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| Location | Annexe Land To 765 Finchley Road, Hodford Road, London NW11 8DS | | |
| Reference: | 17/6370/FUL | Received: | 0.10.2017 |
| | | Accepted: | 12.10.2017 |
| Ward: | Childs Hill | Expiry: | 07.12.2018 |
| Applicant: | Mr Barry Angel | | |
| Proposal: | Erection of two single storey residential units with basement level. Associated cycle storage, refuse and recycling store, amenity space | | |

RECOMMENDATION: Approve subject to S106

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).

RECOMMENDATION I:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Provision of access for residents at West Heath Place to provide access to the rear garden at that development.
4. Applicant to meet costs of future maintenance of the access for residents at West Heath Place.
5. Applicant to meet the Council's costs of independent review by a suitably qualified person of the submitted Basement Impact Assessment.
6. Applicant agrees not to implement the unbuilt component of the West Heath Place development as approved under F/05021/10, comprising a two-storey building that would have been sited on the access land in this development.
7. Meeting the Council's costs of monitoring the agreement (£2000).

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development

Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

336-00-01 rev. 8

336-01-01 rev. 7

336-01-02 rev. 7

336-02-02 rev. 2

336-03-01 rev. 6

336-03-02 rev. 6

336-03-03 rev. 6

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 site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected 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).

- 4 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).

- 5 a) No development shall take place until details of the levels of the buildings, vehicle access and footpaths in relation to the adjoining land and adjacent buildings, 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.

- 6 Prior to works commencing, the following details will have been submitted to and approved in writing by the Local Planning Authority:

a) A preliminary report detailing existing hydrology and soils and how the approved works would impact on hydrology and how stability of neighbouring properties during construction will be protected and monitored; and

b) Following independent review of the interim report, a final report that shall make recommendations arising from the initial findings and independent review.

c) The construction works shall be implemented in accordance with the recommendations of the approved final report, and any on-going requirements shall be maintained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 5.13 of the London Plan 2016.

- 7 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the development 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.

- 8 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 9 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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.

- 10 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees 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.

- 11 a) No above ground construction shall take place until details of the appearance, materials and management of removable bollards that prevent parking at the site while allowing for emergency vehicle access have been submitted to and approved in writing by the Local Planning Authority.

b) No vehicles may be parked within the area controlled by the lockable bollards at any time, other than by emergency services and refuse / recycling services engaged in removal of refuse / recycling from the approved dwellings.

c) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

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.

- 12 a) No above ground construction shall take place until details of the appearance and materials of all boundary treatment and any gates, including those within the development, and including details of opening mechanisms for any electronically

controlled access gates, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

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.

13 a) No construction works above ground level shall commence until 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, have been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

14 The development shall not be occupied until details of the design and appearance of refuse facilities have been submitted to and approved in writing by the Local Planning Authority, and the approved facilities shall then be provided in accordance with the approved details 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).

15 The development shall be constructed and thereafter operated so as to achieve Secured by Design accreditation. Evidence of such shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of either of the buildings approved, or within any other timetable agreed by the Local Planning Authority.

Reason: To ensure the future security of the development and of adjoining residential properties, in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 16 Before the development hereby permitted is occupied, the cycle store(s) and spaces shall be provided in accordance with details that have been submitted and approved in writing by the Local Planning Authority, which demonstrate:

a) that the storage meets London Plan cycle parking standards and

b) Details of the appearance and materials to be used in the stores, and the means of maintaining the green roofs that are proposed for the cycle stores.

The cycle stores shall be maintained in accordance with the approved details for the lifetime of the development, and shall not be used for any purpose other than for the parking of cycles associated with the development.

Reason : To ensure and promote cycle use and to safeguard the character and visual amenities of the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 17 Prior to the first occupation of either building in the development, it shall have been constructed incorporating carbon dioxide emission reduction measures which achieve the carbon reduction measures including on site renewable / low carbon energy sources as set out in the approved Sustainability Report (Bespoke Builder Services Ltd, ref. SUT-48642/Croft Issue 3, March 2017), and the development shall be maintained as such for the lifetime of the development.

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 2016 and the 2016 Mayors Housing SPG.

- 18 Prior to the first occupation of any building within the development it shall have been constructed to have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters and each new flat 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.

- 19 Before the development is first occupied, privacy screens in an opaque or translucent material shall first have been installed between the basement level amenity spaces of

the approved houses, and the screens shall be maintained and retained for the lifetime of the development.

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

- 20 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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 for the lifetime of the development.

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.

- 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 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, B, C, D, E and F of Part 1 and Class B of Part 2 in Schedule 2 of that Order shall be carried out within the curtilage of the dwelling houses hereby approved.

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

Informatives

- 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 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 development shall not be occupied until all parts of the building have been fitted with a fire sprinkler system and it has been verified as such by an independent assessor, and approved as such through the Building Regulations approval process.
- 4 This proposal is alternative to the unimplemented component of the West Heath Place development as approved under F/05021/10, which provided for a two-storey building to be built on the access land in this development.
- 5 This planning permission should be read in conjunction with the planning agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended), completed on *(date to be entered when the agreement has been completed)*.

Recommendation III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20th September 2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to ensure appropriate access to the site, to facilitate on-going access to the rear garden area for residents of West Heath Place and to ensure that the alternative development approved in permission F/05021/10 on the access land is not carried out, and associated monitoring costs, contrary to policies DM01 and DM17 of the Development Management Policies DPD, the Sustainable Design and Construction SPD and the Planning Obligations SPD.
2. The development fails to provide a legal undertaking to ensure appropriate review of the Basement Impact Assessment to ensure that the basement is constructed without increased flood risk and to protect the amenities of neighbouring properties, and associated monitoring costs, contrary to policies DM01 and DM04 of the Development Management Policies DPD,

the Sustainable Design and Construction SPD and the Planning Obligations SPD.

Officer's assessment

1. Site Description

The site consists largely of back land, comprising former garden land to the rear of 1 Hodford Road along with a 5.6m wide access leg that separates 1 Hodford Road from West Heath Place, which is an apartment development located on the corner of Finchley and Hodford Roads. Overall site area is 987 sq.m. Both components of the site are currently in unkempt condition. The former garden land is overgrown, with some building rubble remaining at the site apparently as a result of former development works which are outlined in the planning history below, and with building materials stored on the access leg behind a locked plywood-clad gate.

Levels across the main part of the site slope from east to west. There are a number of trees around the perimeters of the site; those along the north-eastern and north-western boundaries are insubstantial, while to the southern and south-western boundary to properties on Llanvanor Road there is a row of Leyland cypress (or similar).

Surrounding properties include a mix of houses and apartments with some mews houses. 1 Hodford Road is a two storey detached dwelling while 3 Hodford Road and 24 - 34 Llanvanor Road (even numbers) are all semi-detached; all of these date from the interwar period. 6 Fairmont Mews meets the application site's boundary at its south-eastern corner; this and neighbouring houses at Fairmont Mews face more or less south, towards Llanvanor Road, and have no rear or flank wall windows that are visible from the application site. To the east, West Heath Place is a larger scaled building, up to five storeys high but dropping to three and then to two stories on its western side. These flats have large terraces that overlook the application site, and the access ramp to basement car parking serving West Heath Place is located immediately adjacent to the access leg that forms part of the application site.

2. Site History

The two elements of the site - the former rear garden land and the access leg - comprise land that formed parts of two adjacent and separate developments of apartments on Finchley Road:

- The access leg comprises part of the development site for West Heath Place (779-781 Finchley Road in the itemised planning history below). The original permission for that development site included a separate small building on this part of the land, which has not been implemented (planning permission C02856P/04). This would have been a two storey building with a refuse store at ground floor level and a first floor flat above. Space would have remained here for a narrow access path between the building and the basement access ramp to West Heath Place, coinciding with part of the access leg in this application. Subsequently, planning permission was granted for a single cottage across the whole width of this residual land, (ref. F/03667/10 as noted below).
- The larger part of the site is effectively residual land from the redevelopment of 765 Finchley Road, another development comprising flats and commercial space which is adjacent West Heath Place and lies to the south-east. This land would have formed a communal amenity space for the occupiers of that development. However, this part of

the site was subsequently separated from the land at 765 Finchley Road by planning permission ref. F/03354/12, which was granted on appeal as noted below.

The following planning history is therefore set out in three sections, the first two comprising the two adjacent development sites noted above, and the third relates to the application site as assembled from the elements noted above. Where relevant, references to the application land are underlined in the following planning history for the neighbouring sites:

1. Relevant applications at 765 Finchley Road

Reference: C02856P/04

Decision: Approved following legal agreement.

Decision date: 07 April 2005

Description: Demolition of existing buildings and redevelopment of site to provide 57 residential units and 5 office units in a building of up to five floor levels (plus basement level), and a separate building comprising a one bedroom residential unit and refuse storage facility. Parking spaces for 95 cars with vehicular access from Finchley Road and Hodford Road.

Reference: F/05021/10

Decision: Approved subject to conditions.

Decision date: 18 January 2012

Description: Amendment to planning application C02856P/04 dated 7th April 2005 to provide 60 apartments comprising of 24 two bedroom flats, 20 three bedroom flats, 5 four bedroom flats, 7 two bedroom affordable flats, 3 three bedroom affordable flats, 1 four bedroom affordable flat and 535 sq.m. of office space in a building of up to five floor levels (plus basement level), including landscaping and parking spaces for 99 cars with access from Finchley Road and Hodford Road.

Reference: F/00070/11

Decision: Refused but subsequently allowed on appeal.

Application decision date: 22 March 2011

Appeal decision date: 19 September 2011 (appeal ref: APP/N5090/A/11/2151295).
Description: Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.

Reference: F/01200/13

Decision: Approved

Decision Date: 12 June 2013

Description: Non-material minor amendments to planning permission reference (F/00070/11) dated (19/09/2011) for the redevelopment of the site at 765 Finchley Road consisting of: , 'Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.', Amendments include the conversion of 2 duplex units to single level flats.

Reference: F/03354/12

Decision: Refused but subsequently allowed at appeal.

Decision Date: 5 February 2013

Description: Variation to conditions 2 (Approved Plans) and 13 (Landscape Strategy) pursuant to appeal decision APP/N5090/A/11/2151295 dated 19/09/11 (Planning reference F/00070/11) for ' Demolition of existing office building and redevelopment of the site to provide a mixed use development comprising the erection of buildings between two and five storeys, to provide 80 residential units and 1402 sq.m. (GEA) of flexible office (use class B1) and/or community (use class D1) floorspace above a single basement level car park providing 110 car parking spaces. Associated landscaping.' Variation to include removal of garden annex land.

2. Relevant applications at 779-781 Finchley Road (West Heath Place

This is the apartment development to the east of the application now known as West Heath Place. The access leg in the current application includes part of the former development site for these flats.

Reference: C02856P/04

Decision: Approved following legal agreement

Decision Date: 7 April 2005

Description: Demolition of existing buildings and redevelopment of site to provide 57 residential units and 5 office units in a building of up to five floor levels (plus basement level), and a separate building comprising a one bedroom residential unit and refuse storage facility. Parking spaces for 95 cars with vehicular access from Finchley Road and Hodford Road.

Reference: F/03667/10

Decision: Approved following legal agreement

Decision Date: 10 March 2011

Description: Erection of a two storey cottage plus basement

Reference: F/05021/10

Decision: Approved following legal agreement

Decision Date: 18.01.2012

Description: Amendment to planning application C02856P/04 dated 7th April 2005 to provide 60 apartments comprising of 24 two bedroom flats, 20 three bedroom flats, 5 four bedroom flats, 7 two bedroom affordable flats, 3 three bedroom affordable flats, 1 four bedroom affordable flat and 535 sq.m. of office space in a building of up to five floor levels (plus basement level), including landscaping and parking spaces for 99 cars with access from Finchley Road and Hodford Road.

3. Specific to the application site

Reference: F/03972/13

Address: Annexe Land To 765 Finchley Road (Rear Of 1 Hodford Road), London, NW11 8DS

Decision: Refused

Decision Date: 7th November 2013.

Description: Erection of 2 new self-contained units to provide 1, two bedroom bungalow and 1, three bedroom bungalow with rooms in basement.

Reference: F/05401/14

Decision: Refused and subsequently dismissed on appeal

Decision Date: 27 March 2015

Appeal decision: Appeal dismissed

Appeal decision date: 4 January 2016 (appeal ref: APP/N5090/W/15/3103228).

Description: Erection of two 2-storey self-contained house. (Ground floor & lower ground floor level).

Reference: 16/7282/FUL

Decision: Refused.

Decision Date: 15.02.2017

Description: Erection of a single storey self-contained house with basement level and associated landscaping

The reason for refusal was as follows:

The scale, siting and design of the proposed dwelling would have an adverse effect on the overall open character of the site, which forms an open buffer between the typical form of suburban development on the adjacent streets of Hodford Road and Llanvanor Road and the larger scale apartment developments to the east. Taken together, the building and its long narrow footpath access would result in a cramped form of development that would not be complimentary to or acceptable in this location. The poor access to the site and the poor provision for disposal of rubbish and recycling inherent in the long narrow pedestrian access path, which also mean that the development is not able to provide a satisfactory standard of accommodation in all respects, would further detract from the character and amenities of this location. As such, the proposal is contrary to Policies 3.8, 7.1, 7.2 and 7.4 of the London Plan 2016, to Policies CS1, CS4, CS5 and CS14 of the Council's Core Strategy DPD (2012) and to DM01 and DM02 of the Development Management Policies DPD (2012), and to Standards 8 and 10 in the Mayor of London's Housing SPD.

3. Proposal

The application is for a pair of semi-detached houses designed in the form of a bungalow, but in addition to their main living accommodation at ground level each would have a substantial basement, accommodating bedrooms and bathrooms. The basement accommodation would gain natural light from large lightwells on the south-western side of the building. The access leg would be available only for pedestrian and cycle use, and provision has been made to use part of it as a dedicated secondary access for residents at West Heath Place to their adjacent communal rear garden.

If this application is approved and built out, it would supersede an unimplemented component of the West Heath Place development as approved under F/05021/10 (refer to site history above). In that approval a two-storey building would have been built across most of the width of the access leg in the current application, leaving a one metre wide path to the side to the building to give West Heath Place residents access to their adjacent communal rear garden. The two-storey building would have accommodated a bin store for West Heath Place and a one-bedroom flat. While the current proposal would allow the rear access arrangements for West Heath Place to be completed, the remaining built component of the scheme would not be built out but instead would remain open.

4. Public Consultation

Consultation letters were sent to 185 neighbouring properties. Following the submission of an amended layout plan, which clarified the use and layout of the access leg, neighbours were reconsulted by an additional letter.

23 responses were received, including 22 objections. The issues raised were:

- The proposed developers are the same people who developed West Heath Place and obligations to the purchasers of flats in the property remain unfilled, including safe access to the garden. The only access has been via steep stairs from the car park lower level and never via the exclusive path as outlined on the original plans and brochure.
- Concerns about boundary treatment, surface of the path, lighting and who will maintain the path.

- Loss of privacy.
- Delivery of garden material, earth moving equipment and emergency services to the garden area and adjacent flats is currently denied. Shared use of any path will limit its emergency use.
- Security and safety concerns.
- Disruption, inconvenience and hazard to West Heath Place residents and other nearby residents .
- Difficulty for traffic exiting onto Hodford Road
- Comments regarding how readily available neighbour letters are on-line.

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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

- Relevant London Plan policies: 3.3, 3.4, 3.5, 3.8, 5.2, 5.3, 7.1, 7.3, 7.4, 7.6, 7.19, 8.1, 8.2 and 8.3.

Consultation Draft London Plan December 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM16, DM17.

The Council's approach to new development as set out in Policy DM01 is to minimise its 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 and Guidance

Mayor of London's Housing SPG

- This sets out a range of Standards for residential development in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- In respect to amenity, new residential buildings and extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

Other relevant documents

Characterisation Study of London Borough of Barnet.

- This is a detailed study of urban character and local distinctiveness in Barnet, which identifies a number of primary urban typologies within the Borough. These primary typologies include , 'residential streets'. A more detailed consideration of this typology goes on to identify a number of secondary urban typologies. Two of these are relevant to the application site and its surroundings; Type C - Suburban, and Type F - Flats.

Manual for Streets

- This is a non-statutory document that amongst other street design issues provides references to Building Regulations standards for maximum bin carry distances.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the living conditions of future occupiers would be acceptable; and
- Whether the proposal is acceptable in terms of impacts on the highway network, car parking and provision for refuse and recycling storage and collection.

5.3 Assessment of proposals

Impact on Character and Appearance

The refusal of the 2016 application noted above was partially on the basis of the adverse effect on the open character of the site. Noting that the site forms “an open buffer” between the typical scale of suburban development in Hodford and Llanvanor Roads and the larger scale apartment developments on Finchley Road, it was considered that the scale, siting and design of the proposed single dwelling, including the long footpath access which would have been only 1.0 m wide, would have resulted in a cramped form of development. The poor access and poor provision for disposal of rubbish and recycling was also cited in the refusal. This application is intended to address this objection.

The scale of the above-ground portion of the house proposed in the 2016 application was relatively modest, and like the current proposal it featured accommodation at both basement and ground floor levels. The building would have been approximately 12.5m width, with a front to rear depth of 8.1m at ground floor level and 13m at basement level. Maximum height to the roof ridgeline of 6m, with height to the eaves 3.2m. However, its overall scale was increased by the large lightwells at either end of the building, which would have been surrounding on three sides by glazed balustrades. The lightwells and surrounding balustrades would have increased the developed width across the plot to 20.5m and in addition, they would have projected beyond the front and rear walls of the above-ground portion of the house by over 4m adjacent to each corner of the building. The voids created by the two light wells would have resulted in a total developed area of built form of 194 sq.m., while the floor area of the house including basement would have been 266 sq.m. The 51m pedestrian access would have been little over 1m wide for most of its length.

In the current application, the building is actually wider than in the refused 2016 application, but reduced in overall floor area. For ease of comparison, the following figures repeat the dimensions noted above for the refused scheme in brackets: Width of the above ground portion would be 16m (12.3m in the refused 2016 scheme). Depth from front to rear would be 6m at ground floor level and 8m at basement level (refused: 8.1m ground floor and 13m basement). Maximum height to the roof ridgeline of 5 (refused 6m), with height to the eaves 3.0m (3.2m refused). Developed width across the plot would be similar to the refused scheme at 20m (20.5m refused), and taking the void to be created for the lightwell the total developed area of built form would be 183 sq.m. (194 sq.m. refused). Total floor including basement would be 254 sq.m. (266 sq.m. refused). As this proposal is for a pair of dwellings rather than a single house as in the refused 2016 scheme, this would result in each of the dwellings proposed here in having a floor area of 127.5 sq.m.

These comparisons suggest that the reductions in overall building scale are relatively small. The key changes in the built form are the 2m reduction in depth from front to rear, 1m reduction in height, the location of the single lightwell to the rear of the building as against two lightwells in the refused application, and the improved arrangements of the access leg. While the refused building was relatively low and this building is wider than in the 2016 scheme, it would be smaller in scale as seen from higher adjacent viewpoints, which are the flats at West Heath Place. While the pedestrian access into the site remains, unavoidably, as long as previously, the width of this leg is now such that an uncharacteristic narrow pedestrian access is avoided.

It is acknowledged that the proposal would result in the loss of some of the openness of the site, and it would be important to mitigate this with sufficient planting as part of the landscaping scheme that is of a scale that would make a significant contribution to the green character of the area. Along with careful landscaping of the access leg this can be provided for by an appropriate condition. The proposed building itself is of a simple and contemporary design with discrete brick patterning. Taking these features in combination, it is considered that the current scheme would sufficiently overcome the character objection in the 2016 refusal.

Whether harm would be caused to the living conditions of neighbouring residents

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties. Separation from the closest properties in Llanvanor Road, numbers 28 and 30, is a minimum of 9m to the shared boundary, 15m to the rear of ground floor extensions at these properties and 20m to first floor windows. Views between windows would be screened by the existing conifer hedge, and while it is intended to retain this, if it was removed direct views would be between ground floor windows only. Any remaining impacts on privacy could be adequately protected by a 2m fence and additional landscape planting. Equivalent distances to the rear of 1 Hodford Road are 14m to 18m from between facing elevations, and about 5m from the front of the proposed house to the closest point of the neighbouring rear garden boundary. These views would be acutely angled, and as the windows in the front elevation do not serve habitable rooms they would not result in any impacts on privacy at 1 Hodford Road. For residents at West Heath Place, there would be no direct window-to-window views.

It is not therefore considered that there would be any significant impact on the privacy of adjoining occupiers.

As noted above, West Heath Place residents would be provided with access to the rear communal garden at that development. This has been a point of contention with residents at that site, as the access was to have been provided for the development as approved. Provision of a separate access, by way of a separate 1.5m width path, would be an asset to these neighbouring residents, and this is provided for in the Recommendation II in this report.

While the proposed basement excavation is located some distance from boundaries and neighbouring buildings, possible impacts of basement construction on neighbouring properties has been considered, and the applicant has agreed to fund a geotechnical study prior to and during excavation works, with any mitigation recommended by the study to be provided for as part of the development. This would be secured through the section 106 agreement in Recommendation 2.

Impact on the amenities of future occupiers of the development

The accommodation to be provided is well above the minimum floor areas set out in the Councils Residential Design Guidance SPD and in the London Plan. A daylight and sunlight study submitted with the application shows that the basement accommodation will receive sufficient natural light levels. Overall, an acceptable standard of internal accommodation will be achieved.

Bin stores will be located on the access leg, approximately half way between the dwelling entrances and the road frontage. This location has been provided to ensure that bin carry distances for Council refuse / recycling staff comply with the bin-carry requirements in "Manual for Streets".

The long access path has been noted above in respect to the character of the area. The Mayor of London's Housing SPD sets out standards for a range of criteria, and Standards 8 and 10 are relevant here. Standard 8 advises that all main entrances to houses should be visible, clearly identifiable and directly accessible from the public realm. Standard 10 advises that active frontages would be maximised to provide natural surveillance and activity. While the proposal is not able to provide these requirements, the width of the access leg, with a reduction in its width to provide a separate access path to the garden at West Heath Place, will be a minimum of 4.1m wide. This is considered sufficient to ensure that a safe access can be provided to the site. A condition would require details of security arrangements to be submitted and approved by the Local Planning Authority.

Standard 11 in the Mayor's Housing SPG requires that 90 per cent of new build housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation requirement M4(3) 'wheelchair user dwellings'. Both of the dwellings would be built to M4(2) requirements.

Privacy screens in an opaque or translucent material will be required between the basement level amenity spaces of the approved houses, and this is provided for in the recommended conditions.

Highways, car parking and provision for refuse and recycling storage and collection

Highways officers are opposed to private car parking being located within the access leg, because there is not room for cars to turn around and the location of the site entrance is such that vehicles reversing out would not have sufficient visibility to use this access leg for car parking on a regular basis. Sufficient width within the access leg should however remain clear for emergency vehicles. London Fire Emergency services have been consulted, and a clear access of 18m in from the street would be required for fire emergency vehicles to ensure that they are able to gain access to the proposed dwellings. (The 18m distance is the maximum that the Service's standards specify where on-site turning is not provided). Along a requirement that the access leg may not be used for parking of vehicles by the occupiers (or anyone else), a lockable bollard would be required to ensure that the access remains clear. Landscaping along this part of the access leg would need to be minimised to avoid restricting that access, but appropriate planting can be provided beyond this. A condition setting out these access arrangements and the restriction to ensure no car parking is included in the recommended conditions.

The site is located within PTAL rating of 4, and Hodford Road and surrounding streets are within a one-hour CPZ. The site is also within walking distance of a town centre location.

A parking beat survey was included with the application, which highway officers have considered. This shows that the capacity for parking spaces available on public highway in the vicinity of the development is sufficient to accommodate overspill parking. For that reason, it is not considered necessary to place any restriction on future occupiers at the development from remaining eligible for residents parking permits.

Cycle parking will be required in accordance with London Plan standard, and is provided for in the relevant condition.

The refuse and recycling store would be located in a position that ensures that council collection staff can collect bins without exceeding Manual for Streets carry distances.

Sustainability

The application sets out that high standards of building sustainability will be achieved, and this would be secured by the conditions set out in Recommendation II regarding water use, carbon dioxide emissions and biodiversity (as also noted below).

Trees and biodiversity

None of the trees at the site are considered to be of arboricultural significance, although the row of Leyland cypress trees along the boundary with Llanvanor Road properties provides year-round screening and privacy for those properties. Planting of trees that will contribute to

the landscape structure of the area will be expected in the details to be provided by the recommended condition.

The site is overgrown, and may provide habitat for wildlife species. A condition requires a wildlife survey to be carried out before any site clearance takes place, and to provide biodiversity improvements as part of the development.

5.4 Response to Public Consultation

Most of the issues referred to in neighbour letters are addressed in the above discussion. Matters relating to access to neighbour letters are not material to this decision.

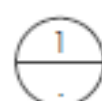
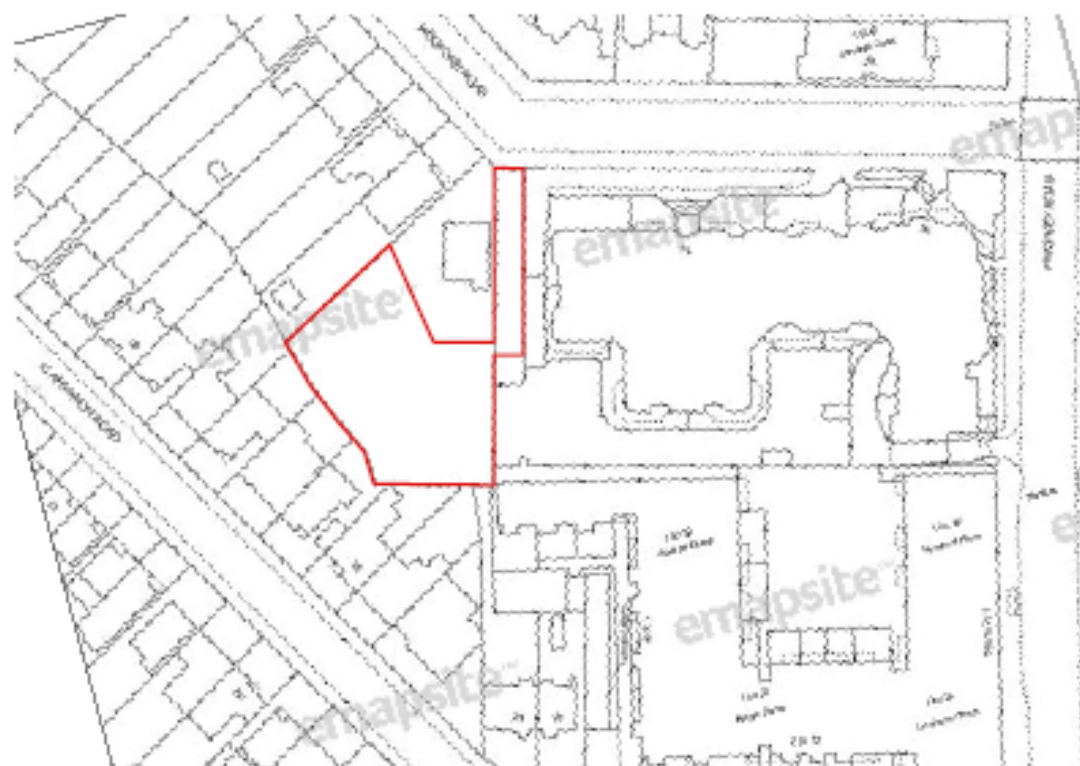
The Council's Highways Officer and the London Fire Emergency Officers have commented on the scheme and raised no objection. The Fire Emergency Officers has commented that sprinklers should be provided, and details will be required in the relevant condition in Recommendation II above.

6. Equality and Diversity Issues

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

7. Conclusion

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



LOCATION PLAN

Scale: 1:1250@A3

0 5 10 15 20 25m

