

Location **129 The Vale London NW11 8TL**

Reference: **17/8189/FUL**

Received: 27th December 2017

Accepted: 29th December 2017

Ward: Childs Hill

Expiry 23rd February 2018

Applicant: Mr B Glass

Proposal: Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling

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:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying 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. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

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: 129TV-PP7-03, 129TV-PP7-02, 129TV-PP7-01, Planning Statement

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 2016.

4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing the neighbouring properties at No. 127 The Vale and No. 131 The Vale shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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 London Plan (2016 MALP).

6 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) and policies 5.2 and 5.3 of the London Plan (2016 MALP).

7 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.

8 The roof of the single storey rear projection or the roof of the single storey side projection of the property hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

9 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details depicted in Drawing No. 129TV-PP7-03 and shall be permanently retained thereafter.

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

10 Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing No. 129TV-PP7-03 and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the

Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

11 a) Notwithstanding the details depicted in Drawing No. 129TV-PP7-03, before the development hereby permitted is first occupied, details of boundary treatment around the proposed amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the sub-division of the amenity area(s) details as shown on Drawing No. 129TV-PP7-03 before first occupation or the use is commenced and retained as such thereafter.

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

12 a) Notwithstanding the details shown on Drawing No. 129TV-PP7-03, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

13 A vehicular sight line of 4.5 metres by 70 metres shall be provided to the either side of the site access with the Public highway, prior to the commencement of any other works on site, and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

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

14 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

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

15 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).

16 Before the development is commenced; a scheme showing details of the proposed access points (Vehicular), and footways in accordance with the siting, size, swept path analysis, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17 The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

18 The building shall not be occupied until parking space(s) has/have been laid out within the site in accordance with the approved plans and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

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

19 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(1) 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. 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 RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/08/18 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

Officer's Assessment

The application was deferred from the last committee that was held on 23 April 2018.

1. Site Description

The proposal site is on the northern side of the Vale and it previously contained a detached two storey dwellinghouse. The detached two storey dwellinghouse has been mostly demolished. No. 127 the Vale is located to the east of the application site and No. 131 the Vale is located to the west of the application site.

The area surrounding the proposal site is predominantly residential in character with a mixture of houses and some conversions.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Reference: 17/2340/FUL

Address: 129 The Vale, London, NW11 8TL

Decision: Approved following legal agreement

Decision Date: 25 August 2017

Description: Construction of building comprising 3no. self-contained units to replace previous dwellinghouse on site that has been demolished. The proposed building would reflect the approved extensions to ground floor, first floor and roof level to the previous dwellinghouse on site

Reference: 17/5999/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 7 November 2017

Description: Submission of details of condition 13 (Vehicular sight line), Condition 14 (Vehicular access points), 15 (Demolition and Construction Method Statement) and 16 (Access points) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 17/6116/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 10 October 2017

Description: Submission of details of condition 3 (Material) and condition 7 (Level) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 16/7691/FUL

Address: 129 The Vale, London, NW11 8TL

Proposal: Conversion of the existing single family dwelling into 4no. self-contained units including part single, part two storey side and rear extension following demolition of existing garage. New bay windows to front elevation and relocation of front entrance.

Extension to roof including 1no rear dormer window and 1no dormer window to both sides. Associated site works including bin store area at front and cycle storage at rear garden.

Decision: Refused.

Decision Date: 27 January 2017

Reasons for the refusal of 16/7691/FUL:

1. The proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.
2. The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents from obtaining parking permits. In the absence of this, the proposals would result in increased kerbside parking which would be detrimental to highway and pedestrian safety and the free flow of traffic. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Development Management Policies 2012.

The scheme was allowed at appeal on 28.11.2017. The decision is attached as an appendix.

Reference: 16/4086/PNH

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension with a proposed depth of 7 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres, .

Decision: Prior Approval Not Required.

Decision Date: 22 July 2016

Reference: 16/0215/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Roof extension involving side and rear dormer windows to facilitate a loft conversion.

Decision: Lawful.

Decision Date: 10 March 2016

Reference: 16/0979/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension.

Decision: Lawful.

Decision Date: 1 March 2016

Reference: 16/0212/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey side extension.

Decision: Lawful.

Decision Date: 11 February 2016

3. Proposal

Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling

The proposed dwelling would replicate that externally allowed at appeal under reference 16/7691/FUL. The plans are essentially the same only the proposals involve the rebuilding of the building following its demolition.

The proposals comprise 3 no. 2 bedroom flats and a studio in the roofspace.

2 Parking Spaces are proposed as opposed to the three previously approved.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- the provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction.
- The construction would not be in keeping with the area and would undoubtedly be incongruent.
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes.
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued.
- Loss of light
- Loss of privacy and overlooking.
- Overdevelopment out of character
- Impact on Drainage
- Flats of low standard

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital 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, 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.

Policy DM08 sets out Barnet's priorities for new dwellings.

Policy DM17 sets out parking standards for new development.

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 principle of flats is acceptable in this location.
- 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.

5.3 Assessment of proposals

The principle of flats in this location

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour

of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. However, they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities that can have an unacceptable impact on the established character of an area.

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwellinghouses in roads characterised by dwellinghouses, this will not normally be appropriate.

An application for the conversion of the existing single family dwellinghouse on the application site into 4 no. self-contained units was refused on 27 January 2017 by the Planning Committee (ref: 16/7691/FUL). A reason for the refusal of this application was that "the proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings".

This decision was subsequently overturned at appeal, with the planning inspector considering the conversion to four flats acceptable. This is now a material consideration which must be given significant weight in any future planning applications on the site.

In any event, evidence for other flats in the locality is included below:

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

183 the Vale, London, NW11 8TL = 2 flats
188 the Vale, London,, NW11 8SR = 6 flats
201 the Vale, London, NW11 8TN = 2 flats
237 the Vale, London, NW11 8TN = 2 flats
239 the Vale, London, NW11 8TN = 2 flats
259 the Vale, London, NW11 8TN = 2 flats

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 2 no. flats:

- 76 The Vale, London, NW11 8SJ, ref: F/03390/14, approval date: 12.08.2014

- 92 The Vale, London, NW11 8SJ, ref: F/03603/13, approval date: 11.11.2013

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 3 no. flats:

- 73 The Vale, London, NW11 8TJ, ref: 15/07734/FUL, approval date: 11.02.2016

- 83 The Vale, London, NW11 8TJ, ref: 16/2010/FUL, approval date: 31.05.2016

- 85 The Vale, London, NW11 8TJ, ref: 16/5093/FUL, approval date: 11.10.2016

- 107 The Vale, London, NW11 8TJ, ref: 15/04715/FUL, approval date: 28.08.2015

Due to the number of existing flats on the Vale and the number of recently approved flat conversions, it is considered that area surrounding the application site is characterised by flats.

The current proposal is considered to continue to provide family sized accommodation and the fact that this accommodation is provided as flats is acceptable due to character of the area.

Furthermore, 3 flats have already been approved on the site as a purpose built building. The difference between a purpose built or converted building makes little difference to the acceptability of flats.

For these reasons the having flats on the application site is acceptable in principle provided that the proposal meets the requirements described below.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

The 3 no. proposed flats have the following gross internal area (gia):

Flat 1 2 bedrooms 4 persons on 2 storeys 80 m²

Flat 2 2 bedrooms 3 persons on 1 storey 72.5 m²

Flat 3 2 bedrooms 3 persons on 1 storeys 64.4 m²

Flat 4 1 bedrooms 1 person on 1 storeys 41.7 m²

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum gia requirements for residential units. The minimum requirements are as follows:

- 1 bedroom unit for 1 person 37 m²

- 2 bedroom unit for 3 persons on a 1 storey requires 61 m²

- 2 bedroom unit for 4 persons on a 2 storey requires 79 m²

It is considered that the 4 no. flats all meet this requirement.

Bedroom size:

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 4 no. flats meet these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. All of the proposed flats have floor to ceiling heights that meet this requirement.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered provided that sufficient sound insulation is provided that the proposed room stacking is adequate to prevent the future occupiers of the proposed 4 no. flats to suffer a material loss of amenity as a result of noise and disturbance.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of amenity space per habitable room. Rooms with a with an internal floor space of greater than 20 m² are counted as 2 habitable rooms.

Flat 1 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 2 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 3 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 4 has 2 no. habitable rooms and requires 10 m² of amenity space.

Flat 1 and Flat 2 are both provided with private gardens with areas of 28 m². Flat 3 has access to a communal gardens with a size of 60 m².

For these reasons it considered that the 3 no. flats are provided with adequate on site amenity space.

Accessibility:

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the existing building and the construction of a new building it is considered that it is necessary to apply this standard. In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step

free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

The proposal does not contain a lift access and to justify this applicant submitted information concerning the financial viability of the proposal. Barnet's Property Services Team appraised the scheme and it was considered that the provision of a lift would make the scheme financially unviable. For this reason it is considered acceptable for the proposal not to provide lift access.

The Impact on the appearance and character of the area

The proposed property has the same size, height, position, bulk, and design as the extended property that was approved through application 16/4913/HSE. There are differences in the fenestration between the proposed building and the one that was previously approved. The proposed building has 1 no. additional front roof light, 1 no. ridge roof light and additional glazing at ground floor level on the property's western side elevation. Due to their size and position, the proposed 1 no. front roof and the 1 no. ridge roof light are not considered to visually clutter the proposed property. The proposed glazing at ground floor level is the same height and design as the glazing at the rear of the previously approved property. For these reasons the proposed property is not considered to appear incongruous on the application site or within the streetscene.

Details of enclosures and screened facilities for the bin storage shall be secured through condition in order for the bins not to have a negative visual impact on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties

The proposed property has the same size, height, and position as the extended property that was approved through application 16/4913/HSE. The impact of the current proposal on the amenities of the occupiers of neighbouring and adjoining properties in terms of a loss of daylight/sunlight, a loss of outlook or an overbearing impact is considered to be no worse than the impact on the extended building approved through 16/4913/HSE. The overlooking of neighbouring and adjoining properties from the proposed 1 no. front roof light and the proposed 1 no. ridge roof light is considered to be no worse than the overlooking from the windows that were previously approved through 16/4913/HSE.

To protect the privacy of the occupiers of neighbouring and adjoining properties a condition shall be included in the decision notice requiring that the windows on the eastern elevation facing No. 127 the Vale and the windows on western elevation facing No. 131

the Vale are obscure glazed and permanently fixed shut. Furthermore, a condition shall be included in the decision notice requiring that neither the roof of the single storey rear projection or the roof of the single storey side projection are used as a balcony/sitting out area.

The existing floor plans of the extended property 16/4913/HSE show the property as providing accommodation for 10 no. people. The 3 no. proposed flats would provide accommodation for 11 no. people. The proposal would only increase the number for occupiers on the application site by 1 no. person and there are other examples of existing flats on the Vale. For these reasons the proposed conversion is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the site.

Parking and Highways

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. For these reasons the proposal is considered to require up between 3 to 5.5 no. parking spaces.

The proposal includes 2 no. onsite parking spaces. This is a shortfall of one space. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

It was commented that the applicant will need to demonstrate that the proposed access from the public highway can be installed without impacting on the pedestrian crossing. Details of how this can be achieved must be submitted to Barnet's Highways Officers after the determination of the application. 8 no. cycle parking spaces are proposed to the rear of the property which is in accordance with the standards defined in the London Plan.

For these reasons the proposal is considered to be acceptable on highways grounds.

Refuse and recycling storage Barnet's Provision of Household Recycling and Waste Service document (2017) contains

the recommended requirement for waste and recycling provision for new developments.

Collectively the proposed 4 no. flats require the following onsite bin provision:

- 1 no. 660 Litre house hold refuse bin
- 2 no. 240 Litre blue recycling bins
- 4 no. 240 Litre garden waste bins
- 4 no. 23 Litre brown food waste recycling bins

There is considered to be adequate space within the front amenity space of the property for the required bin storage. The waste and recycling storage area at the front of the property is located within 10 meters of the public highway so therefore it is easily accessible on collection day.

Details of enclosures and screened facilities for the bins shall be secured through a condition in order for them not to have a negative visual impact on the character of the streetscene.

For these reasons the waste and recycling storage provision is considered to be acceptable.

5.4 Response to Public Consultation

The bulk of the comments are addressed in the main report. It is worth noting that essentially the same scheme was allowed at appeal by a planning inspector, with the only difference that this involved the conversion of the existing property as opposed to demolition and construction of a building. The resulting building essentially would be the same.

Dealing with the comments in turn:

- The provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction. - *Addressed in main report, a legal agreement is provided to prevent residents of the development from obtaining parking permits*
- The construction would not be in keeping with the area and would undoubtedly be incongruent. *Addressed in main report*
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes. *This is principally an Environmental Health matter*
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8 *It is not considered, taking into account the Human Rights Act, that any individual would be prejudiced by the proposals*
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued. *Addressed in main report*
- Loss of light- *Addressed in main report. The footprint of extension has already been approved*
- Loss of privacy and overlooking. - *Addressed in main report. The footprint of extension has already been approved*
- Overdevelopment out of character - *Addressed in main report. The footprint of extension has already been approved*
- Impact on Drainage - *The proposals are unlikely to have harmful impact, a condition is attached requiring a landscaping scheme that will ensure appropriate drainage*
- Flats of low standard - *Addressed in main report.*

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.

