



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 The proposed development shall be implemented in accordance with the levels submitted in the hereby approved documents including drawings no. 06 Rev A and 05, and the levels shall be retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

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

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

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

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

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

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 06 Rev A; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. Parking space 1 should be allocated to unit 2.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

9 a) Before the development hereby permitted is first occupied, the amenity space shall be subdivided as indicated on hereby approved drawing no. P06 Rev A, 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).

10 Before the development hereby permitted is first occupied, the box hedge as indicated on Drawing no. 06 Rev A surrounding the private gardens of Flat 1 shall be planted before first occupation or the use is commenced, shall not be higher than 1.2m and shall be 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 The landscaping on the hereby approved drawing reference TH/A3/1497/LS 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.

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.

- 12 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 hereby approved (Drawing no. TH/A3/1497/TPP) has been erected around existing trees on site, and works shall be carried out in accordance with the details of the approved document titled "Arboricultural Impact Assessment & Method Statement by Trevor Heaps Arboricultural Consultancy Ltd Ref: TH 1497 dated 11th December 2017". 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.

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.

- 12 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 and telecommunications) 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).

- 13 The roof of the building 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).

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.157 and 159 Holden Road and the rear windows at second and third floor labelled as obscured glazed on Drawing no. P.03 Rev B, 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).

- 15 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 16 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted October 2016).

- 17 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 18 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).

- 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(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future), as detailed in the hereby approved document titled "Holden Road, London, N12 8SP- Part M4(2) Category 2 Accessible and Adaptable Dwellings".

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 London Plan (2016) and the 2016 Mayors Housing SPG.

- 20 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 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the

Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

#### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a Barnet CIL.

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

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

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

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

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



Please

visit

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

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

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

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

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

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

- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 6 The proposal should demonstrate compliance with Part B5 of Building Regulations.
- 7 The London Fire Brigade strongly recommends that sprinklers are considered for new development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing

providers, and can reduce the risk to life. The Brigade's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of the occupier.

## **Officer's Assessment**

### **1. Site Description**

The application site is currently occupied by two storey pair of semi-detached dwelling houses located on the western side of Holden Road, close to the junction with Laurel View. The application site covers an area of 743sqm.

The site is not located within a conservation area and the buildings are not listed. There is a Tree Preservation Order protecting the trees located at the front of the site (TRE/F1/15/G2). According to TPO schedule, the TPO covers four Lime trees; two have been approved for removal following storm damage, and the TPO covers the replacement trees. The site has a notable green character.

There are significant changes in ground levels, with the site sloping downwards towards the rear (west) of the site). The properties on Laurel View, to the rear, are located at a lower level, and the host properties themselves are sited at a lower level than the highway.

This section of the road accommodates the three single family units (including 2 at the host site) and two buildings containing apartment blocks. Immediately to the north of the site, is a development known as Risegate Lodge (No.159 Holden Road) which was granted consent for 5 self-contained flats. North of Risegate Lodge, lies a four storey block of 16no flats known as Holden Heights with car parking at the forecourt.

To the south, lies a modest detached dwelling known as 157 Holden Road.

To the west of the host site lies a detached two storey dwelling known as no.1 Laurel View.

### **2. Site History**

: 18/0445/FUL

Address: 157A And 157B Holden Road London N12 7DU

Decision: Withdrawn

Decision Date: 08.03.2018

Description: Demolition of two semi-detached houses and erection of a three-storey block to provide 7 self-contained flats, provision of 7 car parking spaces and 10 cycle spaces, amenity space provision and associated refuse and cycle storage.

#### Other Relevant History

: N09522K/05

Address: 159 Holden Road London N12 7DU

Decision: Approved subject to conditions

Decision Date: 14.09.2005

Description: Demolition of existing house with 4 self-contained apartments and erection of three-storey block of 5 self-contained flats and the formation of 7 car-parking spaces.

### **3. Proposal**

Planning permission is sought for the demolition of the two semi-detached houses (known as 157A and 157B) and erection of a three-storey block to provide 6 self-contained flats.

The proposal includes the provision of 6 car parking spaces and cycle storage for 10 cycle spaces, private amenity space and associated refuse.

The units would be comprised as follows:

- 2 x 1 bed (1 occupier) flats (studios);
- 1 x 1 bed (2 occupiers) flat;
- 1 x 2 bed (3 occupiers) flat;
- 1 x 3 bed (4 occupiers) flat;
- 1 x 3 bed (6 occupiers) flat.

The building would have a staggered front building line with a setback of 1.4m adjacent to no.157. At the rear there would be a greater stagger to reflect the relationship with neighbouring properties.

The proposed building at ground floor would have a maximum depth of 15m along the boundary with no. 159 and 10.9m along the boundary with no.157. At first and upper floors, the building depth would be reduced and recessed at the rear. The depth of the building at these levels would be 12.1m along the boundary with no. 159 and 9.9m along the boundary with no. 157. The building would have a maximum width of 10.6m.

The building would be set away from the boundary with no. 157 by a distance of 1.5m at the front 1.3m at the rear, and at the other boundary to no.159 it would be set 1.9m from the front and 1m from the rear.

Compared to the existing buildings which extend up to the boundary, the proposed structure would be set 3.5m from the flank wall no.157 measured at the front, and splaying towards the rear. The proposed building would be set between 2.2m and 2.5m from the nearest side wall of no.159.

The building would project 0.7m beyond the existing rear elevation off no.157, and at upper floors the depth would be less than the existing along the same boundary. On the other side, the building would project 3.4m beyond the existing at ground floor and 0.5m beyond the existing rear elevation at upper floors.

The building would have a height set between the ridge heights of 159 and 157 following the gradient of the road; the proposed building would be 1.3m higher than the existing ridge height.

Amenity space would be provided to the rear of the site, with a communal garden at the rearmost section of the site covering an area of approximately 104sqm. In addition, unit 1 would benefit from two private gardens with a combined area of 26.5 sqm. The cycle storage for 10 cycles would be located at the rear along the boundary with no.159 within a purpose built store.

The parking space would be located adjacent to the boundary with no.159 on the front forecourt and accessed via the existing northern most crossover. The refuse store would also be located at the front set approximately 8.6m from the front of the site and at a distance of 1.9m from the boundary with no. 157.

#### **4. Public Consultation**

Consultation letters were sent to 87 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- Loss of light;
- Gross overdevelopment of the site/ increased density;
- Increased sense of enclosure and loss of outlook particularly to neighbouring gardens/ patios;
- Tunnelling effect;
- Loss of privacy due to height;
- Dwarf neighbouring properties;
- Disruption during construction, noise and disturbance for months;
- Parking pressures/ parking congestion/ naïve to assume only 6 cars will be needed;
- Highway safety near busy junction;
- Impact to streetscene and contrary to "once pleasant suburban street";
- Design, siting, size and scale results in poor form of development contrary to policies;
- Use of rear garden close to neighbouring occupiers by 6 households would be intrusive and noisy;
- Level of activity of 6 flats would increase noise and disruption/ noise pollution;
- Loss of green gardens;
- Dormers visually obtrusive;
- Revised scheme is only superficially different to previous application (withdrawn);
- Objection to the design and appearance of the building;
- Out of character;
- Height and bulk;
- Set a precedent;
- Loss of family units;
- Flat roof could be used as a terrace;
- Impact on bedroom windows at the front of no.159.

A site notice was erected on the 29th March 2018.

The Council's Highways and Arboriculturalist have been consulted and consider that the scheme is acceptable subject to conditions.

The London Fire Brigade submitted comments and stipulated that they are not satisfied with the proposals for fire-fighting access as compliance with Part B5 of building regulations is not shown. It must be noted that this is not a planning consideration and would be dealt with under Building Regulations legislation. An informative has been added to advise the applicant that sprinklers should be considered.

## **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, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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.

#### 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:

- Principle of flats;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would provide suitable amenities for future occupiers;
- Whether the development would increase parking pressures and congestion (Highways);

- Arboricultural Impact;
- Access and Sustainability measures.

### **5.3 Assessment of proposals**

#### Principle of development & Density

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, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which 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.

There are examples of flats to the north of the site and opposite; the road is therefore considered to be varied in character. The principle of flatted development is acceptable given the mixed nature of the road.

The proposed development would result in the loss of two family dwelling houses (assumed to be at least 3 bedrooms). Policy DM08 stipulates that for market housing, the highest priority is for family homes; the scheme would include two flats which would be considered as a family units. In addition, the overall increase in the number of units is considered to outweigh the loss of the family units due to the associated benefits of adding to the housing stock. The scheme is relatively small in scale and would include a mix of units and as such is considered to be acceptable.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site has a PTAL of 2 which is considered average, and is considered to fall within a suburban setting as defined in the London Plan. The development should seek to ensure that a suitable density is provided which is compliant with the suburban setting and that the unit mix is appropriate. The proposal has been calculated as having 21 habitable rooms and has an estimated size of 0.0696ha. Based on this, the density would equate to 86.21 units per hectare (301.72 habitable room per ha) which meets the London Plan density matrix, stipulating a range of 35-95 units per hectare (however exceeds the habitable rooms per hectare range of 150-250 hr/ha). The density in terms of units per hectare is considered to be appropriate.

The building density however is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This is discussed in the following section.

#### Impact on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Furthermore the NPPF

stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Although the building line on this section of the road is not strong, the proposed development on the site is considered to have regard for the stagger of the buildings on this section of the road and the building would offer a stagger adjacent to no. 157 Holden Road. This recess in the front elevation allows for the massing of the building at the front to be "broken up".

At the rear, the staggered building design would reduce the bulk and massing and appears subordinate and relates well to no. 157. On the other side the proposed footprint would not project beyond the building line of no.159 and considered acceptable.

In addition, the proposed siting of the building off the boundaries would increase the spacing between the buildings and provide an appropriate transition in height from the higher building to the north (no.159) and the lower house to the south (no.157). The roof design includes a modest crown which allows visibility to either side of the building. The proposed front dormer would be centrally located and appears modest in size.

Parking on the front forecourt is acceptable in principle and as it has already been established on the host site and on other sites on Holden Road therefore considered acceptable. A landscaping condition will be attached to ensure hardstanding is softened by introduction of soft landscaping.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the proposed building should respect the character of Holden Road. Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. The properties on this road vary vastly in terms of design, scale, size and form. The proposed building would not be considered out-of-character in the streetscene and would reflect the form of other buildings on the road and is supported in this regard. Details of the materials would be submitted and discharged via an appropriate materials condition.

Overall, the proposal is considered to be suitable in the context of the varied character of Holden Road.

#### Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the



protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the neighbouring buildings and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the siting arrangement of properties on Laurel View, the proposed ground floor of the building would be approximately 5m from the rear boundary of no.1 Laurel View and 6m at first, second and third floors. Whilst this fails to meet this standard, consideration has been given to the siting of the existing buildings which projects closer to this neighbouring property than the upper floors of the proposed building, and the modest section of the neighbouring garden that is at this distance. It is acknowledged that there would be an additional storey of accommodation compared to the existing buildings, however the proposal would include obscured glazing to the windows at second and third floors closest to the boundary with 157 Holden Road and 1 Laurel View. It is considered that this would prevent direct overlooking above and beyond what is currently experienced. On balance, it is not considered that the building would result in a material sense of overlooking or loss of privacy to the occupiers of no.1 Laurel View or other properties on Laurel View.

In terms of the neighbouring occupiers on Holden Road, it is not considered that the proposed building would have a greater level of overlooking onto the private gardens of these neighbouring properties. It must also be noted that no.159 is sited at a higher level than the host site. A recessed balcony is proposed at roof level for the 1 bedroom unit. Given the siting within the roof and siting close to the northern edge, direct overlooking would be limited. The flat roof of the ground floor would be conditioned to prevent access to it other than for maintenance.

Although the proposed building would project beyond the rear elevation of both neighbouring properties, consideration has been given to the distance from the common boundaries and the siting of the existing buildings. It is not considered that the proposed depth of the building would have a harmful impact to the visual amenities of neighbouring properties. The building would be deeper at ground floor, particularly adjacent to no.159 comparable to the projection of this property itself. In the upper floors, the building would be recessed to limit the overbearing impact. Due to the change in ground levels, the building would naturally be higher than the properties to the south. Nonetheless, officers consider that on balance, the mass of the building has been recessed sufficiently in the upper floor and the distances from the neighbouring boundaries would reduce the presence of the building to ensure that this it is not unacceptably imposing.

The relationship of the proposed building to neighbouring properties at the front has changed. The building would project beyond the front elevation of no.157, however it is also

set further away from boundary with a distance of 3.5m between flank walls. It is not considered that this would result in an unacceptable sense of enclosure or loss of outlook to the house to the south.

On the other side, the building would also be set further away from the boundary (approximately 0.5m) and would project 0.8m beyond the existing front building line. No159 has windows facing directly on to the development and also towards the road. At the site visit, it was noted that some of the windows were obscured glazed and therefore not considered to serve habitable rooms. The others appear to serve habitable rooms, however given the modest increase the projection of the building at the front, higher siting of no.159 and distance maintained between the properties it is not considered that the outlook or light would be compromised to an unacceptable level to warrant refusal of the application.

It is not considered that the submitted scheme would adversely impact neighbouring amenity in this instance. This determination is based on the scale, siting and design of the building. For the reasons specified above, the scheme is not considered to cause unacceptable harm to the amenities of neighbours to warrant refusal of the scheme.

#### Impact on the amenity of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.'

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (MALP 2016). Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards, as set out in the London Plan stipulate that:

- 1 bedroom 1 person flat (single storey) requires a minimum of 39sqm (37sqm if the unit has a shower instead of a bathroom);
- 1 bedroom 2 person flat (single storey) requires a minimum of 50sqm;
- 2 bedroom 3 person flat (single storey) requires a minimum of 61sqm;
- 3 bedroom 4 person flat (single storey) requires a minimum of 74sqm;
- 3 bedroom 6 person flat (single storey) requires a minimum of 95sqm.

The units would meet and in some cases, exceed the minimum space standards.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". Four windows at second floor rear and one of the dormer windows at roof level have been conditioned to be obscured glazed as indicated on the rear elevation, however these windows serve non-habitable rooms and/or are secondary windows. All habitable rooms would benefit from suitable levels of outlook.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The provision is calculated at 5sqm per habitable room (rooms over 20sqm would be considered as two habitable rooms). Unit 1 would benefit from private gardens equating to 26.5sqm. The other units would benefit from a communal garden accessed via the side paths with an area of 194sqm; this exceeds the requirements for garden space based on the number of units.

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

### Highways

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site benefits from a PTAL of 2 which is considered to be relatively low, bus and tube are the two public transport modes available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied. There is a CPZ in place within a close proximity of the development as such it is thought that during the day on street generated by parking stress is likely to be high.

Policy DM17 states the parking provision as follows:

"ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and  
ii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)"

Based on this, the proposal would require a range of between 4.5 and 7.5. The development has proposed 6 off street parking spaces (1 per unit). The proposed level of parking is in line with the Council's maximum parking standards, as displayed in DM17. One space per unit for the studio and one bed units is at the upper end of the range of the maximum parking standards (DM17 states 0-1 space per unit for 1 bed units); however one space per unit is at the lower end of the range for two and three bed units. These types of units (studio/one beds) are more likely to have less demand for the use and ownership of a private vehicle. In operational terms this may equate to more parking availability for the larger units two bed units, which would be further up the "range". It is therefore considered that the parking provision will mitigate against over spill (this has been calculated using census car ownership data)

The existing site benefits from two vehicular accesses, both crossovers will be retained however the southern crossover will not be utilised as no parking spaces will be located near there.

The gradient of the northern access is at an angle which may make visibility "down" the hill (to the right when exiting) difficult should there be an obstruction, Highways officers have therefore recommended that no boundary treatment is implemented and all planting in this point is kept to a minimum height.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of 9 cycle spaces and the

proposal is in compliance with this providing 10 cycle spaces. Details of the cycle store would be conditioned.

Refuse stores have been provided within a close proximity to the highway; details of the appearance would be requested as part of a planning condition.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported on highways grounds. The proposal is considered to have an acceptable impact on the local highways of this section of Totteridge and Holden Road in particular, and pedestrian and vehicular safety.

### Arboricultural Impact

The Council's Arboriculturalist has reviewed the documentation including the submitted Arboricultural Impact Assessment. The following comments were provided by the Arboriculturalist:

In this part of Holden Road the character of the properties is front gardens with established soft landscaping at the front which screen/soften the buildings. This includes trees and shrubs that are mature and provide considerable visual tree amenity.

A TPO TRE/FI/15/G2 made in 1971 protects two very large lime trees growing along the front of the properties. One of them is growing in the garden of 157A & 175B Holden Road and the other in the garden of 157 Holden Road. Both trees provide considerable visual tree amenity that is part of the character of Holden Road.

The demolition and construction of the proposal will not directly impact on trees surrounding the site.

There is a high risk of harm to the protected lime tree at the front of the property from construction activities. The submitted arboricultural method statement and tree protection plan demonstrates that this risk can, with care, be managed to an acceptable level.

The proposed driveway retains a portion of the root protection area of the lime under soft landscaping; this is supported. The remaining frontage will be surfaced with cell-web or equivalent. This approach should prevent harm to roots under the drive way and is also acceptable.

The existing site benefits from a large area of hardstanding. The proposed landscaping would provide a balance between hardstanding and soft vegetation, which would soften the appearance of the building.

No details have been submitted regarding services; it is assumed that existing services will be utilised. There is a high likelihood that excavations will be required to join services up within the RPA of T1. Full details must be submitted as part of a condition.

The submitted landscape plan provides for 3 new trees (weeping silver lime) to be planted in strata-cells tree pits under the driveway. Silver lime is aphid resistance lime tree species and acceptable in this location where 6 cars parking spaces are provided.

The proposed bin stores are located within the RPA of the protected lime tree, however subject to careful installation, the amenity value of the tree should be protected.

Subject to conditions, the proposal is considered to protect the health of existing trees which represent an important amenity feature and the landscaping would soften the appearance of the building.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, however a lift cannot be provided due to the limitations of the site. The applicant has provided a document detailing how the proposal would meet the requirements of M4(2). A condition is attached to ensure compliance with these Policies and this document.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

### Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal would be liable for both Mayor's CIL and Barnet CIL.

## **5.4 Response to Public Consultation**

It is considered that the planning related objections have been addressed in the report 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**

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

