

**Location** 66 Woodside Park Road London N12 8RY

**Reference:** 21/2753/S73 Received: 18th May 2021  
Accepted: 18th May 2021

**Ward:** Totteridge Expiry 17th August 2021

**Case Officer:** Jonathan Martin

**Applicant:** Mr Ray Gabriele

**Proposal:** Removal of condition 19 of planning permission reference 19/6833/FUL dated 04/08/2020 for 'Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space'

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

Planning Statement prepared by Henry Planning  
Hybrid Parking Survey/Transport Statement prepared by Green Rhino Planning  
April 2021  
Letter from Ellis and Co dated 5th May 2021.

SEP/RV/19-001 - Location Plan  
SEP/RV/19-002 - Proposed Site Plan, Rev 1 received 12.3.20  
SEP/RV/19-003 - Proposed Lower Ground Floor, Rev 1 received 12.3.20  
SEP/RV/19-004 - Proposed Ground Floor, Rev 1 received 12.3.20

SEP/RV/19-005 - Proposed First Floor, Rev 1 received 12.3.20  
SEP/RV/19-006 - Proposed Second Floor Plan, Rev 1 received 12.3.20  
SEP/RV/19-007 - Proposed Roof Plan, Rev 1 received 12.3.20  
SEP/RV/19-008 - Proposed South Elevation  
SEP/RV/19-009 - Proposed East Elevation  
SEP/RV/19-010 - Proposed North Elevation  
SEP/RV/19-011 - Proposed West Elevation  
SEP/RV/19-012 - Proposed Section A-A  
SEP/RV/19-013 - Proposed Section B-B  
SEP/RV/19-014 - Proposed Section C-C, Rev 1 received 12.3.20  
SEP/RV/19-024 - Existing & Proposed Street Scene Elevation, WPR North  
SEP/RV/19-025 - Existing & Proposed Street Scene Elevation, WPR West  
SEP/RV/19-026 - Proposed South and North Elevation Images  
SEP/RV/19-027 - Proposed West and East Elevation Images  
SEP/RV/19-014 - Existing Site Plan  
SEP/RV/19-015 - Existing Lower Ground Floor  
SEP/RV/19-016 - Existing Ground Floor  
SEP/RV/19-017 - Existing First Floor  
SEP/RV/19-018 - Existing Loft Floor  
SEP/RV/19-019 - Existing Roof Plan  
SEP/RV/19-020 - Existing South Elevation  
SEP/RV/19-021 - Existing East Elevation  
SEP/RV/19-022 - Existing North Elevation  
SEP/RV/19-023 - Existing West Elevation

Planning Statement & Design & Access Statement, Henry Planning  
Daytime Bat Survey, Ecology Network, February 2020  
Sustainable Drainage Strategy, MTC Engineering, 2441-DS Rev C - April 2020  
SUDS letter, MTC Engineering, 7th April 2020  
Arboricultural Impact Assessment (Landmark Trees - Ref: KSR/66WDP/AIA/01a -  
17th April 2018)  
Proposed Services Report, BSE 3D Ltd, 17.12.2019  
Parking Survey (Caneparo Associates - 2nd October 2018)  
Energy and Sustainability Statement, 3D Consulting Engineers, Rev C, 17th  
December 2019  
Updated Artist Impressions, KSR Architects, December 2019.

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 the original permission 19/6833/FUL dated 04.08.2020

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

- 3 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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, noise 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).

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 G7 of the London Plan 2021.

- 5 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 D1, D8, G7 of the London Plan 2021.

- 6 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 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 D1, D8 of the London Plan 2021.

- 7 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).

- 8
- 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, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
  - 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 G7 of the London Plan 2021.

- 9
- Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the hereby approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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 T1, T3, T4 of the London Plan 2021.

- 10
- a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September

2012.

11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area, 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).

12 Prior to the first occupation of any of the flats they shall be constructed to incorporate carbon dioxide emission reduction measures which achieve an improvement of not less than % 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 building shall be maintained as such for the life of the development.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 2 of the London Plan (2021)

13 Prior to the first occupation of any of the flats, each unit shall 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 equivalent to 105 litres per person per day maximum indoor water consumption. The implemented measures shall remain operational for the life of the development.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021.

14 Notwithstanding the details shown in the submitted drawings, all of the residential units shall be 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 building shall be maintained as such for the life of the development.

Reason: To ensure the development meets the needs of its future occupiers and to

comply with the requirements of Policy D6 of the London Plan 2021.

- 15 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 16 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 5, SI 12 and SI 13 of the London Plan 2021.

- 17 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies D4 and D5 of the London Plan 2021.

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the west elevation elevation ( at Ground, First and Second Floors) facing No. 68 Woodside Park Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining

residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

- 1 In accordance with paragraphs 38-57 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. 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 £60 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 Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large->

site/Planningyourdevelopment/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

- 4 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  
- 6 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
  
- 7 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.

- 8 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 9 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 10 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

Planning permission was granted via 19/6833/FUL for the demolition of the existing two storey detached building and the erection of a new 3 storey building to provide 13 self contained flats. The site is located on the northern side of Woodside Park Road at the junction with Woodside Avenue.

The surrounding area is characterised predominantly by residential dwellings and flats. On the south side of Woodside Park Road, there are a number of purpose-built apartment blocks of three to five storeys, with adjacent properties on the north of Woodside Park Road and along Woodside Avenue constituting more two to three storeys in scale. As a result, there is a mixture of different architectural forms and styles.

The site is not located within a conservation area and is neither a statutory or locally listed building. The application site is in Flood Zone 1.

### **2. Site History**

Reference: 18/3499/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Refused

Decision Date: 21 November 2018

Description: Demolition of existing building and erection of a three storey building plus basement level to provide 9no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space

Reference: 19/4397/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved subject to conditions

Decision Date: 7 October 2019

Description: Erection of two semi-detached three storey houses, with associated amenity space, refuse, storage, cycle parking and provision of two car parking spaces

Reference: 19/6833/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved following legal agreement

Decision Date: 4 August 2020

Description: Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space

Reference: 20/1599/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved subject to conditions

Decision Date: 20 August 2020

Description: Construction of a three storey building with rooftop plant room to provide 6no. self-contained flats with associated amenity space, refuse and recycling storage, cycle stores and provision of two car parking spaces.

Reference: 20/3789/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Variation of condition 19 (residents parking permit) of planning permission 19/6833/FUL dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space`. Removal of condition 19

Reference: 20/5841/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Application Returned

Decision Date: No Decision Made.

Description: Removal of condition 19 (Resident's parking permit) of planning permission 19/6833/FUL, dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space`

Reference: 20/3789/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Variation of condition 19 (residents parking permit) of planning permission 19/6833/FUL dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store

and amenity space`. Removal of condition 19

This application was taken before the planning committee and members were concerned about the removal of condition 19. The survey was undertaken during Covid 19 and members requested that the council undertake its own independent parking survey to test the applicants survey results.

Reference: 21/1795/CON

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Submission of details of condition 3 (Level) 4 (Construction Management and Logistics Plan), 5 (Dimensioned tree protection plan) 6 (External surfaces) 7 (Hard and soft landscaping) 8 (Living wall), 12 (Cycle parking spaces) 13 (Enclosures) 14 (Boundary treatments) 20 (Excavations for services) pursuant to planning permission 20/1599/FUL dated 20/08/2020

Reference: 21/2987/CON

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Submission of details of condition 3 (Demolition and Construction Management and Logistics Plan), 4 (Arboricultural Method Statement), 5 (Levels), 6 (External Materials), 7 (Waste and Recycling), 8 (Site Landscape Plan), 11 (Cycle Storage), 12 (Means of Enclosure) pursuant to planning permission 18/3499/FUL (APP/N5090/W/19/3220013) Dated 11/04/2019

### **3. Proposal**

The applicant seeks the removal of condition 19 of planning permission reference 19/6833/FUL dated 04/08/2020 for 'Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space.'

Planning condition No.19 states: "Before any part of the development hereby permitted is first occupied arrangements shall be agreed with the local planning authority and set out in writing by way of a legal agreement or a Unilateral Undertaking and be put in place to ensure that, with the exception of disabled persons/Blue badge holders, no resident of the development shall obtain a resident's parking permit (including visitors' permits) within any controlled parking zone which may be in force in the area at any time.

Reason: To ensure that the development does not exacerbate on-street parking pressures, in accordance with policies DM17 of the Development Management Policies DPD and the Planning Obligations SPD. (DMP) and Policy CS15 of the Local Plan Core Strategy (adopted September 2012)."

The rest of the scheme was previously considered acceptable and remains the same.

### **4. Public Consultation**

Consultation letters were sent to 384 neighbouring properties. 6 objections have been received raising the following:

- No parking spaces available in the evenings
- The proposal will lead to parking congestion
- Impact on highway safety
- Comments have been made on the principle of the flats along with issues relating to highways
- Inaccuracies within the parking survey.

## **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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, 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 DM18 seeks to ensure that the safety of all road users is taken into consideration when considering development proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposed amendments are considered 'minor material amendments' and fall within the ambit of Section 73 the Town and Country Planning Act 1990
- Whether the proposed amendments are in accordance with development plan policy

## **5.3 Assessment of proposals**

Planning Practice Guidance (PPG) states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied [Paragraph: 013 Reference ID: 17a-013-20140306].

PPG advises that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of development [Paragraph 014 Reference ID: 17a-014-20140306].

PPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved [Paragraph: 017 Reference ID: 17a-017-20140306].

In the first test, it is not considered that the scale and/or nature of the proposed amendments would result in a development which is substantially different from the one

which has been approved.

In the second test, Officers need to consider whether the proposed amendments accord with development plan policy.

#### Background to planning history

Planning permission was approved 11th April 2019, on appeal (appeal ref: 3220013 - planning application ref:18/3499) for a 9-unit scheme which has a similar floorspace to the approved 13-unit scheme under 19/6833/FUL (812.3m<sup>2</sup> for the 9-unit scheme compared to 831.6m<sup>2</sup> for the 13-unit scheme). It is an important material consideration that the approved 9-unit scheme did not restrict car parking permits.

Planning application ref: 19/6833/FUL which was called-in to committee dated 10th June 2020 resolved to grant planning permission with an additional condition 19 which removed the future occupiers rights in purchasing parking permits. It is noted that planning officers and highways officers considered the application to be acceptable with only 4 parking spaces following the submission of a parking survey to demonstrate that a shortfall of 5 spaces could be accommodated on street within the surrounding streets.

#### New Parking Surveys was undertaken for this current S73 Application

This application is accompanied by a Parking Survey Transport Statement prepared by Green Rhino Planning. They have undertaken parking surveys in accordance with the Lambeth Parking Methodology. The Lambeth Parking Survey Methodology states that an area of 200 meters from the development should be surveyed, then extend to the next junction, in all available directions. This area is a reasonable length that people will walk to find a parking space around their home, 200m also approximately equates to an average two minute walk, again a reasonable distance to walk to park and retrieve your car. The Lambeth Parking survey methodology does not give any weighting to spaces within a closer proximity to the proposed development, therefore all spaces within the survey area are considered to be of equal attraction.

The applicants have carried out 4 surveys between September 2020 to April 2021. The surveys demonstrate that within the survey area, on street car parking stress on the 10/9/20 was 47%, with 131 available spaces. On the 15/09/2020 on street parking stress was 49% with 127 available spaces and on the 27/04/2021 on street parking stress was 50% with 126 available spaces. The time of these surveys sits in the middle of the peak time of residential parking demand which is 00:30-05:30. When the associated overspill vehicles are incorporated into the existing parking situation, parking stress would rise to 52% and 116 spaces would still be available within the survey area.

A further day time survey was carried out at 10:15 on Wednesday the 28th of April 2021 and there were 60 available spaces in on street bays contained within the survey area. It should be noted the on street bay outside of the site had sufficient space to accommodate all vehicles likely to be associated with the development.

The Council's Highway Engineer has reviewed the surveys carried out for this application and considers the surveys to have been carried out correctly and agrees with the findings of the survey. The Highway Engineer has stated the following:

"I went through the parking survey results provided by the applicant and saw that the parking surveys were carried out during peak times of residential parking demand and



commuter parking demand. The results demonstrated that there are available parking spaces on street to accommodate potential parking overspill arising from the proposed development." As discussed in the planning history section, application 20/3789/S73 was deferred by the members as they requested that the council undertake their own independent parking survey. However, Highways have reviewed the surveys provided and they accept the results and do not require a independent survey to verify these results.

Highways have no objection to the removal of condition 19. The removal of condition 19 is acceptable given the significant number of spaces available at peak times. Planning officers considered the parent permission to be acceptable with 4 parking spaces and, along with the highways officer, maintain their stance that this is still acceptable.

For the above reasons, the proposed minor-material amendment is considered acceptable and compliant with development plan policy.

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

See section above relating to the impact from highways. The highways officer has reviewed the proposal and has no objections to the removal of condition 19 and considers the submitted Transport Statement and surveys to be acceptable.

#### **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 falls within the ambit of Section 73 of the Town and Country Planning Act 1990 and is compliant with development plan policy.

