

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

Reference: **22/5475/S73** Received: 11th November 2022
Accepted: 14th November 2022

Ward: Totteridge & Woodside Expiry 13th February 2023

Case Officer: **Anestis Skoupras**

Applicant: Mr R Gabriele

Proposal: Variation of condition 1 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.' Variation to include provision of additional bedrooms, changes to internal layouts and incorporation of stairs to loft. Alterations to location of lift and communal staircase. Addition of rooflights to east and north elevations. Alterations to ceiling heights and height of windows. Changes to top floor dormer windows

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 Chair (or in their absence the Vice-Chair) 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:
 - OCT/RV/22-004 - proposed ground floor
 - OCT/RV/22-006 - proposed first floor
 - OCT/RV/22-008 - proposed second floor
 - OCT/RV/22-009 - proposed loft floor
 - OCT/RV/22-011 - proposed roof plan

OCT/RV/22-013 - proposed east elevation
OCT/RV/22-015 - proposed south elevation
OCT/RV/22-017 - proposed north elevation
OCT/RV/22-019 - proposed west elevation
OCT/RV/22-021 - proposed section A-A
OCT/RV/22-023 - proposed section B-B
OCT/RV/22-025 - proposed section C-C
and should be read in conjunction with the plans approved under 19/6833/FUL dated 4 August 2020:

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/19-014 - 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 ref.19/6833/FUL (dated 4 August 2020).

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

- 3 The development shall be implemented in accordance with the Demolition and Construction Management and Logistics Plan approved in application

21/6346/CON.

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) and Policies SI 1, SI2, SI3, SI 13, and D14 of the London Plan (2021).

- 4 4a) The development shall be implemented in accordance with the dimensioned tree protection plan in accordance with Section 5.5 and 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) approved in application ref:21/6346/CON..

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) The development shall be carried out in accordance with the levels details approved in application 21/6346/CON.

b) The development shall thereafter be implemented in accordance with the details as approved 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 D3, D6 , G7 of the London Plan 2021.

- 6 The materials to be used for the external surfaces of the buildings and hard surfaced areas, shall match those submitted and approved in application 21/6346/CON.

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, D3, D6 of the London Plan 2021.

- 7
- a) Before the development hereby permitted is first occupied, the 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 provided in accordance with the details approved in application 21/6346/CON.
 - 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) The development shall be implemented in accordance with the 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, approved in application 21/6346/CON.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 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 6.1, 6.2 and 6.3 of the London Plan 2015.

- 10 a) Before the development hereby permitted is first occupied the cycle parking spaces and cycle storage facilities shall be provided in accordance with the scheme approved in application 21/6346/CON.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 a) The site shall not be brought into use or first occupied until the means of enclosure, including boundary treatments and the sub-division of the amenity area, have been provided in accordance with the details approved in application 21/6346/CON.

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 as set out in the Energy and Sustainability Statement, 3D Consulting Engineers, Rev C. 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 Policies 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 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 The development shall be implemented in accordance with the 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) approved in application 21/6346/CON

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) The development shall be implemented in accordance with the 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 approved in application 21/6346/CON.

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 5.13 and 5.14 of the London Plan 2016.

- 17 Prior to the first occupation of the development, the photovoltaic panels shall be installed in accordance with the details approved in application 21/6346/CON.

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 policy CS5 of the Local Plan Core strategy (2012), policy DM01 of the Local Plan Development

Management Policies DPD (2012) and 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
1. In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.
 2. The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.
 3. This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:
 4. We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022

(<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

Please visit

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

- 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.

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

- 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-largesite/Planningyourdevelopment/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: 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. Application forms should be completed on line via 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. Application forms should be completed on line via 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 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) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

OFFICER'S ASSESSMENT

1. Site Description

Planning permission was granted by virtue of 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 nor 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: Rear of 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: Rear of 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: Approved subject to S.106

Decision Date: 2 November 2020

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 self contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space'. Removal of condition 19

Reference: 21/1795/CON

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

Decision: Approved

Decision Date: 10.02.2022

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: 21/2753/S73

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

Decision: Approved subject to conditions

Decision Date: 3 September 2021.

Description: 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'

Reference: 21/2987/CON

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

Decision: Approved

Decision Date: 7 September 2021.

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

Reference: 21/6346/CON

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

Decision: Approved

Decision Date: 04 July 2021

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), 10 (Cycle Storage), 11 (Means of Enclosure), 15 (Piling Method Statement), 16 (Drainage Strategy), 17 (Photovoltaic Panels) pursuant to planning permission 21/2753/S73 Dated 19/11/2021

Reference: 22/5471/CON

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

Decision: Approved

Decision Date: 15 November 2022

Description: Submission of details of condition 11 (new crossover and CPZ layout changes) pursuant to planning 20/1599/FUL dated 20/08/2020.

3. Proposal

The application proposes the variation of Condition 1 (Approved plans) 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 13 no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space.'

Variation to include provision of additional bedrooms, changes to internal layouts and incorporation of stairs to loft. Alterations to location of lift and communal staircase. Addition of rooflights to east and north elevations. Alterations to ceiling heights and height of windows. Changes to top floor dormer windows`

4. Public Consultation

A site notice was erected 24 November 2022.

Consultation letters were sent to 384 neighbouring properties.

5 objections were received with the following content:

- Under provision of parking spaces
- The proposal would lead to increased congestion.
- Impact on highway safety
- Proposition for a new survey to cover the hours 9AM-11AM, 1PM-5PM, and 5PM onwards on weekdays.
- Increased noise and disturbance as a result of an over-intensified site.
- Reduced quality of life for residents

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

Relevant Policies: D1 (Character), D3 (Delivering Good Design), T7 (Car Parking).

Barnet's Local Plan (2012)

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

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

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

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

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

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 issue for consideration in this case are:

- Whether the changes proposed can be considered 'minor material amendments' and fall within the ambit of Section 73 of the Town and Country Planning Act 1990.
- Whether the proposed amendments are in accordance with development plan policies.
- The impact on the Highway network.

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].

Planning Practice Guidance 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].

Case law has established the test which governs section 73 cases is to be found in R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application."

(para. 33).

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

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.

It is noted that some conditions associated with the parent application have been discharged. These will be provided in detail in the decision notice should the current application be recommended for approval.

Background to planning history:

Planning permission was approved on 11 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 (812.3m² for the 9-unit scheme compared to 831.6m² 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 10 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.

Planning application ref. 21/2752/S73 was approved on 19 November 2021 to remove condition 19 of planning permission reference 21/6833/FUL.

Approval for non-material amendments to planning permission reference 19/6833/FUL was granted 29th December 2021 (planning ref: 21/6358/NMA), for: "Demolition of 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. Amendments include minor alterations to the elevations fabric including brickwork design and balconies railing."

- Whether the changes proposed can be considered 'minor material amendments' and fall within the ambit of Section 73 of the Town and Country Planning Act 1990.

The amended drawings include the changes approved by planning ref: 21/6358/NMA, for the "Demolition of 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. Amendments include minor alterations to the elevation's fabric including brickwork design and balconies railing."

Variations now also include internal alterations which would result in the following:

- Provision of additional bedrooms for flats 10, 11, 12 and 13.
- Alterations of layouts of flats 10, 11, 12 and 13 to incorporate stairs leading to the loft bedrooms.
- Repositioning of the lift and communal staircase, which would result in units 7 and 8 kitchen/dining/living area slightly reduced.
- Proposed new roof lights to the East and North Elevations.

- Reduction of ceiling heights to 2.5m across all levels, which would result in reduction of the windows height and creation of one additional mezzanine level internally. Installation of tinted glass panels to top sections.
- Proposed alterations to dormer windows.

The following changes will result in the flats below:

Flat 10

The approved plans provided a 2-bedroom unit with a GIA of 62.5 m². The current proposal would result in a 3-bed, 5-person unit with a GIA of 93 m².

Flat 11

The approved floor plan provided a 1-bedroom flat with 52.3sqm of floorspace.

The proposed amendments provide a 2-bed, 3-person flat with 76.2 sqm of floorspace.

Flat 12

The approved floor plan provided a 1-bedroom flat with 56.4sqm of floorspace.

The proposed amendments provide a 2-bed, 4-person flat with 82sqm of floorspace.

Flat 13

The approved floor plan provided a 1-bedroom flat with 62sqm of floorspace.

The proposed amendments provide a 2-bed, 4-person flat with 83.8sqm of floorspace

The 4 units comply with the minimum internal space requirements in line with the development plan policies.

An uplift of 4 habitable rooms in the building would result in an overall number of 49 habitable rooms. The minimum outdoor amenity space requirements for such a development must be 49x5sq.m=245sq.m. The proposal would provide 113 sqm of private and 254sqm of communal amenity space to the rear of the application site, which is considered acceptable.

Although some minor external alterations such as the installation of tinted glass and insertion of additional roof lights are proposed, these would not detract from the original application and therefore would fall within the scope of an application under S73. These minor works are not considered a significant change to the appearance of the building.

Highways Considerations

The Highways officers have been consulted as part of this application. The change that is likely to have a highways impact is the provision of additional bedrooms. This consists of converting 3 No 1-bed units to 2-bed units and 1 No 2-bed unit to a 3-bed unit. Highways officer state that the proposed change will require an additional three spaces. This will increase the total shortfall in parking from 5 to 8. However, a parking stress survey has been undertaken and the results show that there are 26 spaces within a 200m distance so Highways would not raise an issue to the proposed parking provision for the site but recommend that CPZ permit restrictions are imposed to promote the use of sustainable transport. All conditions attached to the original application are still valid.

Case Officer's response: The Highways officers do not object to the proposal but recommend the imposition of a condition to restrict the parking permits for the future occupiers of these flats. It is noted that condition 19 was attached to planning permission ref. 19/6833/FUL to restrict the parking rights for the occupiers of the development site in the controlled parking zone. A subsequent application ref. 21/2753/S73 was approved for the removal of condition 19. In the delegated officer's report, the planning officer states that a new parking survey was submitted as part of this application. The Parking Survey Transport Statement was undertaken in accordance with the Lambeth Parking Methodology and was considered sufficient to remove the condition 19.

It is noted that the previous comments have had reference to the previous London Plan

2016. The New London Plan 2021 has been adopted since and has significant weight when assessing planning applications.

The provision of the required parking spaces for the approved building, when assessed against the London Plan 2021, would measure a number of 10 parking spaces.

The approved building as approved has 8 nos. 1-bed units, 4 nos. 2-bed units and 1 no. 3 bed-unit. The provision of parking spaces, which is assessed against table 10.3 of The London Plan 2021, requires a number of 10 parking spaces for the existing flats.

The proposal would result in the creation of 4 additional bedrooms, which would result in one additional bedroom for flats 10,11,12 and 13. This would result in 5 nos. 1-bed units, 6 nos. 2-bed units and 2 nos. 3-bed units. The overall number of maximum parking provision when assessed against table 10.3 of the London Plan 2021, requires 10.25 spaces.

As mentioned above, the current application would result in the same number of overall self-contained units with the original scheme. Given the uplift of one additional bedroom for each of the flats 10, 11, 12 and 13, these flats would change from 1 2-bed unit and 3 1-bed units into 1 3-bed unit and 3 2-bed units. The Highways engineer states that the number of parking spaces associated with the new flats would be increased by 4, however it is demonstrated in the above paragraph that the uplift in the number of bedrooms, would result in a required uplift of only 0.25 parking spaces under the New London Plan 2021, therefore, on balance this would be acceptable.

The imposition of CPZ restrictions are not considered necessary given the close proximity with the West Finchley Underground Station, the approved previous application for the removal of condition 19 under 21/2753/S73 for the restriction of parking rights for the occupiers and the minimal uplift of 0.25 spaces required in London Plan requirements. The creation of additional bedrooms is considered to unlikely change local parking conditions, and therefore is considered acceptable in this instance.

Whether the proposed amendments are in accordance with development plan policies.

The outlook from the additional bedrooms at loft level would be from the new new rooflights. This is considered, on balance, acceptable.

It is considered that the changes proposed would not detrimentally affect the residential amenities of occupiers of adjoining properties.

The original permission was subject to a legal agreement to pay a carbon offset fund contribution. That agreement is binding on subsequent permissions granted under Section 73.

5.4 Response to Public Consultation

A response to the consultee comments has been addressed in the report above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed changes are considered to accord with relevant development plan policies and are not significantly different from the approved plans. The application is therefore recommended for approval.

