

**Location**                      **Land Rear Of 2 And 4 Rundell Crescent London NW4 3BP**

**Reference:**                      **17/7858/FUL**                      Received: 12th December 2017  
Accepted: 2nd January 2018

Ward:                              West Hendon                      Expiry 27th February 2018

Applicant:                      Mr BY Developments Limited

Proposal:                      Erection of 2no. single storey semi-detached dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way. [AMENDED ADDRESS AND DESCRIPTION] [DEPARTURE FROM POLICY]

**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:

U-RP-LP001

U-RP-LP002

U-RP-PP001

U-RP-PP002

U-RP- HC001

U-RP-PE001

U-RP-PE002

(All the above Revision 4)

Sustainability statement by UPP dated April 2017

Arboricultural Impact Assessment & Method Statement (to BS:5837 2012) by Trevor Heaps dated 23 March 2016 and attached tree protection plan (appendix)

Daylight and Sunlight study by Right of Light Consulting dated 06 April 2018

Design Out Crime Survey by Griffin Research Consultancy dated 30 March 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 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.

- 5 a) A scheme of hard and soft landscaping, including details of the size, species, planting heights, densities and positions of any soft landscaping, 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 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 Condition 1 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 protection plan and method statement as approved under Condition 1 shall be fully implemented and strictly adhered to throughout all phases of the development.

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.

- 7 Before the development hereby permitted is first occupied the parking spaces shown on the plans approved under Condition 1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces and access to the parking spaces from the public highways shall be maintained at all times, and retained in perpetuity.

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 2015.

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 9 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 10 'Secured By Design' accreditation shall be obtained for the building hereby approved. Evidence of accreditation shall be submitted to and approved in writing by Local Planning Authority prior to first occupation.

Reason: To ensure appropriate security and safety measures are implemented in accordance with Policies CS NPPF and CS12 of the Local Plan Core Strategy (adopted September 2012), and the principles of the NPPF (2012).

- 11 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.

- 12 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.

- 13 Details of all exterior lighting hereby approved must be submitted to and approved in writing to the Local Planning Authority before installation and must follow the guidance below:

- Cowls to direct light downwards to where it is needed, and therefore avoid unnecessary light spill upwards.
- Light should be directed away from trees.
- Any lighting should be on a timer or sensor, and not be left on all night.
- Light levels at a height of 2 metres should be no more than 2 lux.
- Light sources should be used that emit minimal ultraviolet light and avoid white or blue wavelengths to avoid attracting lots of insects (attracting insects to lamps may reduce their abundance in darker foraging areas favoured by bats). If unavoidable, then UV filters or glass housing must be used to filter out UV.

Reason: To minimise the impact the development may have on bats, a European Protected Species.

#### **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.

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](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 No works can commence on site until an ecologist has confirmed that there are no nesting birds. This is to comply with the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) which provides statutory protection to birds.
- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 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.



## **Officer's Assessment**

### **1. Site Description**

The application site consists of garages situated on land to the rear of 2 and 4 Rundell Crescent, with a frontage to Alderton Way which separates the site from Vivian Avenue.

Development in Vivian Avenue consists predominantly of three storey buildings with residential above commercial units.

Buildings within Alderton Way are generally single storey and mostly in use for storage or car parking.

The site is in the ward of West Hendon.

It is not within a designated conservation area and there are no listed buildings on site, or on land adjacent to the site.

The application site is surrounded by trees which are situated in the rear gardens of No. 2, 4 and 6 Rundell Crescent. These trees are not protected. There are no trees on site.

### **2. Site History**

The following history includes history for No. 4 Rundell Crescent as well as the land subject to this planning application:

Reference: 17/4957/CON

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved

Decision Date: 24 August 2017

Description: Submission of details of condition 8 (Refuse), 9 (Landscaping), 16 (Demolition and Construction Method Statement) pursuant to planning permission 17/2288/FUL dated 20/06/17

Reference: 17/2288/FUL

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved subject to conditions

Decision Date: 20 June 2017

Description: Conversion of existing dwelling into 2no semi detached houses including part single, part two-storey side and rear extension following partial demolition of main building and demolition of existing garage. Formation of front bay windows and new entrances. Roof extension involving new side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Reference: 17/0906/192

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 2 March 2017

Description: Single storey side and rear extension following demolition of existing garage. Extension to roof including 1no wraparound side/rear dormer window to replace existing side and rear dormer windows to extended existing loft conversion. Erection of a new front porch

Reference: 17/1167/191  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Lawful  
Decision Date: 20 April 2017  
Description: Use for storage of scaffolding and building materials

Reference 16/8209/PNH  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Prior approval required and refused  
Decision Date: 15 February 2017  
Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 2.8 metres

Reference: 16/7605/PNH  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Prior Approval Required and Refused  
Decision Date: 13 December 2016  
Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 2.8 metres

Reference: 16/7787/192  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Unlawful  
Decision Date: 1 February 2017  
Description: Extension to roof including no 1 wraparound side/rear dormer following removal of existing side and rear dormer windows. Part single, part two storey rear extension. Single storey side extension following demolition of existing garage. Erection of a new front porch

Reference: H/00824/12  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Lawful  
Decision Date: 19 July 2012  
Description: Single storey building in rear garden.

Reference: H/03220/08  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Refused  
Decision Date: 22 October 2008  
Description: New brick piers, metal railings and gates to front boundary.

Reference: W12797D/03  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Approved subject to conditions  
Decision Date: 22 October 2003  
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797C/03  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Refused  
Decision Date: 23 July 2003  
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797B/03  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Refused  
Decision Date: 18 July 2003  
Description: New side dormer window.

Reference: W12797A/03  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Refused  
Decision Date: 2 June 2003  
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797/02  
Address: 4 Rundell Crescent, London, NW4 3BP  
Decision: Refused  
Decision Date: 21 November 2002  
Description: Demolition of four existing garages and rebuilding of four garages in line with the boundary.

Reference: W02322  
Address: 2 Rundell Crescent, London, NW4  
Decision: Approved subject to conditions  
Decision Date: 12 November 1969  
Description: Private garage

### **3. Proposal**

The application proposes the demolition of the existing garages on site and the construction of a pair of single storey residential dwellings.

The dwellings would be 8.4 metres in width each, totalling a width of 16.8 metres.

Unit 1 would have a length of 10.5 metres. Unit 2 would have a length of 9.4 metres. The proposed dwellings would have an eaves height of 3 metres and a maximum ridge height of 6.1 metres. They would be brick built with a pitched roof.

The new dwellings would be sited between 2.25 metres and 5.3 metres from the application site rear and side boundaries.

The dwellings would be set back from the road edge, accommodated by a boundary wall, soft landscaping and cycle and refuse storage. Each dwelling would benefit from 1 parking space, located to the side.

Unit 1 would benefit from a garden area in excess of 70 sqm. Unit 2 would benefit from a garden area in excess of 65 sqm.

Each dwelling would have a shed, which would be no greater than 2.3 metres in height.

### **4. Public Consultation**

Consultation letters were sent to 115 neighbouring properties.  
15 responses have been received, comprising 14 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Demolition/construction work has already begun on the property
- Although the London Plan sets housing targets for the borough this proposal is not connected to social housing, regeneration areas are contributing to these figures, and the development will 'only be available to a tiny minority of very privileged individuals'
- The development would affect the green house at No. 6 Rundell Crescent which grows vegetable throughout the year. Any changes to light or overshadowing would affect this.
- Overlooking and loss of privacy to occupiers at No. 2 and 6 Rundell Crescent
- Trees sited on No. 6 Rundell Crescent provide habitat for a variety of nesting species. These include the Pipistrelle Bat (protected under the Wildlife and Countryside Act), Lesser Spotted Woodpecker and Gold Finch.
- Inappropriate for use and purpose as a service road
- 10.5 m distance between rear boundary walls is unacceptable and unreasonable
- Dwellings would increase waste/dumping issues
- Dwellings would increase noise
- Two bungalows will look odd and out of keeping and represents overdevelopment
- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings
- Represents sub-standard accommodation. Not a residential area. Only appropriate for garages
- Drainage concerns. Risk of flooding
- Impact value of neighbouring houses

Neighbours were re-consulted and a new site notice was erected (to receive comments by 09 August 2018) on the basis that the application represented a departure from policy.

Further comments received by the local authority included:

- Construction on Alderton Way will be dangerous and the service road should be kept clear at all times.
- Too much development
- Inappropriate location for housing
- No space for refuse
- Query on public consultation and who has been consulted
- The quality of development at No. 4 Rundell Crescent (who is the same developer) is poor
- Negative impact on property prices
- Pressures on local utilities such as water, sewers, gas and electricity, include public services such as doctors and libraries
- Consent would set a precedent
- Disagreement with address used on consultation letters/site notice
- Concern for living conditions of future occupiers

The one comment of support had no text and just requested to speak at committee.

Internal and External Consultation responses:-

Traffic and Development Team:

The Traffic and Development team assessment is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Environmental Health Department:

The Environmental Health Department have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Planning Tree Team:

The Tree assessment is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Metropolitan Police:

A representative for the Metropolitan Police (Design out Crime) has raised objection to the scheme. Their response, and the LPA reply to this, is set out in greater detail in the relevant section of the report below.

London Fire and Emergency Planning Authority:

The Brigade is satisfied with the proposals for fire fighting access, subject to ADB Vol 2 B5.

## **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 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the street scene and surrounding area
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether harm would be caused to the living conditions of future occupiers
- Whether the proposal would impact highways and parking
- Any other material considerations

### **5.3 Assessment of proposals**

Principle of development:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Garages currently occupy the site. Planning application reference 17/1167/191, dated 20 April 2017, confirmed lawful use of the site for storage of scaffolding and building materials. This would fall within use class B8.

The proposed development would result in the demolition of the existing garages and their replacement with two residential homes.

Policy DM14 of Barnet's Development Management Policies Document DPD (2012) states that loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

No effective marketing has been produced. The proposed use is for residential only.

The garage site is not located in a designated Locally Significant Industrial Site, Industrial Business Park or Business Location. The site falls outside a designated Town Centre. The existing building is a stand-alone unit.

It is noted that the revised NPPF (24 July 2018) requires local authorities to include windfall sites as an important part of their five year housing supply and for delivering sufficient housing numbers in general through the lifetime of the local plan. This is such a site, which has been vacant for a considerable period of time and is unlikely to be brought back into meaningful economic use.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The proposal will also boost the supply of housing in the borough. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access off Alderton Way.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site into residential is deemed acceptable.

Impact on the character and appearance of the surrounding area:

The National Planning Policy Framework (published in 2018) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy CS5 of the Core Strategy (2012) states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The area is mixed in character. Rundell Crescent is characterised by detached residential dwellings with timber framed gables and bay window frontages. The rear elevation of Vivian Mansions is utilitarian in appearance. The ground floor commercial units at Vivian Mansions

have been substantially altered and extended over time. The upper residential floors of Vivian Mansions are a variety of brick, pebbledash, or render with tile hung bay windows. Alderton Way features a simple row of single storey garages.

No objection is raised to the removal of the garages on site, as they have limited contribution to the character of the area.

The development proposes the erection of a pair of single storey dwellings. They would be designed with brick built elevations and have a low rise hipped roof, which would take cues from the surrounding properties.

The site is not visible from the street scene of Rundell Crescent or Vivian Avenue. Although the proposed development would represent an increase in built form on the site, by reason of its height and scale, it would continue to maintain a subordinate relationship to the three storey terrace of Vivian Mansions and two storey detached dwellings facing Rundell Crescent. It's siting and form would maintain the established pattern of development of back land buildings along Alderton Way.

The proposed dwellings would retain space from each boundary and would include a tangible defensible space with a setback from the road edge.

Overall, the development would preserve local character, and would respect the scale, mass, height and pattern of surrounding buildings and spaces, in accordance with the requirements of Policy DM01.

Conditions have been recommended to ensure that the materials used in for the new buildings are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new buildings.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance, and landscaping matters.

Amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The new dwellings would be sited between 2.25 metres and 5.3 metres from the application sites rear and side boundaries. The proposed dwellings have an eaves height of 3 metres and a maximum ridge height of 6.1 metres. The roof would pitch away from the neighbouring boundaries. The dwellings would be sited adjacent to the rearmost part of the gardens of 2, 4 and 6 Rundell Crescent. These neighbouring dwellings benefit from long rear gardens, some of which include large trees which would provide a degree of screening. For the above reasons it is not considered that the proposed development would not give rise to a harmful impact on the residential and visual amenities of adjoining occupiers along Rundell Crescent.

The single storey dwellings have front windows at ground floor facing Vivian Mansions, and two front rooflights. The ground floor of Vivian Mansions appears to be occupied by commercial uses. Considering the angle and positioning of the rooflights, it is not considered



it would harm the amenity of residential occupiers at the upper floors of Vivian Mansions to an unacceptable level.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Amenity and living conditions of future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The proposed dwellings meet the minimum space standards as set out in London Plan Policy 3.5.

The agent has demonstrated that over 75% of the GIA would have a head height greater than 2.3 metres, as required by the Nationally Described Space Standard document (2015).

The garden spaces meet the requirements of Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

Both dwellings are multi-aspect and will feature sufficient amount glazing. It is considered that each of the dwellings proposed in this instance have an acceptable degree of outlook.

The submission documents include a daylight and sunlight assessment (Daylight and Sunlight Study (Within Development) by Right of Light Consulting dated 06 April 2018). Officers are satisfied with the findings of this report.

The dwellings would have front ground floor windows facing Alderton Way, one serving a kitchen (which is less than 13sqm), whilst the other is a secondary window serving the open plan living/dining area. However, these windows would be setback from the road edge. Overall officers are satisfied that the privacy of occupiers would be preserved.

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Trees:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are no trees currently on site. There are tree outside the site in neighbouring properties rear gardens. No trees on neighbouring sites are subject to a Tree Preservation Order.

The applicant has submitted an Arboricultural Impact Assessment and Method Statement (to British Standard: BS5837 2012) by Trevor Heap Arboricultural Consultancy Ltd, dated 23 March 2016.

A Tree Officer has reviewed the application and commented:

"The proposed development plan shows a new building located at the rear of 4 Rundell Crescent along a service road known as Alderton Way.

The applicant's tree survey and impact assessment of the proposal on trees in proximity to development finds the impacts broadly acceptable. Three category B (moderate value) trees growing on third party land close to the proposal. There will be a slight impact on T1 an Acacia that can be managed to an acceptable level if the appropriate measures specified in the Arboricultural Method Statement are fully implemented.

There is a risk that some of the trees will be/become over bearing on the proposed bungalows. These trees will be located 3m from the property, which is south facing, therefore this risk is low."

The Tree Officer has raised the concern that there is limited scope or space to achieve soft landscaping. However, Planning Officers note that, as existing, the site is occupied by garages and hardstanding. There are no trees or vegetation currently on site. The proposal would therefore represent an improvement. As plans indicate, there is the ability for soft landscaping to the frontage, as well as the rear/side garden.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

Safety and Security:

Section 17 of the Crime and Disorder Act 1988 states "It shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all it reasonably can to prevent Crime and Disorder in its area", as clarified by PINS953.

The NPPF (2012) states in Paragraph 69 that "Planning policies and decisions should aim to ensure that developments create:

- o Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- o Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas".

Policy CS5 of Barnet's Core Strategy (2012) states that developments should be safe, attractive and fully accessible.

London Plan Policy 7.3 states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Point (e) states that places, buildings and structures should incorporate appropriately designed security features.

A representative for the Metropolitan Police has raised an objection to the scheme. They have objected stating that the introduction of two houses will not change the overall use and feel of the service road, which experiences crime, as well as graffiti and litter.

The applicant has provided a 'Design Out Crime Survey' by Griffin research consultancy dated 30 March 2018. They have provided recommendations in regards to designing out crime, which has been incorporated in the revised plans. These include: electric sliding gates to parking area; dusk to dawn lights to all elevations; motion activated lighting to front porches; foot level lighting in the boundary wall and metal railings to the boundary wall.

Planning Officers note that street lighting is provided along Alderton Way. There is also natural surveillance from the rear windows at Vivian Mansions which look onto Alderton Way. It is also evident that residents access their properties from the service road, by the external stairwells.

The above observations, coupled with the recommendations of the applicant's crime report, are considered suffice to address the Police representative's concerns, and meet development plan policy. Officers also acknowledge that a condition can be attached to ensure the development meets Secure By Design standards.

#### Highways and Parking:

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposal is for the construction of 2x 3 bed self-contained properties, with 2 off-street car parking spaces.

Taking into consideration the following:

- o The site is located within a Controlled Parking Zone (HCI) which is in operation Mon-Fri between 11am-12pm
- o It is located within a town centre location
- o It is within walking distance of local amenities
- o The site is located within a PTAL 5 location which means that there is very good public transport accessibility

The proposed car parking provision is in accordance with requirements set out in Policy DM17 of the London Plan.

The parking spaces have been amended to allow an acceptable turning space into the bays.

The boundary wall is no greater than 0.8 metres in height, to allow sufficient visibility for vehicles accessing and egressing the car parking bays.

Cycle parking in accordance with the requirements of the London Plan will be provided as part of the proposals.

In conclusion, subject to the conditions recommended, the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

Refuse and recycling:

Refuse and recycling storage has been provided for each proposed dwelling. Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

Environmental Health matters:

Having evaluated the information submitted the Council's Environmental Health department are have recommended approval subject to conditions.

#### **5.4 Response to Public Consultation**

- Demolition/construction work has already begun on the property

It is understood that this objection is related to the main property at No. 4 Rundell Crescent. Certain works have been permitted at the property under 17/2288/FUL dated 20/06/17. This application relates to a separate application site (to the rear of) and is being assessed on its own merits. No works have begun on the garage buildings in question.

- Although the London Plan sets housing targets for the borough this proposal is not connected to social housing, regeneration areas are contributing to these figures, and the development will 'only be available to a tiny minority of very privileged individuals'

The proposal would provide a contribution, albeit limited, to housing supply in the borough. Following the ministerial statement of 28 November 2014, the government advised that for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. Although the borough is regenerating areas of the borough, this does not mean the LPA cannot contribute to new housing supply through small sites too.

- The development would affect the green house at No. 6 Rundell Crescent which grows vegetable throughout the year. Any changes to light or overshadowing would affect this.

It would not be reasonable to refuse the development on the impact of the green house in question. As discussed, the dwelling is considered to be an acceptable distance from neighbouring boundaries and is of a single storey with pitched roof.

- Overlooking and loss of privacy to occupiers at No. 2 and 6 Rundell Crescent

The ground floor windows of the dwelling would look onto the boundary fence. Although roof lights are proposed, considering the angle and positioning of these, it is not considered to cause undue loss of privacy to neighbours.

- Trees sited on No. 6 Rundell Crescent provide habitat for a variety of nesting species. These include the Pipistrelle Bat (protected under the Wildlife and Countryside Act), Lesser Spotted Woodpecker and Gold Finch.

All bat species, their breeding sites and resting places are protected by law and therefore are a material planning consideration. The applicant has been requested to investigate the existence of bats.

The applicant has engaged with a bat licensed ecologist. She notes the possibility of bats in the tree however, given the siting of the development does not feel that the proposal would impact on them. In addition, she has suggested conditions for lighting the rear of the property to ensure there would be no direct impact on the bats. This has been agreed with by the Tree Officer at the local authority.

Birds are protected by the Wildlife and Countryside Act 1980 as amended. The applicant needs to comply with the Countryside and Wildlife Act 1981 as amended, so it is a matter of timing for the site clearance. Officers are satisfied that as it is covered under different legislation, it can be added as an informative.

- Inappropriate for use and purpose as a service road

Planning Officers acknowledge that the service road does serve the commercial units at ground floor, but it also provides access and parking for the residential units above.

- 10.5 m distance between rear boundary walls is unacceptable and unreasonable

It is not clear what this objection is in reference too. If however it is regarding the rear elevation of Vivian Mansion, then at single storey the front ground floor windows would be looking onto the rear commercial units. No overlooking or loss of privacy would therefore occur. The rooflights would not harm the privacy of occupiers of the upper floors of Vivian Mansions.

- Dwellings would increase waste/dumping issues

The dwellings have been allocated its own refuse and recycling storage to the front of the property. Officers see no reason why dwellings, with their own allocated refuse, would increase waste dumping.

- Dwellings would increase noise

The dwelling is sited to the rear most part of the gardens of Rundell Crescent.

Considering the context and uses along the service road, it is not considered that two new residential dwellings would cause an unacceptable level of noise or disturbance. This is particularly the case when considering the site's lawful use as storage (B8).

- Two bungalows will look odd and out of keeping and represents overdevelopment

As explained in the main report, the development respects the scale, mass, height and pattern of surrounding buildings and spaces.

- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings

The units are in an accessible and sustainable location, close to the Town Centre and public transport links. Furthermore they both provide one off-street parking space. Officers do not consider that the vehicle movements and activity generated would tip the balance to deem

it unacceptable. This is particularly the case when considering the sites lawful use as storage (B8) and garages, which would generate vehicle movements and activity.

- Represents sub-standard accommodation. Not a residential area. Only appropriate for garages

As assessed above in the main report, the dwellings would meet all the required standards and requirements in development plan policy. The existence of residential dwellings at Vivian Mansions (who access their properties from Alderton Way) indicate this is a suitable location for housing. It is immediately adjacent to Rundell Crescent, which is also residential.

- Drainage concerns. Risk of flooding

The Royal Town Planning Institute (in conjunction with Planning Aid England and Communities and Local Government) advise on their website that matters controlled under building regulations (including drainage details) are not material planning considerations. The site is not susceptible to sewer, groundwater or artificial flood risk. According to Environmental Agency records (2017) there is 0.1 percent annual change of risk of flooding from surface water (depth of 0.00 - 0.15 mm). The risk therefore is very low and would not be considered a reason for refusal in this particular instance.

- Impact value of neighbouring houses

The Royal Town Planning Institute (in conjunction with Planning Aid England and Communities and Local Government) advise on their website that the loss of property value is not a material planning consideration.

- Construction on Alderton Way will be dangerous and the service road should be kept clear at all times.

A condition has been attached to secure the submission of a Demolition and Construction Management and Logistics Plan.

- Too much development

It is not considered the proposal would result in over-development.

- Inappropriate location for housing

As addressed above.

- No space for refuse

As addressed above.

- Query on public consultation and who has been consulted

Officers are satisfied that the application has been consulted in line with the local planning authorities' statutory duties. A site notice was erected, as confirmed by objectors in their comments.

- The quality of development at No. 4 Rundell Crescent (who is the same developer) is poor

This would not represent a reason for refusal.

- Negative impact on property prices

As addressed above.

- Pressures on local utilities such as water, sewers, gas and electricity, include public services such as doctors and libraries

The application proposes two new family-size dwellings. It is not considered that considering the size and scale of the development proposed any additional demand or pressure on local utilities and services would not be so great to justify a reason for refusal in this particular instance.

- Consent would set a precedent

Every application is based on its own merits.

- Disagreement with address used on consultation letters/site notice

Officers are satisfied that the address used, in conjunction with the plans submitted by the applicant, are clear on the location of the proposed development.

- Concern for living conditions of future occupiers

As assessed in the main report, Officers are satisfied the accommodation would provide acceptable living conditions and amenity for future occupiers.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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





