

Location	Fountain Lodge 32 Barnet Road Barnet EN5 3ET	
Reference:	18/1140/FUL	Received: 20th February 2018 Accepted: 8th March 2018
Ward:	High Barnet	Expiry 3rd May 2018
Applicant:	Mr Lask	
Proposal:	Demolition of existing single family dwelling. Erection of 3no two storey dwellings with rooms in roofspace. Erection of garage and associated parking, refuse and recycling	

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Drawing 1554.P1.OS Revision E dated 24/04/2018 - Site Location Plan
 Drawing 1554.P1.01 Revision A dated 24/04/2018 - Existing Site Plan and Site Photos
 Drawing 1554.P1.02 Revision E dated 24/04/2018 - Proposed Site Plan, Proposed Store - Plans and Elevations
 Drawing 1554.P1.03 - Proposed Floor Plans
 Drawing 1554.P1.04 - Proposed Elevations
 Drawing 1554.P1.05 Revision E dated 24/04/2018 - Proposed and Existing Block Plans
 Drawing 1554.P1.06 Revision E dated 24/04/2018 - Proposed Vehicle Vision Splay Diagram
 Drawing 1554.P1.07 dated 03/11/2017 - Existing Floor Plans
 Drawing 1554.P1.08 dated 03/11/2017 - Existing Elevations
 Design and Access Statement, Andrew Scott Associates, 27th October 2017
 Tree Protection Plan, GHA Trees, July 2017
 Arboricultural and Planning Integration Report, GHA Trees, 12th July 2017.
 Preliminary Ecological Assessment, Coyne Environmental, June 2018.
 Preliminary Roost Assessment, Coyne Environmental, June 2018.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping and biodiversity enhancements as recommended in the submitted PEA

and PRA reports shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

- 6 a) No development shall take place until details of the access road to be constructed as part of this scheme, including confirmation that a minimum width of 3.7m can be achieved in order to accommodate a fire pumping appliance in order to comply with part B5 of building regulations, have been submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200.

b) The access road to be constructed as part of this development shall be implemented in accordance with the details approved under this condition before the site is first occupied or the use first commences and retained as such thereafter.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 7 No structure including fences or planting exceeding 0.6 metres in height shall be erected to the left or right of the access within the visibility splay at the junction of private access and the public highway.

Reason: To preserve site line and 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.

- 8 Prior to occupation of the development hereby permitted 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 or 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.

- 9 Prior to occupation of the development the proposed parking spaces within the parking area as shown on Drawing. 1554.P1.02 Rev.E submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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.

- 11 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).

- 12 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area 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.

- 13 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 14 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).

- 15 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).

- 16 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.

- 17 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.

- 18 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of

Classes A to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of Plots A, B and C, Fountain Lodge, 32 Barnet Road hereby approved.

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

- 20 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations of Plots A, B and C.

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).

- 21 Before the buildings hereby permitted are first occupied the proposed first floor window(s) in the flank elevations 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 April 2013).

- 22 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this

application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 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 the council will not adopt the access road. However, if the councils refuse vehicles are required to enter the site, the access road must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Section in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The pond was not considered to be optimum breeding habitat for Great Crested Newts (GCN). However, please ensure that Reasonable Avoidance Measures are adhered to during site clearance: 1. All contractors to be aware of the possibility of GCN and what they look like and in the event of one being found, work must stop

while it is moved to safety and ecological advice sought. Licensing from Natural England will be necessary in this eventuality. 2. Any existing piles of material, debris, wood should be moved by hand to check for GCN sheltering there. 3. Building materials should not be left around overnight in a manner where newts could take shelter there 4. All litter to be cleared from the field at the end of each day. 5. Suitable plans to be made to deal with any pollution e.g. a petrol leak.

- 7 If any dense vegetation (trees, shrubs, and hedgerow) is to be removed, this should be conducted outside of the bird nesting season (of March to September inclusive) or immediately after a suitably qualified ecologist has confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.
- 8 We recommend that lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.
- 9 In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the following recommendations are incorporated:
 1. Tree species for replanting should be native and typical of the local area and of UK provenance. The use of heavy standards would be beneficial to reduce establishment time.
 2. Bat roosting provision could be incorporated into the fabric of new structures. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
 3. Inclusion of bird nesting provision in the form of bird boxes.
 4. Using native plants in the landscaping design, which can provide habitat for wildlife.

Officer's Assessment

1. Site Description

The application site comprises a detached property on a generous plot along the north side of Barnet Road, in the ward of High Barnet.

It is a brownfield development and is served by its own access road from Barnet Road.

To the east of the site is Kerri Close and to the south and west is Garden Close. To the north of the site is Oaklands Lane footpath and an area of open space. This acts as a buffer from the Green Belt beyond.

The site is not located within a conservation area and the existing house is not a locally or statutory listed building.

There is a Tree Preservation Order (T26 - Horse Chestnut) along the rear (northern) boundary. There is also a TPO group along the western boundary adjacent to Uplands Cottage (G21) which includes 10 Pine, 4 Firs, 1 Willow, 1 Walnut and 5 Cypress.

2. Site History

Reference: 17/7036/FUL

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Withdrawn

Decision date: 31st January 2018

Description: Erection of 3 no two storey dwellings with rooms in roof-space. Erection of garage to provide parking, associated refuse and recycling

Reference: N00085Z/03

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 29 October 2003

Description: Erection of 3 no. detached houses (Outline application)

Reasons for refusal:

1. The proposed development would cause damage/loss to trees of Special Amenity Value and will detract from the existing character of the area, contrary to policies G18, T1.1 and E2.1 of the Adopted Barnet Unitary Development Plan (1991) and policies GBEnv4, D2, D4, D7, D12 and D13 of the Revised Deposit Draft Unitary Development Plan (2001).

2. The proposal fails to provide adequate access and manoeuvrability for refuse vehicles and will be detrimental to pedestrian and highway safety, contrary to policies M6.1 of the Adopted Barnet Unitary Development Plan (1991) and policies M12 and M17 of the Revised Deposit Draft Unitary Development Plan (2001).

Reference: N00085Y/00

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 2 November 2000

Description: Demolition of existing house and erection of three detached houses with access onto Barnet Road.

Reference: N00085X/00

Address: Fountain Lodge, 32 Barnet Road, Barnet, EN5 3ET

Decision: Refused

Decision date: 20 June 2000

Description: Demolition of existing house and erection of four detached houses with access onto Barnet Road. (Outline application).

3. Proposal

This application seeks planning permission for:

"Demolition of existing single family dwelling. Erection of 3no two storey dwellings with rooms in roofspace. Erection of garage and associated parking, refuse and recycling."

The proposal includes the following elements:

- o 3 no detached dwelling houses
- o 6 no. car parking spaces (2 per house)
- o Garage/store block (1 per house)
- o Refuse and recycling collection area to driveway

Amended drawings were received on 26th April 2018. The amendments related to corrections to the site boundary.

The 3 no detached houses would be of similar traditional design, all 2 storeys with accommodation in the roofspace. The houses would have front and rear dormer windows and balconies and would provide 4 double bedrooms and a cinema room in the roofspace.

A total of 6 no car parking spaces are proposed, 2 no for each house, located in front of each dwelling.

The garage/store block would measure 11.7m wide, with a maximum height of 3.6m to the top of the hipped roof, 2.4m to eaves and would provide 1 no garage/store per house.

The refuse and recycling collection area would be located at the end of the driveway to allow bins to be collected from Barnet Road.

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties. The same properties were re-consulted on the amended drawings received 26th April 2018.

20 responses were received, comprising 20 objections which can be summarised as follows:

- Bats have been sighted in the vicinity of the application site. The existing house may contain a bat roost. A bat survey should be submitted. Impact on wildlife.
- The application drawings don't correctly reflect the legal land ownership position.

- The proposed refuse and recycling collection area will have a detrimental impact on the existing boundary hedge and my visual and residential amenity.
- The accessway is only one lane wide. There is not enough width for a car and pedestrian to use it at the same time. Visibility is poor.
- An environmental report has not been submitted even though the development borders a bridleway and fields. The development will impact wildlife.
- Sewage problems suffered by Fountain Lodge have plagued my neighbours and my family over the years. Mechanical diggers have made multiple holes in my garden. What are the plans for sewage removal?
- It is not clear which trees on the boundary are to be removed.
- The proposal will increase the traffic in the local area.
- Negative impact on house prices.
- Overdevelopment
- Loss of privacy to neighbouring properties
- Out of character, cramped form of development
- Impact on Trees including TPO protected trees. Removal of trees will result in loss of screening.
- Noise impact of cars coming and going and parking in close proximity to our rear garden.
- Impact on the Oaklands lane bridle path
- Will impact on Highways safety and the free flow of traffic, including impacting Emergency vehicles using Barnet Road
- Gates opening and closing will have a noise impact
- An application as above had been made in 2003 and been refused on the grounds that the proposed development would cause loss and/or damage to trees of special amenity value and detract from the existing character of the area. It was also found by the council that the proposal failed to provide adequate access and manoeuvrability for refuse vehicles and would be detrimental to pedestrian and highway safety. This present application is little different to the same application as in 2003 (and last November) and I request that the council should find the same reasons to refuse such application.

A letter was also received from The Rt Hon Teresa Villiers MP, which reads as follows:

"My constituent has sent me a copy of his objections to the further application relating to Fountain Lodge. I understand that his objections to this application remain the same as to the previous one.

However, as you will be aware from his latest comments, he is particularly concerned about removal of the shrubs and trees which he points out will reduce wildlife, increase noise and reduce security. He also mentions the lack of visitor parking on the site and believes that this will impact on Garden Close which will be used for parking.

I also note that my constituent disputes the ownership of the land as it is currently shown on the plans because the developer is claiming that the land bounding the pavement and 7 Garden Close is his. He is apparently intending to clear the shrubs to aid vision when exiting from the site on to Barnet Road. My constituent believes that this will have no beneficial effect and that the extra traffic these developments would generate could cause problems on Barnet Road which is already very busy.

I would be grateful if my constituent's comments, and those of other residents, could be taken into consideration before a decision is reached about this planning application."

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. 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 relevant planning policies are: Policies 3.4; 3.5; 3.8; 3.14; 5.2; 5.3; 6.13; 7.4.

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.

- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.
- Highways considerations
- Trees and landscaping considerations
- Ecology considerations
- Refuse and recycling
- Access for Fire Service

5.3 Assessment of proposals

Principle of development

The existing property is an example of backland development. There are also other examples of backland and tandem development in the surrounding area. Although the proposal would result in a net gain of two additional houses, the site layout and form would not appear out of keeping with the established pattern of development. The principle of backland development is therefore acceptable in this particular instance.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposed dwellings would be set well within this backland site and therefore not visible from Barnet Road. There are no designated heritage assets for the site which would influence or preclude the redevelopment of the site.

The dwellings would not be dissimilar in style and form to other examples of 'executive homes' seen in the surrounding area. The dwellings would maintain gaps of 2.5 metres between each other and would retain areas of landscaping around the dwellings. This would maintain a degree of spaciousness and avoid the development appearing cramped.

For these reasons, it is not considered the dwellings would detrimentally impact the character and appearance of the surrounding area.

A garage / store block is proposed on the southern boundary of the site. This would be a brick structure under a hipped, clay tiled roof measuring 11.7m wide, 5.6m deep with a maximum height of 3.6m, 2.4m eaves height. The proposed garage block is located in a similar position and is of a similar footprint and scale to the existing garage (which would be demolished) and would have minimal visibility from outside of the site. As such it is not

considered that the proposed garage block would cause harm to the character or appearance of the surrounding area.

In summary, it is not considered that the proposed development would cause harm to the character or appearance of the street scene or surrounding area and is therefore acceptable in this respect.

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

In the absence of an immediate neighbour to the north, it is not considered the dwellings would cause harm in this regard.

Plot A would be sited 9.3 metres from the boundary of Uplands Cottage, Garden Close, and therefore not unacceptably harm the amenity of the occupiers of this property. Plot A's front elevation would be sited 17.0 metres from the rear of No. 4 Garden Close. No. 4's first floor rear windows are sited approximately 15 metres from this boundary, giving a total distance between facing habitable room windows of 32 metres. These distances are adequate to preserve the privacy of the occupiers of No. 4 Garden Close.

Plot C is sited 1.5 metres from the boundary adjacent to 4 Kerri Close in a similar position to the existing house. Whilst the existing house is also built in close proximity to this boundary, the proposal would result in increased built form along the boundary. However there is substantial vegetative screening along this boundary (including mature Cypress trees which are in the control of 4 Kerri Close) and the dwellinghouse at 4 Kerri Close is set well away from the boundary. A single first floor bathroom window is proposed in the northern flank wall of Plot C and this would be obscure glazed. As such it is not considered that the proposal would have a harmful impact upon the visual and residential amenities of the occupiers at 4 Kerri Close.

Plot B sits between Plots A and C as therefore no additional impact considerations apply to this house that have not already been discussed in relation to Plots A and C above.

The garage/store block would be sited adjacent to the rear boundary of Nos. 4 and 5 Garden Close. The building would measure 11.7m wide, with a maximum height of 3.6m to the top of the hipped roof, 2.4m to eaves. The structure would be located north of the rear gardens of Nos. 4 and 5 Garden Close meaning that no loss of sunlight to the gardens to the south would arise.

The Topographic survey (confirmed by a site visit to 4 Garden Close and the application site) shows that there is a significant levels difference between the application site and 4 Garden Close at the site of the proposed garage/store block; with the application site being 1.55m lower than the garden land level at 4 Garden Close. This combined with the existing 1.8m high close boarded timber to the rear boundary of 4 Garden Close means that approximately 3.35m of the proposed garage block would be screened from view as seen from 4 Garden Close with only the top part of the roof visible over the fence. Existing and proposed trees and landscaping on both the application site and within the garden of 4 Garden Close would provide additional screening of the proposed garage/store block and as such it is not considered that the proposed garage/store block would have a harmful impact on the visual or residential amenities of the occupants of any neighbouring properties.

In summary, it is not considered that the proposed development would have a harmful impact on the residential or visual amenities of the occupiers of any neighbouring properties and is therefore acceptable in this respect.

Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings

All of the proposed houses meet the minimum London Plan spaces standards (4 bed 8 person over 3 storeys - minimum 130 sq m) as follows:

Plot A, 4 bed 8 person, 285 sq m

Plot B 4 bed 8 person, 284 sq m

Plot C, 4 bed 8 person, 283 sq m

All bedrooms meet the required minimum sizes.

Each house has 8 habitable rooms and is therefore required to provide a minimum of 85 sq m of outdoor amenity space.

Amenity space is provided in the form of rear gardens as follows:

Plot A, over 260 sq m

Plot B, 130 sq m

Plot C, 110 sq m

All three gardens exceed the minimum requirement of 85 m² of space for houses with seven or more habitable rooms. The proposed private amenity space provision is therefore considered to be acceptable.

All habitable rooms benefit from reasonable levels of outlook and the proposal is acceptable in this respect.

In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

Highways considerations

Policy DM17 of Barnet's Development Management policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms).

The application proposes 2 no. off street car parking spaces per house (6 in total) along with a garage block (one per house) to be used for storage.

As such the proposal complies with policy DM17.

The Highways department have reviewed the application drawings and concluded that the proposed development is acceptable subject to the following conditions:

- Details of the access road to be submitted and approved

- Visibility splay details
- Parking spaces to be laid out as per the application drawings
- Demolition and Construction Management Plan
- Cycle parking.

It is noted that previous applications for similar developments on this site have been refused on highways grounds.

Application reference N00085Z/03, refused 29 October 2003, proposed a similar site layout and was refused on the basis that the development failed to provide adequate access and manoeuvrability for refuse vehicles.

The current application overcomes this by providing a refuse collection area at the end of the driveway, meaning that refuse vehicles won't need to enter the site.

Application reference N00085Y/00 dated 31 October 2000, was refused on inadequate visibility at the junction of the proposed access with Barnet Road.

The access road is existing and serves the existing dwellinghouse on the site. Notwithstanding this, a planning condition is proposed requiring visibility splay details to be submitted and proposed.

The proposed development is considered to be acceptable in Highways terms, subject to conditions.

Tree and Landscaping considerations

There is a Tree Preservation Order (T26 - Horse Chestnut) along the rear (northern) boundary. There is also a TPO group along the western boundary adjacent to Uplands Cottage (G21) which includes 10 Pine, 4 Firs, 1 Willow, 1 Walnut and 5 Cypress. Hedges run along both sides of the driveway.

The Council's Arboricultural Consultant visited the site and provided the following comments:

"The footprint of the proposed 3 new houses does not directly impact on trees. The tree protection plan shows six trees to be removed to accommodate revised site infrastructure and valued as category U or C, low value. T27 (applicants plan) is T26 on the Tree Preservation Order, this tree has significant stem decay and it's assessed value of U is appropriate, the tree should be removed regardless of any development.

The loss of all other trees is broadly acceptable (T9, T11, T14, T15 and G17) if replacement tree planting is provided.

Plot A is positioned close to a group of mature trees protected by the TPO G21 and includes trees T19 to T24 on the applicants plan. The species of the group is made up of pine, holly, yew, and cypress trees.

There are around 4 large and mature pine trees within this group (T20, G22 & T23) that make up the upper story. Below is the (shrub layer) a dense planting of evergreen trees consisting of yew, holly, cypress and other species.

The foot print of the Plot A does not impact on the root protection areas. The property will be approximately 10m away from the larger pine trees. As the pine trees have a flank wall aspect, concerns that they will be overbearing on the property is lessened. The dense shrub layer is likely to be overbearing and does take up much of the proposed garden area of the plot. They do provide a significant level of screening between neighbouring properties Uplands Cottage and 1 to 5 Garden Close.

A sensitive management plan must be provided for this area that will balance the likely needs of the new property owner's use of the space and the obvious screening value.

T1 a category B sycamore located at the entrance to the site may be affected by sightline proposals. The arboricultural impact assessment needs to make comment on this and recommend mitigation measures if any are required.

Landscaping:

The general landscape layout provides for buildouts and traffic islands to provide space for tree and shrub planting around the site infrastructure. This approach is acceptable. A detailed landscape plan showing herbaceous, trees and shrubs species proposed must be submitted. As a guideline, plants that encourage wildlife such as nectar and fruit producing plants are preferred over more ornamental plantings.

Bin stores are located at the end of the driveway and will require the loss of a section of laurel hedge. The loss of hedgerow is broadly acceptable but the store will require additional soft plantings to reduce its visible impact to an acceptable level (screening needed).

Recommendations:

No objection

A Management plan must be provided that will sensitively balance the likely needs of the new property owners and the screening values along the flank of Plot A.

Scot's pine (*pinus sylvestris*) 14-16cm girth heavy standard must be planted to replace the removed TPO tree T26. This tree must also be detailed on the landscape plan.

A detailed landscape plan showing all species of plant proposed, size and density of planting. Details of the arrangements for maintenance in the short and long term should also be submitted.

Conditions:

The applicant must submit a site specific arboricultural method statement and tree protection plan for the approved design. This must follow guidance set out in BS5837: 2012 Trees in relation to demolition, design and construction- recommendations.

Reason: To ensure the retained and protect trees are not harmed during the construction phases of the development in accordance with DM01.

Apply the standard soft and hard landscaping condition that will assist the new build to settle into the local environment and replace trees removed to facilitate the development and management reasons. Including the replacement of TPO tree T26 removed for health and safety reasons, the TPO will transfer to the newly planted tree.

Reason: To ensure removed trees are replaced and the new buildings have a high quality environment to help the new properties settle into the local environment in accordance with policy DM01.

Informative:

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."

The proposed development is considered to be acceptable in Tree and landscaping terms, subject to the recommended conditions and informative.

Ecology considerations

Correspondence was received from neighbours stating that Bats have been seen in the vicinity of the application site and it was suggested that the existing house to be demolished could contain a bat roost.

Consequently, advice was sought from the Council's Ecology Consultant and the applicant was invited to provide a Preliminary Ecological Assessment (PEA) and Preliminary Roost Assessment (PRA).

These documents were received from the applicant's agent on 15th June 2018 and forwarded to the Council's Ecology Consultant for review.

The PRA concludes that there is no evidence of bats having been present in the building and that it has negligible potential for roosting or hibernation.

The PEA concludes that there is a low probability of protected wildlife presence on the application site. It also recommends that the new development could incorporate measures to increase the biodiversity of the area.

Having reviewed the submitted PEA and PRA documents, Council's Ecology Consultant confirmed that they have no objection to the proposed development subject to a condition to secure biodiversity enhancements as recommended by the submitted PEA and PRA documents, along with associated informatives.

Refuse and Recycling

Refuse and recycling bins would be stored alongside each of the proposed dwellings. A collection point is proposed at the end of the driveway and bins would be moved to this

point on collection day. A planning condition will be added to any planning permission issued to secure details of the refuse and recycling area.

Access for Fire Service

A consultation response was received on 4th May 2018 from the London Fire and Emergency Planning Authority. The response states that the Brigade is not satisfied with the proposals for fire fighting access as compliance with part B5 of Building Regulations (Access for Fire Service) is not shown.

The letter also states that the Authority also strongly recommends that sprinklers are considered for new developments.

The planning application drawings show that the minimum roadway width of 3.7m required in order to accommodate a pumping appliance (max width 2.5m) and comply with part B5 of building regulations can be achieved through thinning of the existing hedges to the boundaries either side of the accessway. A condition is attached requiring submission of further details to confirm that a minimum width of 3.7m can be achieved in order to accommodate a fire pumping appliance.

Once into the main part of the site a fire appliance would have access to within 45 metres of all points within each of the proposed dwelling houses as required by part B5 of Building Regulations and could turn within the site.

An informative will be added to any planning permission issued advising the applicant that the London Fire and Emergency Planning Authority strongly recommends that sprinklers are considered for new developments.

5.4 Response to Public Consultation

Main issues addressed elsewhere in this report. Specific responses as follows:

- A Preliminary Ecological Assessment (PEA) and a Preliminary Roost Assessment (PRA) have been carried out. The PRA concludes that there is no evidence of bats having been present in the existing house and that it has negligible potential for roosting or hibernation. The PEA concludes that there is a low probability of protected wildlife presence on the application site.
- Land ownership issues have been resolved and the correct land ownership position is reflected on the amended drawings received 26th April 2018.
- The proposed planning conditions relating to soft landscaping, refuse and recycling storage area and boundary treatments will ensure that visual and residential amenity of neighbouring properties is protected.
- The Highways department has assessed the application and consider that parking and access arrangements are satisfactory, subject to conditions.
- Impact on house prices is not a material planning consideration
- It is considered that the current application has addressed previous reasons for refusal of historic planning applications.
- Tree documents have been submitted and assessed by the Council's Tree Officer who has concluded that the proposed development is considered to be acceptable subject to conditions.
- It is not considered that the proposed development would have an unacceptable impact on the Oaklands Lane bridle path.

- It is not considered that the noise impacted associated with cars coming and going, gates opening and closing would be materially different to the existing position.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory. The proposal would not have a harmful impact on TPO trees and highways and refuse collection arrangements are satisfactory. This application is therefore recommended for approval.