

Location **2A Fortis Green London N2 9EL**

Reference: **18/0692/S73**

Received: 31st January 2018

Accepted: 5th February 2018

Ward: East Finchley

Expiry 2nd April 2018

Applicant: Mr CHAUDHURI

Proposal: Variation of condition 2 (Plans Numbers) pursuant to appeal APP/N05090/W/17/3167558 dated 22/05/17 planning reference 16/5117/FUL for `Demolition of existing single storey building and erection of a two storey building with a commercial unit at ground floor level. and 1no. self-contained residential unit with private terraces at first floor level.` Amendments include alterations to ground floor width and height, alteration to first floor fenestration, glazed wall, alteration to glass screens, removal of windows on the north wall

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: A2145 EX2001, A2 / 1 4 5 / P A 2 / 2000 A, A2 / 1 4 5 / P A 2 / 2001 A, A2 / 1 4 5 / P A 2 / 2002 A, A2 / 1 4 5 / P A 2 / 3000 A, A2 / 1 4 5 / P A 2 / 3001 A, A2 / 1 4 5 / P A 2 / 3003 A, A2 / 1 4 5 / P A 2 / 3003 A,

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 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, hard surfaced areas and obscure glazed screens hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 3 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/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 and shall be provided at the site in accordance with the approved details before the development is occupied

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

- 4 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).

- 5 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.

- 6 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and

unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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 Policy 5.21 of the London Plan (2016).

- 7 This development must be begun within three years from the date of the grant of planning permission 18/0692/S73 as approved under appeal decisions ref APP/N05090/W/17/3167558 dated 22/05/17.

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

- 8 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.

- 9 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.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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.

Officer's Assessment

1. Site Description

The site currently accommodates a single-storey commercial unit occupying most of the site, apart from a small open parking area adjacent to the street frontage. It is situated between the rear elevations and yards of the long residential terrace and retail parade fronting High Road to the west, and the more domestically scaled terraces fronting Fortis Green, to the immediate east of the site.

The site is not located within a Conservation Area and the individual property is not Statutorily Listed.

The area has a built-up character with much distinctive and original architecture for the late 19th and early 20th century. The built structure is generally three storeys with properties generally following a consistent building line. The site deviates from this pattern, accommodating a single-storey infill building between larger terraces, which is out of character with its surroundings. The site is not in a conservation area nor is the existing property or adjacent property listed.

2. Site History

C00452R/04 "Erection of a four storey block of 4 flats." REFUSED (20.10.2004) - APPEAL DISMISSED

C00452S/04 "Demolition of existing single storey car sales building and erection of three storey block (including rooms in roofspace) to provide two studio flats and two two-bedroom flats." REFUSED

(10.02.2005) - APPEAL DISMISSED

C00452T/05 "Change of use from MOT Car workshop (Sui Generis) to Art Gallery (class A1)." APPROVED (26.09.2005)

16/0179/FUL " Demolition of existing building and erection of a two storey building comprising of 200sqm of class A1 retail floorspace at ground floor level and 1no. 2 bedroom self-contained flat at first floor level with associated amenity space and cycle storage and provision of 2no. off-street parking spaces." REFUSED (12.04.2016).

(22.05.2017) - The appeal was upheld and the development allowed.

3. Proposal

Variation of condition 2 (Plans Numbers) pursuant to appeal APP/N05090/W/17/3167558 dated 22/05/17 planning reference 16/5117/FUL for `Demolition of existing single storey building and erection of a two storey building with a commercial unit at ground floor level. and 1no. self-contained residential unit with private terraces at first floor level.` Amendments include alterations to ground floor width and height, alteration to first floor fenestration, glazed wall, alteration to glass screens, removal of windows on the north wall. The development would create 201m2 of commercial space at ground floor and 1no self contained flat at the first floor of the building. This would provide 119m2 of internal amenity space for the 2no. bedroom flat.

4. Public Consultation

Consultation letters were sent to 237 neighbouring properties. A site notice was posted on the 15.02.2018. 7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The proposal is ugly and out of keeping
- Loss of light
- Over looking to adjacent gardens and windows

- Party wall and structural concerns

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, DM08, DM11, DM12, DM17.

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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.
- Whether the scheme provides adequate living standards for future occupants.

5.3 Assessment of proposals

Impact on the character of the area

The substantive decision was made under the appeal decision of 22/05/2017. It recognised that although the new development would deviate from the established form of development in the street, it would replace the existing discordant building and would have a significantly higher design quality and appearance than the existing structure. The appeal decision noted that the development did not reference existing architectural forms found within the area, but would clearly appear as a detached, infill building with its own style. Its stand-alone architectural approach would not invite comparison with the older, taller buildings to the east and west of the site. The Inspector went on to say...' it's relatively compact scale and massing would not appear unreasonable, and it would result in a modern building that makes good use of the constrained site proportions.'

The alterations from the allowed appeal scheme are minor and will not materially alter the general appearance of the proposal but they will reduce the impact when viewed at street level.

- The height of the apex of the 1st floor has been lowered from 6.85M as approved to 6.6M, achieved by slightly lowering the building into the ground. This will reduce the impact of the proposal when viewed from the street.
- The width of the ground floor commercial unit has been reduced from 9.39M to 8.86M to enable partial maintenance of the East and West flank walls. This too will reduce the impact of the proposal when viewed from the street.

Impact on the amenities of neighbours

The original application ref 16/0179/FUL was considered to be acceptable in terms of the impact on the amenity of neighbours. The current amendments include the removal of glazing to the north wall, the indication on plan of the 1.8-metre-high obscure glass screening and high level rooflights to the approved elevations. The minor alterations will not change the impact of the proposal on neighbour amenity, and combined with the alterations to height and width discussed above will marginally improve the situation in regard to amenity.

Whether the scheme provides adequate living standards for future occupants

The proposed residential flat would occupy the entire first floor of the building, replicating the appeal site's long and narrow proportions. Accordingly, garden terrace areas would be inset within the building envelope along its western and eastern sides. Both terraces would

have their outer boundaries fitted with tall obscure glass edges to limit overlooking of adjoining sites.

It is proposed to provide two roof terraces; one to the front facing south and measuring 12m² adjacent to properties at High Road, and a larger area running along the east elevation facing 2 Fortis Green which would provide 20m² of outdoor amenity space. The total amount of terraced area would measure over 30m² exceeding the requirement for a flatted development with three habitable rooms. The proposed terraces would have 1.8m high obscured toughened glass screens to prevent overlooking to neighbouring properties.

The appeal decision noted that the proposal would provide an acceptable degree of light and outlook. The principal room, the living-dining area, faces south and is well lit with a large area of glazing accessing the south terrace. The main bedroom has dual aspect and will be adequately lit and have acceptable outlook. The guest bedroom is more limited but as its use is likely to be less frequent this is not considered to be a material issue.

Highways and Parking

The proposal provides off street parking for two vehicles. Secured cycle parking provision is secured through condition. The location has a PTLA rating of 4, and the site is within a five minutes' walk of the Northern Line and several principal bus routes.

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

In respect of carbon dioxide emission reduction, the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached in the event planning permission is granted to ensure compliance with the Policy

In terms of water consumption, a condition is 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 issues raised are covered within the consideration section.

6. Equality and Diversity Issues

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

7. Conclusion

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

