effect on the visual amenities of the Green Belt.

The Council's Residential Design Guidance SPD (2016) recommends that, in respect of extensions to dwellings, the volume of the original dwelling should not be increased by more than 25% by external measurement in order to protect openness. Whilst this is not directly relevant to a new development, however it is a useful guide to determine the appropriateness of the proposed increase.

The floor area of the existing building is 635sqm, and the proposed scheme is 558sqm above ground and 649sqm including the basement. The proposed building is approximately 12% less than the existing in terms of floor area excluding the basement, and approx. 2% more including the basement.

The volume of the existing building is 1990sqm and the proposed scheme is 1806sqm above ground and 2061sqm including the basement. In volumetric terms, the proposed building is 9% smaller than the existing excluding the basement, and 3.5% larger including the basement.

In terms of the increase over the 'original' dwelling, the property has clearly been extended at various times in the past. In assessing the proposed floor areas and volumes of the proposed compared to the existing, there is only a modest increase above the existing in the case when the volume of the new basement is taken into consideration.

The volume increase when the basement is taken into consideration is deemed acceptable in this particular case, particularly bearing in mind the recent appeal decision allowing the development of a basement that is substantially larger (306sqm) than the basement in the current application. In that decision, the Inspector ruled that:

"The proposed new basement would add considerably to the internal floor area of the existing house, though it would not increase the footprint of the building and would not have a material effect on the external appearance of the building or on its visual bulk in the Green Belt. In the circumstances of this particular case, therefore, and notwithstanding the guidance given in the Council's 'Residential Design Guidance SPD', I have concluded that the proposed development, for which planning permission is now sought, can be categorised as not amounting to a "disproportionate addition" to the existing building and, hence, as "not inappropriate" development in terms of Green Belt policies." (Paragraph 10 - APP/N5090/D/17/3174495).

In view of the above it is considered that the proposed replacement dwelling would not be materially larger than that to be replaced. On that basis, the proposed development is considered to represent an appropriate development in the Green Belt.

Impact on openness and the visual amenities of the Green Belt

The overall depth of the proposed dwelling (30.7m) would be marginally greater than the existing (28.5m). The overall width of the proposed (11.5m /12.9m) would be substantially less than the width of the existing house (20m). The height of the existing building is 7m, in addition it has varying roof forms, which break up the overall massing of the structure.

Much of the first floor accommodation is contained within roofslopes. In comparison, the height of the proposed first floor varies (7m, 6.9m and 6.55m) and the first floor accommodation of the proposed building would be broken up as separate pods with a glass gallery linking the three pods accommodating bedrooms.

The new house has been designed to limit the amount of first floor accommodation and the use of glass and the varying height at the first floor would present an interesting silhouette that would allow views through the building. It is considered that the proposed height and design would not have a visual material impact on the surroundings.

The existing house is located along the eastern boundary and it is very visible from the public footpath that passes the front of the site. The proposed building would be in a different location, it will be set back from the boundary of the site and will be located towards the west of the site and would be approx. 50m from the eastern boundary. The proposed building would be located behind mature trees which benefit from a tree preservation order (T58 and T59). The repositioning of the building would not have a significant impact on the openness of the Green Belt as it would be a replacement building, furthermore the proposal would include substantial planting of shrubs and trees. Given this, visibility from the adjacent public footpath would likely be reduced. The proposed use of blackened timber and rammed earth would ensure that the building would not be obtrusive in its setting. In addition, the use of low reflective glazing at the first floor would help make the building appear transparent when viewed from the Green Belt.

The existing swimming pool, tennis court, basketball area and greenhouse will be removed and replaced with soft landscaping. The hardstanding area of the existing house is approx. 1,454sqm and the proposed would be approx. 1,087sqm, this will equate to a 25% reduction in hardstanding;

The proposed swimming pool will be located to the west façade of the proposed building and will be hidden from view by a line of tall grasses.

In view of the above it is considered that the proposed design and appearance of the replacement dwelling, swimming pool and associated hardstanding would not have an adverse impact on the openness of the Green Belt and would not have a detrimental impact on the visual amenities of the Green Belt.

Impact on the Character of the Area

Having regard to the previous grant of planning permission on this site, the principle of a demolition and new building has been established through the grant of the previous application. In addition, no objections are raised to the principle of a more contemporary development at this site. The proposed development has been designed to sit comfortably in its surroundings and would allow views through thereby achieving a lighter appearance.

In view of the above, it considered that the proposed development would be appropriate for the rural, open and naturalistic landscape.

Impact on the Amenities of Future Occupiers

The dwelling house would provide adequate internal space and therefore comply with policies CS5, DM01 and DM02.

The proposed development would provide sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The proposed development would have terraces at the basement and first floor in addition to the wide expanse of garden.

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents.

Impact on the Amenities of Neighbours

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 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.

Given the isolated nature of the application site, it is not considered that the proposal would be detrimental to the amenities of the occupants of any neighbouring dwelling.

Impact on Highways

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use.

The property would provide 5 bed/ 10 person accommodation. Policy DM17 requires new residential development for detached houses of 4 or more bedrooms to provide 2 to 1.5 spaces. This can be accommodated on site.

The storage facilities for refuse and recycling containers will remain as existing in the outbuilding near the site entrance.

Impact on Trees

The site is surrounded by trees protected under Tree preservation order TRE/BA/69/A1 made on 1st October 1992. Arboricultural survey, Impact Assessment & Tree Protection Plan was submitted with the application. The Council's Arboricultural Officer has assessed the impact of the proposal on the protected trees and has stated that "the proposed tree works are acceptable on condition all trees removed are replaced with species similar in nature or the same species.

The tree protection measures as detailed on the tree protection plan and arboricultural method statement are sufficient to ensure that retained and protected trees will not be harmed by the proposed development.

A condition would be attached in the event planning permission is granted requesting that "the development must be undertaken in accordance with submitted arboricultural method statement and tree protection plan ref: 151014-PD-21 which must be fully implemented and strictly adhered to throughout all phases of the development."

Impact on Ecology

An ecology report was submitted with the application. The conclusion of the report is that there are no European Protected Species such as Bats or Great Crested Newts that have been recorded on the site.

The site does have ecological features of value such as the pond and woodland on adjoining land.

Himalayan balsam has been identified on the site around the pond. This is an invasive species and as such must be controlled/eradicated from the site to prevent spreading. An informative has been attached informing the applicant to eradicate the Himalayan Balsam from the site to prevent the risk of spreading.

The Ecology Report made recommendations for enhancement of bio-diversity on the site. The recommendation includes species enrichment of the grass areas, installation of bird and bat boxes around the site and improvements to the species and vegetation structures around the pond. A condition will be attached in the event planning permission is granted requiring that full details of the improvements must be submitted as an ecological enhancement management plan prior to commencement on site.

Flood Risk Assessment

A Flood Risk Assessment and Surface water strategy report was submitted with the application. The conclusion of the report states that:

- the site lies in fluvial flood zone 1 which means that the proposed site has a low probability of fluvial (river) flooding.
- the developed area of the site has a medium to low probability of surface water flooding. the surface water strategy states that flood resilience and alleviation methods will be implemented on site, access/egress routes will not be affected and the site will be signed up to flood warning schemes.
- there is no documented evidence of flood risk from any other sources and the re-development does not impact on flood risk elsewhere.
- assuming the mitigation, warning and evacuation procedures can be maintained over the lifetime of the development, the proposed replacement dwelling with small basement is considered acceptable.
- all surface water arising can be managed on site.
- surface water flows from the site into Folly Brook are shown to be significantly reduced which will in turn reduce surface water flood risk in the Folly Brook catchment

The accompanying Design and Access Statement submitted with the application confirmed that the proposed ground floor level is 300mm above design flood levels and will provide an improvement over the existing.

In view of the above, conditions requiring details of levels and drainage strategy to be submitted would be attached in the event planning permission is granted.

Other Matters

A commentary on the structural design of the proposed basement was submitted as part of the application. The reports shows that the basement with a gross external area of 106sqm will be constructed as a reinforced concrete "box" with full continuity between basement slab and perimeter walls and with lateral restraint provided by the ground floor slab at ground level.

The excavation for it will be kept to a minimum either through the installation of sacrificial steel sheet piling or insitu concrete bored piling around the full perimeter. These would be temporarily supported at their head, as necessary depending upon their final design, to permit the basement and ground floor slab to be constructed, after which all temporary lateral support can be removed.

The report confirmed that "the location and level of nearby Folly Brook is sufficiently far removed as not to impact upon the basement construction and the plan size of the basement is such that it will have no perceptible impact on the flow of subsurface groundwater across the site towards the brook".

It is considered, therefore that the proposed basement will not have an impact of nearby properties residents and would also not impact upon the flow of subsurface water to such an extent as to warrant submission of further information.

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, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the Sustainability Statement states that the development can achieve an energy saving of 69% and CO2 emissions reduction of 60% over the existing dwelling. 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 would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted 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 concerns raised are noted. The principle of this development has already been established under the previous applications.

The proposed development is considered to accord with current policy.

Most of the objections raised and the impact on neighbouring properties has been fully assessed in the sections above.

Construction Traffic

Objections were made on the impact of construction traffic required to remove the soil from the basement excavation and to undertake the consequent construction of the proposed development. The main concern is that it would be significant and would cause major disruption in an area of Green Belt and to the Mill Hill Conservation Area through which the lorries would need to travel. In addition, concern has been raised about the status of the lower part of Butonhole Lane which is designated as a footpath rather than a public road and impact of the development on pedestrians and dog-walkers.

The appeal Inspector has considered this in dealing with the appeal in respect of a much larger basement (APP/N5090/D/17/3174495). In Para 12 of the appeal decision the Inspector stated that "Obviously, the construction process would be difficult in practice, since it would involve the excavation of a new basement beneath the existing structure. Construction traffic would be generated as a result of the project, of course, but the impact would be for a relatively limited period and the objections that have been made in relation to construction traffic are not critical in planning terms. Moreover, such harm as would be caused can be mitigated by the imposition of a condition to require the preparation and implementation of a Construction Management Plan"

In view of the above, it is considered that the concerns raised are not sufficient to warrant refusal of this application.

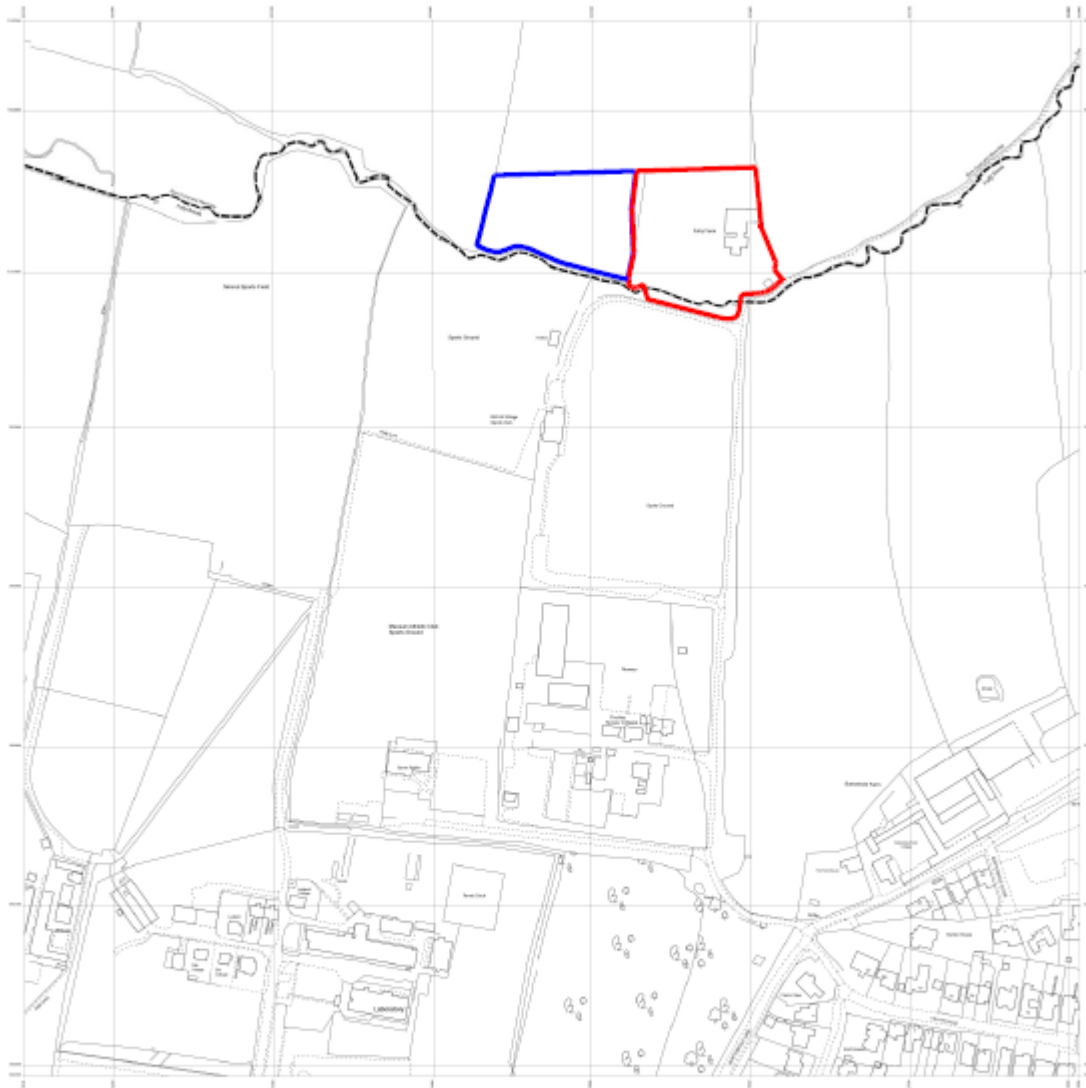
6. Equality and Diversity Issues

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, the proposed development would be appropriate within the green belt, would be in keeping with the character and appearance of the surrounding area and is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings. The proposal is in accordance with the NPPF and Policies contained within the adopted Local Plan. It is recommended that the application be approved subject to conditions.

It is therefore recommended that the application be APPROVED.



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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Meters



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