

**Location** **Land North Of Graham Lodge Graham Road London NW4 3DG**

**Reference:** **21/2920/FUL** Received: 26th May 2021

Accepted: 26th May 2021

Ward: West Hendon Expiry 21st July 2021

**Case Officer:** **Mansoor Cohen**

Applicant: Luca Bertali

Proposal: Erection of a three-storey block of comprising 9 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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)

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:
  1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Amendment to the Traffic Management Order:

-A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits

-Meeting the Council's costs of monitoring the planning obligation

## **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

01 - Site survey

04/531 Loc 01

04/531 P-100B

04/531 P-101A

04/531 P-102A

04/531 P-103B

04/531 P-104A

04/531 P-105A

04/531 P-110 C

04/531 P-111

04/531 P-112C

04/531 P-113B

04/531 P-114A

04/531 P-115B

04/531 P-116B

2202-40-SIT-05 Rev P2

04/531 P13

2202-57-01 Rev T3, 2202-57-02R Rev T1, 2202-57-02 Rev T3

Document titled '04/531: Back Land Development Graham Lodge 2 - 4 Graham Road London NW4 3DG'

Transport Statement, dated May 2021

Parking Assessment, dated September 2021

Planning Statement/Design and Access Statement dated 25 May 2021

Cover letter and aboricultural report by John Cromat's Aboricultural Company LTD, dated 19 May 2021

Construction Management Plan by Designalign Construction

Cover letter by Right of Light Consulting, dated 18 May 2021.

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) The development shall be implemented in accordance with the details of the materials to be used for the external surfaces of the building(s) as submitted and hereby approved under this application document entitled '04/531: Back Land Development Graham Lodge 2 - 4 Graham Road London NW4 3DG'.

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 Policy D4 of the London Plan 2021.

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

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

- 5 No construction work resulting from the planning permission shall be carried out on

the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

- 6 a) Notwithstanding the submitted details under drawing no. 04/531 P-100B, before the development hereby permitted is first occupied, details of a minimum 15no. long stay and 2no. short stay spaces in accordance with the London Plan Cycle Parking Standards 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 that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 04/531 P-100B 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).

- 8 The development shall be implemented in full accordance with the measures detailed within the hereby submitted Construction Management Plan by Designalign Construction.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

- 9 a) Notwithstanding the submitted details, 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 10 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6.1 of the London Plan.

- 11 Prior to occupation of the development disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall be retained and only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T6.1 of the London Plan.

- 12 a) The development shall be implemented in full accordance with the details of the hard and soft landscaping, including details of existing trees to be retained and size, levels around the retained trees, species, planting heights, densities and positions of any soft landscaping, as approved under 20/4328/CON, dated 23 December 2020.

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 G1 and G6 of the London Plan.

- 13 The development shall be carried out in full accordance with the details of excavation for services as approved under 20/4328/CON dated 23 December 2020.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy G1 and G7 of the London Plan.

- 14 a) The development shall be implemented in full accordance with the details of the tree protection plan and method statement as submitted and approved under 20/4328/CON, dated 23 December 2020.

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 20/4328/CON 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 G1 and G7 of the London Plan.

- 15 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 SI 5 of the London Plan 2021

- 16 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) with the exception of the provision of lifts. 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.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the north elevation facing the rear garden of 34 Allington Road and as detailed in the hereby approved plans 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).

- 19 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 20 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 21 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

### **RECOMMENDATION III:**

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12th April 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD



## 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. 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. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 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.

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The site is located to the north of Graham Road and Graham Lodge, a purpose built flatted development housing 18 units. Formerly the site comprised of hardstanding with car parking spaces for residents of the existing flatted development at Graham Lodge. The site is currently under construction following the approval of two storey block of flats for 7 self contained units (19/4458/FUL).

Graham Lodge's primary frontage is on Graham Road. It is located near Hendon Central and is accessed off the A41 Hendon Way northbound. The site benefits from a good level of public transport accessibility represented by a PTAL rating of 5.

The residential gardens of properties along Allington Road are located along the western and northern boundary of the site. There is a car parking area for the adjoining block of flats which is located along the eastern boundary of the site and amenity space for existing residents of Graham Lodge located along the southern boundary of the site.

The area surrounding the application site features a mixture of flats and single dwellinghouses.

The site is not located in conservation area and the building is not listed.

### **2. Relevant Site History**

Reference: 20/4328/CON

Address: Land Rear Of Graham Lodge, 2 - 4 Graham Road, NW4 3DG

Decision: Approved

Decision Date: 23.12.2020

Description: Submission of details of conditions 3 (Materials), 4 (Enclosure/boundary treatment), 6 (Extraction/ventilation), 9 (Demolition and Construction Management and Logistics Plan), 10 (Refuse), 13 (Landscaping), 14 (Service excavations), 15 (Tree protection plan) pursuant to planning permission 19/4458/FUL dated 29/10/19.

Reference: 19/4458/FUL

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved following legal agreement

Decision Date: 29 October 2019

Description: Erection of a two storey block of comprising 7 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling

Reference: H/03463/14

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved subject to conditions

Description: Erection of a two storey block of flats (7 units) over an existing car park

Reference: 16/6088/CON

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Split Decision

Decision Date: 23 December 2016

Description: Submission of details of condition 3 (Materials) 4 (Levels) 6 (Extraction And Ventilation) 7 (Landscaping Details) 9 (Refuse) 10 (Green Roof Details) 11 (Enclosure and Boundary Treatment) 13 (Lifetime Homes) 17 (Cycle Parking) 18 (Turning And Parking Spaces) pursuant to planning permission H/03463/14 dated 17/08/15 for "Erection of a two storey block of flats (7 units) over an existing car park"

Reference: 19/0417/CON

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved

Decision Date: 8 March 2019

Description: Submission of details of condition 6 (Demolition and Construction Method statement) pursuant to planning permission H/03463/14 dated 17/08/15

Reference: 19/3355/191

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Unlawful

Decision Date: 28 August 2019

Description: Erection of new meter housing in connection with planning permission H/03463/14 dated 17/08/15 for a two storey block of flats (7 units)

Reference: W11604C/03

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved

Decision Date: 16 July 2003

Description: Submission of details pursuant to condition 4 of planning permission W11604A/00.

Reference: W11604D/04

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved

Decision Date: 26 October 2005

Description: Submission of details pursuant to condition 2 (parking) & condition 5 (security lighting) of planning permission W11604A/00 for " Pitched roof to front of building forming new floor to rear incorporating two flats. New floor & pitched roof to rear wing to form one flat. Increasing height to staircase block, front canopy and rearrangements of parking & landscaping to rear" granted 17.05.2000.

Reference: W11604B/01

Address: Graham Lodge, Graham Road, London, NW4 3DG

Decision: Approved subject to conditions

Decision Date: 8 February 2002

Description: Addition of 1 x 1 bedroom flat in roofspace of approved pitched roof on rear block (see approval W11604A/00), requiring 2 x side facing dormer windows and 2 x rear facing rooflights, in addition to modifications to the approved connecting stairblock to include a revised stairwell and liftshaft.

### **3. Proposal**

This application proposes the "Erection of a three-storey block of flats comprising 9 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling".

The application follows a recently approved scheme reference 19/4458/FUL the 'Erection of a two storey block of comprising 7 new self-contained flats over an existing car park. Associated parking, cycle store, amenity space and refuse and recycling'. The current proposal seeks to build upon the extant scheme by incorporating an additional floor of residential accommodation increasing the number of units from 7 to 9 flats. The footprint and siting of the proposed building would remain as per the extant scheme as would parking provisions.

The proposed building would measure approximately 23.6 metres deep, 18.5 metres wide, 6.4 metres to the eaves, 9 metres to the ridge and an overall height of 9.5 metres.

The proposed development would provide a total of 20no parking spaces for future occupiers of the 9no new flats and residents of Graham Lodge.

The 9no flats would comprise of the following:

Flat 1 (ground floor) - 1 bed/ 2persons

Flat 2 (ground floor) - Studio unit

Flat 3 (ground floor) - 1 bed/2persons

Flat 4 (ground floor) - 1 bed/2persons

Flat 5 (First/second floor) - 1 bed/2persons

Flat 6 (First/second floor) - 2 bed/4persons

Flat 7 (First/second floor) - 2 bed/3persons

Flat 8 (First floor) - 2 bed/3persons

Flat 9 (second floor) - 1 bed/2persons

A designated communal amenity space would be provided for the new development as well as areas of private amenity spaces for all flats.

### **4. Public Consultation**

Consultation letters were sent to 116 neighbouring properties. A site notice was also erected on 10 June 2021.

A total of 6 responses were received in objection to the application. The comments can be summarised as follows:

- Concerns regarding increased demand for parking and associated congestion in an already congested area with a net loss in parking spaces.
- 9no flats would exacerbate the current overcrowding and impact negatively on the quality of life in the vicinity.
- Concerns over access for emergency vehicles

- Concerns regarding overlooking into neighbouring gardens and loss of privacy.
- Development would result in an overbuilt area and a sense of enclosure.
- Too many conversion into flats has congested the area.
- The building is not a good 'fit' for the surrounding residential area which should be preserved.
- Increase in noise and dust nuisance as a result of construction works as well as any associated damage to neighbouring properties.
- Concerns regarding refuse and waste disposal including increased fly tipping.
- Noise and disruption caused by garden maintenance.
- Commencement of demolition of garages without planning permission .

Internal /Other Consultations:

Highways - No objection subject to a legal agreement to restrict future occupiers from obtaining resident parking permits.

Arboricultural - No objection, the proposal footprint remains broadly the same as the approved scheme and therefore any impact on trees would not increase.

## **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 updated on 20 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. 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, CS3, CS4, CS5.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM17.

## Barnet's Draft Local Plan (Reg 19) 2021

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan.

## Supplementary Planning Documents

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- o Residential Design Guidance SPD (adopted October 2016).

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the proposed development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether satisfactory living standards would be provided for future occupiers;
- Whether harm would be caused to highway safety;
- Tree impacts.

## Principle of the proposed development

The area is mixed in character with a variety of housing typologies and purpose built flatted development. The principle of flatted development in this location has been firmly established by the previous permission H/03463/14 and extant scheme 19/4458/FUL. Furthermore, this is combined with the sites good level of accessibility to public transport indicated by the high PTAL rating and is therefore sited in a sustainable location.

As such, the principle of flatted development in this location is acceptable subject to the considerations as set out below.



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

Development proposals are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

In addition, Policy CS5 of the Core Strategy 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'.

It is noted that the current proposal builds from the extant scheme by the addition of another storey to accommodate a further two flats. The footprint and siting of the building would remain broadly as per the extant scheme.

The submitted documents demonstrate how the proposal would relate to the neighbouring building Graham Lodge. The ridge height of the proposed block would sit 1m below that of the Graham Lodge, similarly the eaves height of the proposed building would sit close to 0.7m beneath that of Graham Lodge. The respective set downs would sufficiently ensure that the proposed building would read as a subservient addition and of an appropriate scale in relation to Graham Lodge.

Furthermore, comparatively, the height of building when measured from the southern elevation would increase a marginal 0.5m above that of the approved scheme under 19/4458/FUL and would be comparable in eaves height. Furthermore, whilst the proposal description describes the development as 'three storey block', officers consider that in actuality the design of building would resemble more of a two storey block with rooms in the roofspace. This effectively reduces the scale, mass and bulk of the building so that it would be placed well within site.

The proposed roofing would consist of a series of staggered pitched roofs and crown top which would be blend in with mixed array of roofing structures surrounding the site. Furthermore, given the siting of the building to the rear of Graham Lodge and flanked to the east by a parade of frontage buildings four stories in height, limited visibility of the proposal would be had from the surrounding area.

Dormer windows within the proposed roofslope would feature as subordinate additions and in compliance with Residential Design Guidance.

Materials would consist of London stock brick with decorative banding, painted render finish and roof tiles which would reflect materials used within Graham Lodge and therefore acceptable.

In conclusion, by reason of design, the proposed additional storey would sit well within the surrounding environment, the development as a whole would have an acceptable impact on the character and appearance of the locality in terms of size, scale, siting and appearance and therefore acceptable.

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

Policy DM01 of the Development Management Policies 2012 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.

The proposal site is flanked to the west and north by the residential rear gardens of Allington Road, to the east by four storey buildings comprising of shops at ground floor level and residential/commercial units above, and to the south by Graham Lodge, a purpose built flatted development of 18 units.

The western elevation is staggered from the common boundary with the rear gardens of Allington Road and the roof pitch slopes away from the boundary. This would adequately reduce the overall perceived mass when viewed from the neighbouring gardens. There are two windows within this elevation at first floor level, however, these would either be obscure glazed (which will be conditioned) or recessed more than 10m away from the boundary and therefore would not raise any concerns of overlooking or loss of privacy.

The rear garden of 34 Allington Road would extend past the northern end of the site. However, there would not be any amenity impact to this garden as the proposed development has been sensitively designed to ensure no loss of privacy would arise by way of obscure glazing and/or angled windows in the northern elevation facing this garden. A condition will be imposed to ensure this remains so.

To the east, the separation distance to neighbouring windows afforded by the neighbouring car park would exceed 21m and as such would not raise concerns of overlooking or loss of privacy.

To the south the siting of the proposal in relation to Graham Lodge remains the same as the previously approved scheme and location of the south facing windows remain the same as the previously approved scheme. Notwithstanding this, the nearest facing windows which align with the projecting outrigger of Graham Lodge are high level windows and have been annotated to being obscure glazed. As such, it is not considered to result in any additional or detrimental impact on the amenities of these neighbouring occupiers.

It is therefore not found that the proposal would result in demonstrable harm to neighbouring occupiers.

### Whether satisfactory living standards would be provided for future occupiers

All development proposals are expected to provide an adequate level of amenity for future occupiers, in accordance with the Sustainable Design and Construction SPD and The London Plan 2021.

The development would create 9no self-contained flats as follows:

- Flat 1 (ground floor) - 1 bed/ 2persons GIA 54m<sup>2</sup> (required 50m<sup>2</sup>)
- Flat 2 (ground floor) - studio GIA 39.8m<sup>2</sup> (required 39m<sup>2</sup>)
- Flat 3 (ground floor) - 1 bed/2persons GIA 63m<sup>2</sup> (required 50m<sup>2</sup>)
- Flat 4 (ground floor) - 1 bed/2persons GIA 55.8m<sup>2</sup> (required 50m<sup>2</sup>)
- Flat 5 (First/second floor) - 1 bed/2persons GIA 76.5m<sup>2</sup> (required 58m<sup>2</sup>)
- Flat 6 (First/second floor) - 2 bed/4persons GIA 80.8m<sup>2</sup> (required 79m<sup>2</sup>)
- Flat 7 (First/second floor) - 2 bed/3persons GIA 70m<sup>2</sup> (required 70m<sup>2</sup>)

Flat 8 (First floor) - 2 bed/3persons GIA 74.5m<sup>2</sup> (required 61m<sup>2</sup>)  
Flat 9 (second floor) - 1 bed/2persons GIA 59.4m<sup>2</sup> (required 50m<sup>2</sup>)

All of the proposed units would meet the minimum floor space standards as set out in the London Plan.

#### Daylight/Outlook:

All units would receive a sufficient level of daylight and outlook.

#### Amenity Space:

Provision of amenity space for the development would consist of a communal garden area (80sqm) located within the shared communal area for Graham Lodge. This aspect replicates the extant scheme and was considered acceptable. In addition, all units would be provided with private outdoor amenity space in the form of terraces, balconies or rooftop courtyards. The combination of communal garden space and private spaces would meet the requirements and provide a good level of amenity for future occupiers.

In conclusion, the proposed development would provide satisfactory living conditions for future occupiers.

#### Whether harm would be caused to highway safety

By way of background, Graham Lodge consists of 18 residential units and the application site formerly contained an area of car parking for the existing residents of Graham Lodge amounting to 16 spaces. Graham Lodge also benefits from 9no. spaces to its front forecourt adjacent to Graham Road.

The consented scheme involved the loss of the 16no. spaces to facilitate the development and the re-provision of 11no. spaces within the basement, providing a total net loss of 5 spaces. The 9 spaces to the front forecourt were to be retained, however a site rationalisation of parking spaces was approved in which, 1 parking space would be allocated to each unit of Graham Lodge and the remaining 2 spaces were to be allocated to the consented development of 7 flats. The Highways team, taking into consideration the PTAL 5 zone, Controlled Parking Zone and legal agreement to restrict future occupiers from obtaining parking permits considered the provision acceptable.

The proposal in this respect does not differ in which, a total of 18 spaces would be retained for Graham Lodge (9 to the front forecourt and 9 within the basement level) with the balance of 2 spaces being provided for the proposed development, however, the proposed development incorporates an uplift of two additional flats.

Highway officers therefore required a parking survey to be conducted to demonstrate that the net uplift of 2 parking spaces could be accommodated on street. A parking survey was conducted in accordance with the Lambeth Methodology. The survey showed that the average parking 'stress' of safe and legal 'HC1' kerb side parking opportunities identified within the survey area is 30%. Of the 62 identified kerb side parking opportunities, an average of 19 cars have been observed to be parked leaving 43 free spaces during the overnight surveys. As such, the overspill of 2 spaces could be adequately accommodated on street.

Highways therefore considered the proposal acceptable subject to a legal agreement to restrict future occupiers from obtaining resident parking permits. The applicant is willing to enter into such an agreement.

In light of the above, subject to the undertaking of a legal agreement, officers consider the proposal would provide a sufficient level of parking allocation and would not impact adversely on highway safety.

#### Cycle parking:

In accordance with the London Plan 2021, a provision of 15 long stay and 2 short stay cycle spaces would be required for the proposed development. Plans show an area within the basement for cycle storage that could accommodate the requirement, however, it would need to be demonstrated that there would be sufficient access to and from the cycle store in light of the surrounding vehicle parking. This could be addressed by way of a suitable condition.

#### Refuse and Recycling:

In accordance with refuse and recycling requirements a provision of 1100L of refuse and 1100L of recycling would be required. The submitted basement plan shows bins in accordance with this requirement. Further details including a refuse management plan will be secured by way of a condition.

#### Tree Impacts

The proposed footprint broadly reflects the consented scheme as such there would be no additional harm to any trees as a result of this development.

#### Other material considerations

As noted earlier, the proposed development builds on the extant scheme currently under implementation. The consented scheme was subject to a series of conditions subsequently discharged under reference 20/4328/CON. Given there are broadly no changes to the footprint of the consented scheme, the applicant has re-submitted the same details as approved under 20/4328/CON to avoid the need for imposing conditions on the current application. The details as such are considered acceptable and relevant conditions will be imposed to ensure the development is carried out in accordance with these details. The officers delegated report for 20/4328/CON is available on the public forum.

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

Mainly addressed in the body of the report.

- Concerns over access for emergency vehicles.

The proposal does not alter access arrangements from that of the approved scheme. Sufficient access for emergency vehicles could be provided by the adjacent access road to the direct east of the site.

- Concerns regarding overlooking into neighbouring gardens and loss of privacy

The proposed development, (as well as the extant), have been carefully designed to avoid

any loss of privacy of adjoining gardens. This has included careful location of windows, angled windows and opaque glazing.

-Too many conversion into flats has congested the area.

The application has been assessed on its own merits and in accordance with adopted policies and guidance.

-Increase in noise and dust nuisance as a result of construction works as well as any associated damage to neighbouring properties.

This aspect can be controlled by way of a Construction Management and Logistic Plan to mitigate any adverse impact in terms of construction hours and dust. Concerns relating to damage are not material planning considerations and need to be addressed through civil means.

-Concerns regarding refuse and waste disposal including increased fly tipping.

The proposal incorporates self contained refuse stores within the basement level which is in accordance with adopted policies, a refuse management condition will also be imposed. Broader concerns of fly tipping need to be addressed to the Council and fall outside the remit of the planning application.

-Noise and disruption caused by garden maintenance.

The proposed development is by an existing communal garden and self contained private terraces, it is therefore not considered that this would add to the issue to such an extent that would adversely impact neighbours.

-Commencement of demolition of garages without planning permission.

The site benefits from an extant permission (ref: 19/4458/FUL) to which the demolition works relate too.

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

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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 a legal agreement the proposal would have an acceptable impact on the character and appearance of the locality and would not result in an adverse impact to neighbouring occupiers. The application is therefore recommended for APPROVAL subject to a legal agreement.

