

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 30TH NOVEMBER, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Brian Gordon LLB

Claire Farrier
Sury Khatri

Councillor Gill Sargeant
Councillor Agnes Slocombe

Councillor Hugh Rayner

Substitute Members

Tom Davey
Dr Devra Kay
Zakia Zubairi

Val Duschinsky
Charlie O-Macauley

Helena Hart
Mark Shooter

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 8
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Mill Hill Ward	
6.	44 The Reddings London NW7 4JR - 17/5556/HSE	9 - 16
7.	141-143 Dollis Road London NW7 1JX - 17/3796/FUL	17 - 52
8.	St Vincents Farm Cottage The Ridgeway London NW7 1EL - 17/4788/CON	53 - 60
	West Hendon Ward	
9.	The Pillar Chapel 19 Brent Street London NW4 2EU - 17/4427/FUL	61 - 72
	Hendon Ward	
10.	37 Church Road London NW4 4EB - 17/4534/FUL	73 - 86
11.	Spectrum House Hillview Gardens London NW4 2JR - 17/6496/FUL	87 - 112
12.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

1 November 2017

AGENDA ITEM 1

PRESENT:-

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillors:

Councillor Claire Farrier
Councillor Sury Khatri

Councillor Hugh Rayner
Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

RESOLVED that the minutes of the meeting held on 17 October 2017 be approved as a correct record.

2. ABSENCE OF MEMBERS

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rayner declared a pecuniary interest on the agenda item relating to 51 Glendale Avenue, Edgware, HA8 8HF as he was the applicant. The Committee noted that Councillor Rayner would withdraw from the meeting during the consideration of the item.

Councillor Khatri declared a non-pecuniary interest on the agenda item relating to 51 Glendale Avenue, Edgware, HA8 8HF as the applicant is a fellow Councillor and know to him as a colleague.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. PLANNING ENFORCEMENT QUARTERLY UPDATE JULY 2017 TO SEPTEMBER 2017

RESOLVED that the Committee note the Planning Enforcement Quarterly Update for the period of July 2017 to September 2017.

7. 50-54 SHAKESPEARE ROAD LONDON NW7 4BH - 17-5074-FUL

The Planning Officer introduced the application which related to 50-54 Shakespeare Road, London.

An oral representation in objection to the application was heard from Susan Bouganim.

An oral representation was made by the applicant's agent, Tim Simon.

Following debate on the item, the Chairman moved the recommendation in the report which was to approve the application subject to conditions. The votes were recorded as follows:

For	2
Against	4
Abstain	1

As a consequence of the above vote, Councillor Khatri moved a new motion that was duly seconded by Councillor Farrier to **REFUSE** the application for the following reasons:

- Over-intensification;
- Impact on the Conservation Area and Green Belt; and
- Out of character

Votes were recorded as follows:

For	4
Against	2
Abstain	1

The Committee therefore **RESOLVED to REFUSE** the application which overturned the officer recommendation for the reasons above with the precise wording of the reasons for refusal being delegated to the Head of Planning in consultation with the Chairman.

8. 59 BRENT STREET LONDON NW4 2EA - 17/3780/FUL

The Planning Officer presented the report which related to 59 Brent Street, London.

A representation in support of the application was heard from the applicant's agent, Mr Roger Echels.

RESOLVED that application be **APPROVED** subject to the conditions set out in the report of officers.

Votes were as follows:

For	6
Against	0
Abstained	1

9. 11 RUNDELL CRESCENT LONDON NW4 3BS - 17/4498/HSE

The Planning Officer presented the report which related to 11 Rundell Crescent, London.

Representations in support of the application were heard from the Mr Jeevan Relwani, Mr Sulman Rahman and the applicant, Mr Hareh Daswani.

RESOLVED that application be APPROVED subject to the conditions set out in the report of officers.

Votes were as follows:

For	7
Against	0
Abstained	0

10. LAND ADJACENT TO TRAFALGAR HOUSE GRENVILLE PLACE MILL HILL LONDON NW7 - 17/2914/FUL

The Planning Officer presented the report and addendum which related to the Land Adjacent to Trafalgar House, Grenville Place, London.

A representation in support of the application was heard from the applicant's agent, Ms Catherine Bruce.

Councillor Rayner MOVED that an additional condition be included relating to the provision of acoustic fencing to protect the amenity of neighbouring properties. This was duly SECONDED by Councillor Khatri and then agreed by the Committee.

RESOLVED that application be APPROVED subject to the conditions set out in the report of officers and an additional condition requiring the provision of acoustic fencing, with the precise wording of the additional condition being delegated to the Head of Planning in consultation with the Chairman.

Votes were as follows:

For	7
Against	0
Abstained	0

11. 2A UPHILL DRIVE LONDON NW7 4RR - 16/7727/FUL

The Planning Officer presented the report which related to 2A Uphill Drive, London.

Representations in support of the application were heard from the applicant's agent, Liam Russell, and the applicant, Wayne Cells.

RESOLVED that application be APPROVED subject to the conditions set out in the report of officers.

Votes were as follows:

For	6
Against	0
Abstained	1

Having declared a pecuniary interest in the following item, Councillor Rayner left the meeting room.

12. 51 GLENDALE AVENUE EDGWARE HA8 8HF - 17/4845/HS

The Planning Officer presented the report which related to 51 Glendale Avenue, London.

RESOLVED that application be APPROVED subject to the conditions set out in the report of officers.

Votes were as follows:

For	6
Against	0
Abstained	0

Following consideration of the above item Councillor Rayner re-entered the meeting room.

The meeting finished at 9.05 pm

Location **44 The Reddings London NW7 4JR**

Reference: **17/5556/HSE**

Received: 29th August 2017

AGENDA ITEM 6

Accepted: 15th September 2017

Ward: Mill Hill

Expiry 10th November 2017

Applicant: Mr V Deshpande

Proposal: Two storey side extension. Single storey front porch extension.
Ground floor rear extension with new patio area

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site location plan
 - 44 The Reddings/FP/01 Revision B
 - 44 The Reddings/FP/02 Revision B
 - 44 The Reddings/FP/04 Revision C
 - 44 The Reddings/FP/05 Revision C
 - 44 The Reddings/FP/06 Revision C

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site contains semi-detached dwellinghouse located on the south side of The Reddings, which is a predominantly residential area. The property is not located within a conservation area, and is not listed. The Reddings is a circular street accessed from Lawrence Street and the property backs on to the southern side of The Reddings.

The property is in the process of being extended to implement a Certificate of Lawfulness with respect to a hip to gable end extension and rear dormer.

The dwelling house is situated on sloping land that falls away from the road north to south. There is a step down to garden level from a raised terrace or patio area. The property has also been extended by way of a single storey rear extension.

The neighbouring property has been extended with a two storey side extension with a hipped roof to reflect the fact that the host dwelling retains its hipped roof.

2. Site History

Reference: 17/4488/192

Address: 44 The Reddings, London, NW7 4JR

Decision: Lawful

Decision Date: 27 July 2017

Description: Roof extension involving hip to gable, rear dormer window with Juliette balcony, 3no. rooflights to front elevation to facilitate a loft conversion.

This permission has been implemented and is nearing completion.

3. Proposal

This application seeks planning permission for:

Two storey side extension; a single storey front porch extension and a ground floor rear extension with new patio area.

The proposed two storey side extension will measure 2.8 metres in width with a setback of 1 metre from the front building line at first floor level, a set in of 1.2 metres from the neighbouring boundary and a set down of 0.5 metres from the ridge of the main roof.

The proposed two storey side extension would adjoin the proposed rear extension. The rear extension would measure 3.5 metres in depth, 3 metres in height and take full width of the property. The proposed patio which will extend beyond the rear extension would measure 2.5 metres in depth and would actually see a reduction in depth of the existing patio by approximately 0.3 metres and would remain at the same height.

The proposed front extension would extend beyond the front building line by 1.2 metres, measure 5.5 metres in width with an eaves height of 2.9 metres. It would adjoin the proposed two storey side extension.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties, 3 objections were received, along with 2 comments in support.

Objections are as follows:

-Given the extent and scale of all extensions, the proposed development would be overbearing to the visual amenity of the streetscene and of adjoining neighbours.

-Out of character with adjoining properties and the lack of harmony with its immediate adjoining neighbour at 46 The Reddings.

-Objection to previous roof extension carried out under permitted development. The proposed development in this application would, in conjunction with the Certificate of Lawfulness, constitute overdevelopment of the property.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 (MALP)

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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, DM06.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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.

5.3 Assessment of proposals

Impact on Street scene, Existing Building and Character of the Area:

Planning permission is sought for the erection of a two storey side extension, a single storey front extension and a single storey rear extension.

The Council's Supplementary Planning Guidance encourages the provision of two storey side extensions to detached and semi detached dwelling houses providing that the structure remains subordinate to the existing dwelling house.

The application property is in the process of being extended by virtue of a Certificate of Lawfulness issued by the Council earlier in 2017 which involved a hip to gable extension and a rear dormer.

The two storey side extension would comply with Barnet's Residential Design Guidance as it would be half the width of the original dwelling with a set back from the front building line of 1 metre and a set down from the ridge of the main roof by 0.5 metres. Furthermore, the flank wall of the extension will be set in from the neighbouring boundary by 1.2 metres which would be in compliance with paragraph 14.17 of Barnet's Residential Design Guidance. Following the formation of a gable end from the original hipped roof, a gable ended side extension would be more appropriate to achieve the harmony between dwelling and extension which is sought by the SPG. It is considered that the proposed side extension would be an appropriate and sympathetic addition to the host dwellinghouse that would not detract from its character.

Moreover, it has been noted that many properties along The Reddings benefit from two storey side extensions which are similar to the proposed side extension. Therefore, it is not considered that the proposed two storey side extension would unduly detract from the character of the street scene.

The proposed front extension would adjoin the side extension. It has been noted that the front building line is not uniform along The Reddings with some properties benefiting from front extensions. The front extension is proposed to be 1.2 metres in depth with the roof of it reflecting that of the existing dwellinghouse. Therefore, it is considered that the front extension would be sympathetic to the existing dwellinghouse and would not unduly detract from the character of either the host property or the street scene.

Barnet's Residential Design Guidance; paragraph 14.21 sets out that rear extensions on semi-detached properties should not exceed 3.5 metres in depth, which in this case it would not. Therefore, given the height and depth of the extension, it would be considered to be an appropriate addition to the host dwellinghouse. The proposed patio area which would extend beyond the rear extension would measure 2.5 metres in depth and would see a decrease in the depth of the existing decking by 0.3 metres. Given that a patio area already exists and the proposed patio would have a lesser depth, it is not considered to be detrimental to the character of the host property.

The scheme has been amended during its lifetime to remove the lower ground floor or basement level which would have been visible within the rear elevation. Given the creation of a large rear dormer (under permitted development) and the two storey side extension, the presence of a lower ground floor with fenestration would have undoubtedly appeared overly large and visually dominant within the outlook of surrounding residents. The removal of this is considered to result in an appropriate scheme.

Impact on Neighbouring Amenity:

The neighbouring property at no. 46 The Reddings adjoins the host property to form a pair of semi-detached properties. The rear building line aligns with the host property and on the side which neighbours with no. 48 the neighbouring property benefits from a 3 metre deep rear extension. Given the appropriate scale of the rear extension, it is not considered to create significant adverse impact to neighbouring residents at no 46 The Reddings, in terms of loss of light or outlook, or appear overbearing.

The main part of the neighbouring property at no. 42 is set away from the shared boundary by approximately 5 metres and with a further set in of 1.2 metres from the boundary to the proposed rear extension. Therefore, it is not considered that the proposed rear extension would create significant adverse impacts to the amenity of the neighbouring residents at no. 42, by virtue of its size and the sufficient set away from the neighbouring property.

The two storey side extension would be sited on the side which shares a boundary with no. 42, therefore, it is not considered that it would create significant harmful impact to the amenity of residents at no. 46. Moreover, given the set back of the main part of no. 42 from the boundary, it is not considered that the two storey side extension would create a significant loss of light or outlook. Additionally, the only two windows to the side elevation will be obscure glazed, so as to safeguard the privacy of both the neighbouring residents as well the residents of the host property.

By virtue of scale and design, it is not considered that the proposed front extension would have a harmful impact to the amenity of neighbouring residents.

5.4 Response to Public Consultation

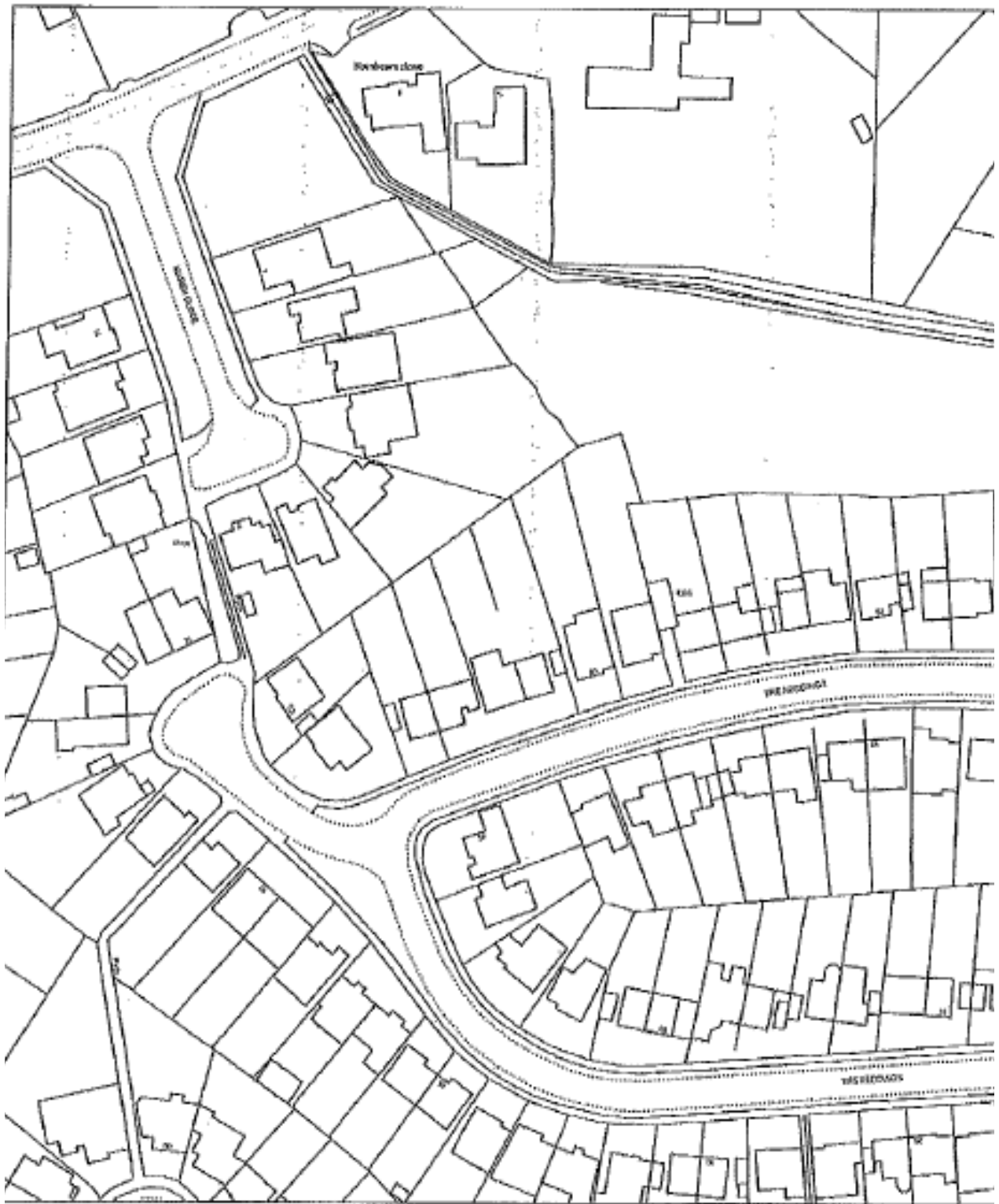
The objections listed above have been addressed in the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **141-143 Dollis Road London NW7 1JX**

Reference: **17/3796/FUL**

Received: 14th June 2017

Accepted: 20th June 2017

Ward: Mill Hill

Expiry: 14th December 2017

(including agreed extension of time)

Applicant: PGMI Finchley Ltd

Proposal: Partial demolition, alterations and additions to the existing building at No. 143 Dollis Road to comprise to provide a three storey building comprising 138sqm of A1 retail use at ground floor level, 51sqm of office use at first floor level and 3no. self-contained flats arranged over the first and second floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 14 no. self-contained flats and the erection of 8no. two storey houses (total of 25 residential units). Associated amenity space, hard and soft landscaping, refuse/recycling storage and provision of 21 no. parking spaces and secure cycle storage.

AGENDA ITEM 7

RECOMMENDATION I:

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement 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.
3. Provision of eight flats as identified on Plan numbers (to be advised) as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.

4. Provision of a review of development viability for the approved development (including residential and non-residential units) on the sale of 80% of the residential units at the site (or two years after the date of the permission, whichever occurs first), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any superprofit to be paid to Council will be 80%.
5. Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development. Unless any allocation of spaces to particular units are otherwise agreed in the submission of a car parking plan under the conditions of the permission, all remaining spaces shall be available to be shared within the development
6. Provision of monitoring costs for a travel plan.
7. Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
8. Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
9. Meeting the Council's costs of monitoring the planning obligation - £3000.

Conditions:

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

P0 - 000
P1 100 rev. PE
P1 101 rev. PE
P1 102 rev. PA
P1 103 rev. PH
P2 101 rev. PH
P2 102 rev. PH
P2 103 rev. PH
P3 101 rev. PC
P3 102 rev. PB
P3 103 rev. PC
P3 104 rev. PB
P3 201 rev. PB
P3 202 rev. PC (notes re window elevations added)
P3 203 rev. PB
P3 301 rev. PH
P3 302 rev. PH
P3 303 rev. PH
P3 304 rev. PH

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 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 5 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

- 6 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
- b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.
- Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2011.

- 7 The level of noise emitted from any plant used in association with the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy

DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 9 a) No demolition or construction shall take place at Building C within the development until details of mitigation measures to show how the development will be constructed / adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

Why are we building C specific with this condition.

This sound insulation shall ensure that the levels of noise generated from the A1 and office use at Building C as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 10 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all NRMM of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the SPG, or any subsequent guidance that replaces it.

(ii) The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

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

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection

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

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

12 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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

13 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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 7.21 of the London Plan 2015).

14 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include details of a wildlife survey of the site including existing buildings, and of the mitigation measures to be implemented for any protected wildlife species identified in the survey together with details of any mitigation measures including the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

15 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species (to include wildlife-friendly varieties), planting heights, densities and positions of soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

16 a) Before the development hereby permitted is first occupied, a scheme detailing play equipment and outdoor furniture to be installed in the communal amenity space shown on the approved drawings 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 the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

17 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the

Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 18 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) A Refuse and Recycling Collection Strategy, which shall include details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
- (ii) The appearance and siting of enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other storage containers where applicable; and
- (iii) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be 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).

- 19 a) No construction works at mews houses 1-5 and at any other buildings in the development where green roofs are required in order to meet the sustainable drainage requirements in the relevant condition in this permission, until details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased , it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 20 a) No development shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 21 Prior to the first occupation of any building within the development, the buildings they shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such for the lifetime 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 22 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 23 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces, which shall include bricks consistent with those described in the application, fenestration including exterior doors, roof cladding, rainwater goods and hard surfaces for outside areas in the approved scheme, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

24 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for electronically controlled access gates and appearance and materials for boundary treatment have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and shall then be retained as such.

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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

25 No development other than demolition shall take place until details of turning space and parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development, and shall retained for the lifetime of the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

26 a) No development other than demolition works shall take place until details of the locations, design, appearance, materials of secure cycle stores in accordance with London Plan cycle parking standards have been submitted to and approved in writing by the Local Planning Authority. The approved details for each building or dwellinghouse shall be provided in accordance with the approved details and thereafter shall used for no purpose other than for the parking of cycles associated with the development.

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 the Core Strategy DPD and Policy DM17 of Development Management Policies DPD.

27 a) No development other than demolition work shall take place until details have been submitted to and approved in writing that show that all units within the development shall 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 no less than 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 28 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 29 The development shall not be occupied until 20% active and 20% passive parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall be permanently retained and maintained thereafter.

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 6.13 of the London Plan.

- 30 a) Buildings A and C shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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

- 31 a) No gate shall be installed on the secondary access adjacent to House 1 until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (i) Means of management of security access for both residents and any non-resident member of the Car Club; and
- (ii) Means of management and maintenance of the access lane to Abercorn Road, including any necessary legal provisions to allow rights to pass over the lane.

b) The provision of an access gate in this location shall then be implemented in accordance with the approved details and retained as such.

Reason: 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 and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the office unit in Building C in the development may not be changed to residential use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 33 Other than where identified as such on the approved drawings for the two mews houses closest to the Dollis Road site frontage, roofs of the approved buildings shall be used only in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 34 (i) Before Building A is first occupied, all balconies shall be fitted with obscure glazed screening up to the minimum balustrade height required to comply with Building Regulations, and shall be permanently retained as such thereafter.

(ii) Before the 'mews houses' located at the northern end of the site (Houses 1, 2 and 3) are first occupied, the rear-facing first floor windows on the north-east elevation shall be fitted with obscure glazing and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

(iii) All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 35 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed in any elevation of the 'mews' Houses 1 - 8.

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).

36 a) No additional privacy screens shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

b) Any additional privacy screens so approved shall be installed only in accordance with the details approved under this condition 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 (October 2016) and the Sustainable Design and Construction SPD (October 2016).

37 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - H of Part 1 and Classes A, B, D, E and F of Part 2 of Schedule of that Order shall be carried out within the approved development.

Reason: To safeguard the amenities of neighbouring occupiers and the character of the area in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 December 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informatives:

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 following measures have been developed to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of this site. For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website www.securedbydesign.com.

Public Realm

- Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.
- Communal areas, such as playgrounds, seating or drying areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- Windowless gable end walls adjacent to spaces for which the public have access should be avoided, as this prevents natural surveillance.

Boundaries / Gates

- Side and rear boundaries should be 2.1m in height (minimum), be positioned where possible at the front of the building line (if a recess is necessary, then not to exceed 600mm) and designed to avoid climbing aids. This can be achieved in a variety of different ways, i.e. close board, panel, etc. but if a trellis topping is to be used, this should be diamond style trellis.
- Fencing between rear gardens should be 1.8m in height (minimum) and designed to avoid climbing aids.
- Chain link style fencing is not an acceptable option.
- Side gates should provide vision, be positioned where possible at the front of the building line, (if a recess is necessary, then not to exceed 600mm) 2.1m in height (minimum) and designed to avoid climbing aids, particularly around the hinges and locking mechanism.

Doors / Windows

- Recessed doorways should not exceed 600mm.
- Communal doorsets should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2.
- Communal doorsets should incorporate an automatic closing mechanism, automatic deadlock, with internal thumb turn, knob or handle - external entry should be restricted by key, key code, key fob, proximity reader or combination thereof.

- All easily accessible doorsets, including front, back, French, patio and balcony doors, should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2, STS 201 Issue 4:2012, STS 202 Issue 3:2011 Burglary Rating 2, or LPS 2081 Issue 1:2014 Security Rating B. Due to crime problems associated with letter plate apertures, such as arson, hate crime, lock manipulation and 'fishing', Secured by Design strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building.
- All sliding and bi-fold doorsets not designated as the primary access/egress route should meet the same physical attributes as above.
- A door chain or opening limiter and internal letterbox shield should be fitted to all individual dwelling front doors.
- A door viewer should be fitted at a height of between 1200mm to 1500mm from the bottom of all front doors (not required with adjacent unobscured glazing).
- All easily accessible windows should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012, or LPS 2081 Issue 1 Security Rating A.
- All easily accessible windows should have key operated locks. Where windows are required under Building Regulations to act as a fire escape route, the opening window must not have key operated locks.
- Windows that form an integral part of the doorframe should be shown to be part of the manufacturer's certificated range of doorsets. Alternatively where windows are manufactured separately from the doorframes, they should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012 or LPS 2081 Issue 1:2014. In such cases the window should be securely fixed to the doorset in accordance with the manufacturer's requirements.
- All glazing in and adjacent to communal, front, back and doors and ground floor windows and windows that are easily accessible above ground floor level, should incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A.
- Communal entrance doors should have vandal resistant audio, visual access control panels, with electronic lock release - tradesperson release buttons are not permitted. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.
- Secure external mailboxes to serve each property should be fixed to the external face of the building.

Balconies / Terraces

- Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.
- Drainpipes/soil pipes that provide access to flat roofs or balconies will require metal shrouds to prevent climbing (regardless of whether they are PVCu or not). Unless constructed to be finished flush with the building or wall, again to inhibit climbing.

Parking

- Car parking areas should be close to the properties they serve, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.
- Basement parking facilities should have secure, controlled access, incorporating full height gates or barriers, accessed via key, key code, key fob, proximity reader

or combination thereof. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

Refuse / Cycle Storage

- Bin storage areas should be enclosed and incorporate a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Cycle storage areas should, ideally be enclosed and built into the fabric of the building is visibly permeable, incorporating a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Where this is not possible, it should be sited in a secure communal area, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

External Lighting / Alarm Systems, etc

- All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks, should comply with BS 5489.
 - The overall uniformity of light is expected to achieve 40% and should never fall below 25%. The colour rendering qualities should achieve 60 (minimum) on the Colour Rendition Index - certification will be required.
 - External lighting should be switched using a photoelectric cell (dusk to dawn) with a manual override.
 - Utility meters should, where possible, be sited outside the front of the dwelling - alternatively they should be sited on the ground floor, between access-controlled doors (air lock system).
 - A 13amp non-switched fuse spur, suitable for an alarm system, should be provided - if a full alarm system is provided, it should comply with:
 - i. BS EN 50131 & PD6662 (wired system)
 - ii. BS 6799 (wire free system)
- If complete systems are installed and a police response is required, reference should be made to the ACPO Security Systems Policy, a copy of which can be obtained from the SBD website - www.securedbydesign.co.uk

- 3 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity

downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

5 The submitted Construction Method Statement shall include in addition to the Highways Officer's requirements, the following additional minimum details:

- Site hoarding
- Wheel washing
- Dust suppression methods and equipment to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring

receptors. Explain reasoning if not applicable.

- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of The permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
- Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays.
- That bonfires are not permitted on site.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £56,805 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 £219,105 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.

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

Officer's Assessment

1. Site Description

The application site comprises three main areas, which together make up a site area of approximately 0.3 hectare, as follows:

(i) 143 Dollis Road is a three storey building comprising a retail unit at ground level with walk up access to the first floor at the rear along with a small service area and a single-storey storage shed. It forms part of a Local Shopping Frontage as identified in the Development Management Policies DPD.

(ii) 141 Dollis Road comprises land and buildings in the north-eastern part of the site to the rear of 143, along with an access road from Dollis Road between numbers 139 and 141. The access also serves 139A Dollis Road, a residential building to the rear of 139.

Building within this part of the include:

- a part single, part two-storey office and workshop directly to the rear of number 139A;
- a single storey workshop towards the northern end of the site;
- a series of storage sheds at the rear of Building 2, abutting the northern boundary with 22A Abercorn Road;
- a long flat-roofed single storey building that abuts the boundary with 2 and 3 Abercorn Close along the western side of this part of the site; and
- a block of garages to the rear of 143 Dollis Road.

Until relatively recently, another building closed the now-existing gap between the last two listed above, completing a linear arrangement of buildings in this area. This has been demolished, and it appears that some or all of the demolition material remains on the adjacent north-western part of the site.

(iii) Land to the rear of 2 - 20 Bittacy Hill forms the north-western part of the site. This area is currently overgrown with what appears to be demolition rubble on part of this area, and there are some trees growing on and adjacent to the site boundaries. While these do not appear to be of any great arboricultural value, as a group those along the boundaries with the Abercorn Close properties they contribute to the character and amenities of the area.

In addition to the neighbouring properties in Abercorn Road and Abercorn Close, noted above, this part of the site shares a boundary with 1-8 Mallow Mead, to the east.

The properties adjoining the site as a whole are, in a clockwise direction starting from the site frontage at 143 Dollis Road:

- 2-20 Bittacy Hill, a three storey building that includes a parade of shops that are within the Local Shopping Frontage and above that, maisonettes with walk-up access from a shared first floor access terrace to the rear;
- 22 Bittacy Hill and its rear carparking area, which is to the north of the north-western part of the site;
- rear gardens at 4-5 Abercorn Close;
- 3 Abercorn Close, which has a side boundary and a rear boundary with the site;
- 2 Abercorn Close,
- 22A Abercorn Road ('The Albany'); and
- 1 - 8 Mallow Mead.

To the front of the site, the Local Shopping Frontage also includes 137-143 Dollis Road in addition to 2-20 Bittacy Hill and also other properties around Holders Hill Circus. 137 Dollis Road is a BP service station located to the east of the main access, and separated from it by 139 Dollis Road.

To the rear, there is a minor secondary access currently existing between the site and Abercorn Road. Viewed north from the site, 24 Abercorn Road and 1 and 2 Abercorn Close are to the left (north-west), and 22 and 22A Abercorn Road to the right (south-east of the shared lane). It appears not to have been used for some time in association with the application property, and currently provides the sole access to the bungalow at 22A Abercorn Road, also known as 'The Albany' and referred to as such in this report.

The site is not located in a conservation area and there are no listed buildings within the site or in the immediate locality. Trees within and on the boundaries of the site are not protected by way of a Tree Preservation Order.

2. Relevant Site History

141 Dollis Road was subject to two 'prior approval' applications made late in 2015 for changes of use from B class to office (Class B1) to residential use. These were:

- 15/07216/PNO - Change of use from office (Class B1) to residential (Class C3) to provide 10 residential units.
- 15/07218/PNP - Change of use from storage (Class B8) to residential (Class C3) to provide 7 residential units.

The decisions in both cases were that Prior Approval was required, and both were refused on 19 January 2016.

Another application in 2015 related to 143 Dollis Hill only, but was withdrawn before it was determined. This was:

- 15/07722/FUL - Demolition of the existing building and the erection of a four storey building consisting of retail use at ground floor level and 6 no. residential units on the floors above.

This was followed in 2016 by a full planning application which covered the whole of the current application site:

16/5328/FUL: Partial demolition of existing building at No. 143 Dollis Road with alterations and additions to provide a four storey building comprising of 140sqm of A1 retail use at ground floor, 45sqm of B1 office space at first floor and 4no. self-contained flats at first, second and third floor levels. Demolition of remaining buildings on site and the erection of a three storey building comprising of 16no. self-contained flats and erection of 8no. two storey houses (total of 28 residential units). Associated amenity space, hard and soft landscaping, refuse/recycling storage and provision of 10no. cycle spaces and 23no. parking spaces.

The application was refused on 20 March 2017 for the following reasons:

1 *By reason of the siting and proximity of Buildings A and B to surrounding residential properties, the footprint of Building A and the height, design, size, scale and massing of buildings A and C, the proposal would result in a cramped overdevelopment of the site that is uncharacteristic of this setting and its surroundings, would be incongruous in and harmful to the character and appearance of the streetscene and would be unacceptably overbearing for a residents of the surrounding properties. The As such, the proposal would be contrary to Policies CS NPPF, CS4 and CS5 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012), 7.4 and 7.6 of the London Plan (2016) and to advice in the Residential Design Guidance SPD (adopted October 2016).*

2 *The siting of buildings in the proposed development in close to proximity to flats and their external access at 2 - 20 Bittacy Hill and to 2 - 5 Abercorn Close and to their gardens would result in overlooking and an unacceptable loss of privacy to neighbours, such that the development contrary to Policies CS1 and CS5 of the Core Strategy, DM01 of the Development Management Policy DPD, 7.6 of the London Plan, and advice in the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.*

3 *The external amenity space standards in the development are below the relevant minimum standards. The gardens for ground floor units at Building A more overshadowed than might otherwise be the case in a more acceptable scheme, and the other amenities of the development do not balance out this substandard feature, and the proposal is therefore contrary to Policies As such, the proposal would be contrary to Policies CS4 of the Local Plan Core Strategy (adopted September 2012), DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and 7.6(f) of the London Plan (2016) as well as to advice in the Mayor of London's Housing SPG and the London Borough of Barnet's Sustainable Design and Construction SPD.*

4 *No affordable housing, either as part of the application or by way of a financial contribution towards off-site affordable housing, has been secured by way of a completed section 106 planning obligation. The application is therefore contrary to Policies 3.12 and 3.13 of the London Plan 2016, CS4 of the Local Plan Core Strategy (adopted September 2012), DM08 and DM10 of the Local Plan Development Management Policies DPD (adopted September 2012), and the Council's Affordable Housing SPD.*

5 *Insufficient cycle storage would be provided, and in addition in order to make the Car Club workable it would be necessary to make provision for this in a section 106 agreement, which has also not been provided in this application. The proposal is therefore*

contrary to Policies 6.9 of the London Plan, DM17 of the Development Management Policies DPD, and to advice in the London Borough of Barnet's Sustainable Design and Construction and Planning Obligations SPDs.

Two recent applications for part of the site comprising Unit 1 at 141-143 Dollis Road were also made during the last 14 months, but both were withdrawn prior to their being determined:

16/5357/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

17/0147/FUL: Demolition of existing building and erection of a demountable tent to facilitate a car wash.

3. Proposal

The application proposal is for the demolition of all buildings at 141 Dollis Road and the partial demolition, alterations and additions to the existing building at No. 143 Dollis Road, to provide 25 residential units together with retail and office floorspace.

Building A would be a new three storey apartment building located within the north-western part of the site as described in Section 1 above, which would provide 14 flats: Two studios, 8no. 1-bedroom and 4no. 2-bedrooms. The building's flank walls would face south-east, towards the site entrance and 139A Dollis Road, while the north-western flank wall would face the two-storey flatted property at 22 Bittacy Hill. Three of the four ground floor flats in this part of the site are described in the Planning Statement as being accessible in terms of building regulations. The ground floor units would have their own gardens which range between 62 and 163 sq.m. in area, and the first and second floor flats would have balconies varying between 5 sq.m, and 15 sq.m. in area. A small communal garden / play area of would also be provided.

Building group B would consist of two separate terraces to provide a total of 8no. "mews" houses within the north-eastern part of the site. They would be arranged in two groups that would be separated by a vehicle turning head.

Houses 1 - 3 would comprise a staggered group with front elevations facing to the south east (towards the site entrance) and rear elevations facing 22A Abercorn Road. Private rear gardens would be provided, and in the case of the house closest to Mallow Mead this would extend down the side of the house.

Houses 4 - 8 would be a staggered terrace of five facing north-west - House 4 towards the rear of the garden at 3 Abercorn Close and Houses 5 - 8 towards Building A and the adjacent car parking area. Rear (south-east) elevations of all five houses would be towards the terraced properties at Mallow Mead and adjacent private amenity space. Houses 4 and 5 would have shallow rear gardens, and Houses 6, 7 and 8 would be built to the site boundary, replicating the footprint to the existing part single, part two-storey building currently in this part of the site. Amenity space for these three dwellings would be provided by roof-top terraces accessed by covered stairs at the rear of each dwelling, adjacent to the boundary to an area of amenity space at Mallow Mead. The rear walls of these dwellings would extend to approximately 2m above the level of the roof terraces to ensure that there would be no overlooking to the rear.

Building group C is the extended existing building at the front of the site, which would be partially demolished, with alterations and additions to provide a three storey mixed use building comprising 138sqm of A1 retail use at ground floor level, one 1-bedroom flat and a 51sqm office unit at first floor level, and two 1-bedroom flats at second floor level. Small balconies would be provided for the first floor flats, one facing towards Holders Circus and the other to the rear. The proposal for this building has been reduced during the course of the application, from four to three stories, which also results in a reduction from 26 to 25 units overall.

The development would also provide 21 parking spaces, including three disabled spaces and one space to be reserved for a use by a car club. Free membership is proposed for the initial occupiers at the site for the first three years of operation.

Vehicle access to the site would be provided by the existing access from Dollis Hill. While the secondary access to the northern part of the site is not included in the location plan submitted with the application, the intention is to retain the use of this access in association with the development as cycle and pedestrian access only. A gated access is proposed here. This represents a key change from the refused scheme, where this access was identified as a secondary vehicle access to the site. While in this proposal there has been some confusion over the use of this access, removal of its use for vehicular traffic addresses one of a number of neighbour objections to the scheme.

The application seeks to address the reasons for refusal in the 2016 application, and in order to achieve them the following key changes have also been made in this application:

- Building A has been reduced in height, area and separation has increased from its closest neighbour, 2-20 Bittacy Hill;
- Houses 1-3 within Building Group B have been reduced in size and reoriented in relation to the neighbouring properties, and Houses 4, 5 and 6 have been repositioned to form a terrace of five dwellings (including Houses 7 and 8).
- Building C has been reduced in height.
- Eight shared ownership units would be provided as part of the proposals, along with a review mechanism that would allow for further off-site contributions to affordable housing if profitability exceeds an agreed benchmark.

4. Public Consultation

Consultation letters were sent to 320 neighbouring properties. There have been representations from 37 neighbouring occupiers and other interested parties, with 34 of these objecting to the proposal and three in support.

Issues raised by objections are as follows:

- The change of character for our neighbourhood.
- Over development.
- Added traffic congestion and higher air pollution levels.
- Access onto a very busy roundabout will be hazardous.
- Impacts on pedestrian and traffic safety.
- Noise.
- Insufficient space to provide car parking and cycle storage as well as flats and retail space.
- Increased cars parked on Abercorn Road will result.

- Loss of privacy and residential amenity.
- There is no demand for additional flats and retail space in this location.
- A very similar application has previously been rejected.
- The proposal to use the narrow alleyway between the site and Abercorn Road as an access road is not workable.

Comments in favour are summarised as follows:

- Local shops will be more viable with the increased customer base brought by the development.

These issues are considered below, in Section 5 of this report.

Consultee responses

The Environmental Health Officer has recommended conditions to control noise impacts and ensure that on site contamination is properly addressed, in the event that planning permission is granted.

Tree Officer: No objection. Detailed advice is included in 5.3 below.

London Fire and Emergency: Satisfied with the proposals with regard to fire-fighting access.

Lead Local Flood Authority: A detailed drainage strategy has not been provided, and conditions to cover this requirement is recommended in the event that planning permission is granted.

Highways: No objections. Comments are set out in detail in 5.3 below.

Metropolitan Police: Advice given on Secured by Design and measures that can be taken in the detailed design of proposals to ensure the security of future occupiers.

5. Planning Considerations

5.1 Policy Context

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.

National Planning Policy Framework and National Planning Practice Guidance

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for

people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

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.

- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Developments
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.7 - Renewable energy
- Policy 5.10 - Urban greening
- Policy 5.11 - Green roofs and development site environs
- Policy 5.13 - Sustainable drainage
- Policy 5.14 - Water quality and wastewater infrastructure
- Policy 5.15 - Water use and supplies
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 6.13 - Parking
- Policy 7.1 - Lifetime neighbourhoods
- Policy 7.2 - An Inclusive Environment
- Policy 7.3 - Designing Out Crime
- Policy 7.4 - Local Character
- Policy 7.5 - Public Realm
- Policy 7.6 - Architecture
- Policy 7.18 - Protecting open space and addressing deficiency
- Policy 7.19 - Biodiversity and access to nature
- Policy 8.1 - Implementation
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy

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 National Planning Policy Framework - Presumption in favour of sustainable development

CS1 Barnet's place shaping strategy - the Three Strands approach

CS3 Distribution of growth in meeting housing aspirations

CS4 Providing quality homes and housing choice in Barnet

CS5 Protecting and enhancing Barnet's character to create high quality places

CS8 Promoting a strong and prosperous Barnet

CS9 Proving safe, effective and efficient travel

CS11 Improving health and well-being in Barnet

CS12 Making Barnet a safer place

CS13 Ensuring the efficient use of natural resources

CS14 Dealing with our waste

CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity

DM02 Development standards

DM03 Accessibility and inclusive design

DM04 Environmental considerations for development

DM06 Barnet's heritage and conservation

DM07 Protection of housing in Barnet

DM08 Ensuring a variety of sizes of new homes to meet housing need

DM10 Affordable housing contributions

DM12 Maintaining our local centres and parades

DM14 New and existing employment space

DM16 Biodiversity

DM17 Travel impact and parking standards

The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPD

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development. 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.

- In respect of amenity, development 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.

Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 16/5328/FUL. Key issues for consideration therefore relate first to the five reasons for refusal, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the five reasons for refusal:

- Harm to the character and appearance of the existing building, the street scene and the wider locality;
- Harm to the living conditions and amenities of neighbouring residents;
- The standard of accommodation for future occupiers;
- Whether the provision of affordable housing at the site is satisfactory;
- Provision of cycle storage.

(ii) Other key issues:

- Whether redevelopment of the site is acceptable in principle.
- Impact on the highways network.
- Impacts on protected wildlife.
- Impacts on trees.
- Building sustainability and site drainage.
- Community Infrastructure Levy and Section 106 provisions in the scheme.

5.3 Assessment of proposals

Whether the proposals have overcome the objections in the previously refused application

Reason 1

Key points from the first reason for refusal relate to

- (i) relationships between the proposed buildings and their proximity to neighbouring residential properties (Buildings A and B), and
- (ii) height, design, size, scale and massing of Buildings A and C.

In combination, it was considered that the proposal would have resulted in a cramped overdevelopment of the site that is uncharacteristic of this location. It was also considered that the proposals would have been unacceptably overbearing for residents at the surrounding properties.

The density of the site when developed with 25 units would be approximately 83 units per hectare, as against 92 units per hectare in the refused proposal. This site has a Public Transport Accessibility Level of 2 and has characteristics of an urban area as defined in the London Plan and Residential Design Guidance SPD density matrix, although the surrounding properties on three sides are suburban in character. Density ratings for smaller units in the density matrix are up to 95 units per hectare for suburban sites and up to 170 units for urban areas. The development in the previous application was, therefore, within the upper limit for suburban areas although close to the upper indicative limit, and the reduction in unit numbers in this proposal brings the development well within the density ranges considered appropriate in suburban locations.

The appropriateness of development on a site is however not based on density alone, and siting, layout, quality of accommodation and amenity also key factors to be taken into consideration. The reduced footprint has been achieved by reducing the width of the building from approximately 10m to 9m across the main parts of the building, with corresponding reductions from 13m to 12m for the two stairwells on the north-west side of the building, facing the rear of the adjacent Bittacy Hill properties. Changing the roof form from pitched to flat reduces the height from approximately 11.25m to 10m, albeit that the eaves in the refused proposal would have been a little lower. In addition, the more linear and rectangular plan form in the refused application has been redesigned to provide two main elements with an offset of 1.0m between them. Along with the reduced width, this would result in an increased separation distance from the rear of 2-20 Bittacy Hill. Although this increase for the northern element of the building is marginal (about 300mm), the southern part is set an additional metre from this neighbouring building.

Changes for the mews houses include, for Houses 1, 2 and 3 (the northernmost houses) reductions in footprint and a reorientation to improve their relationships with the neighbouring properties. With regards to the relationship of the proposed dwellings to 22A Abercorn Road ('The Albany'), as existing there is a low storage building abutting the shared boundary at present while the main building in this part of the site is the existing workshop, set approximately 7.5m from the south-western facing elevation of this neighbouring dwelling. The two-storey high flank wall for the closest dwelling in the refused proposal would have decreased this separation to approximately 3.5m, which given the two-storey height of the flank wall proposed was clearly unacceptable. For properties at 1-4 Mallow Mead, separation to a flank wall in the current proposal would be about 13.5m, and while in the refused proposal the to the rear facing walls of the three

houses was at a slightly greater distance, the facing walls would have been devoid of windows and the objection in the refused scheme related largely to the visual impacts of the featureless walls. In this proposal, the greater variation in built forms facing Mallow Mead is considered to result in a more acceptable relationship than in the refused scheme.

Building C has also been reduced in height, by the removal of the pitched roof and, in the amended drawing submitted during the course of the application, by a further reduction from four to three stories. This represents a reduction in height from 14.5m in the refused proposal to 10.3m in the amended drawing now being considered. The existing building height is approximately 9.3m. While the refused proposals was considered to be unsympathetic to and disproportionately tall in the streetscape of buildings to either side at Bittacy Hill and Dollis Road, the reduced scale in this proposal is considered to result in an acceptable relationship with the surroundings.

Overall, while the changes from the refused scheme are nuanced and in the case of Building A, relatively small, the reduced bulk that has resulted from reduced building width and height, would result in a much less imposing building than in the refused scheme. Relationships with 22 Bittacy Hill to the north, as well as to numbers 2-20 where spacing between the buildings has been increased are therefore considerably improved in comparison with the refused proposal. Changes for Houses 1, 2 and 3 are also considered to result in improved relationships with the neighbouring properties, and Building C relates much more appropriately in scale to those to either side of it on the street frontage. On balance, it is considered that this part of the reason for refusal has been sufficiently addressed, such that the objections in the refusal are no longer sustained.

Reason 2

Proximity to 2 - 20 Bittacy Hill and 2 - 5 Abercorn Close and their gardens was considered to result in unacceptable overlooking and loss of privacy to neighbouring occupiers. Separation from the rear facing windows at flats at 12-20 Bittacy Hill has increased to a minimum of 16m. It is noted however that new balconies have been introduced on this side of Block A, and this would only be acceptable with the use of frosted glass or other screening to minimise any overlooking from these balconies. This requirement is set out in one of the recommended conditions.

With regard to Building Group B, in the refused scheme the northern-most dwelling would have faced 2 Abercorn Close with a first-floor window-to-window distance of 17m. This would have been under the minimum acceptable separation as set out in the Council's adopted Residential Design Guidance SPD. Reorienting a group of three houses in this part of the site eliminates this overlooking and also removes the overlooking into the rear garden at number 3. Houses 1-3 results in their rear elevations facing this property, the separation distances would range from approximately 7m to 10m to the neighbouring bungalow at 'The Albany'. While this is under the distance noted from the SPD above, it is an improvement both on the separation from the existing workshop and the refused scheme, and would be further mitigated by permanent frosting of the rear-facing first-floor bedroom window in each of three dwellings to a minimum level of 1.7m above finished floor level.

As in the refused scheme, three of the 'mews' houses would have terraces at roof level. However, any overlooking to neighbouring properties outside the development would be avoided as direct views from them would be to the flank wall of Building A, adjacent car parking and amenity space beyond that. It is now noted that the high walls at the rear of

these roof terraces, towards Mallow Mead, are to an amenity space. Given that they will be to the north-west of this space and on the line of the wall of an existing workshop / office building at the site, this is considered to be an acceptable relationship.

Subject to conditions as recommended in this report, it is considered that the redesigned scheme results in an acceptable balance between providing acceptable standard of accommodation for future residents while protecting the amenities of existing occupiers, and it is considered that the incremental improvements in the scheme as compared to the refused application is sufficient to be able to lift the objections.

Reason 3

The external amenity space standards in the development vary considerably through the development. Reorientation of the houses at the northern end of the site results in larger gardens for some, although those closer to the middle of the site are smaller than in the previous scheme. Gardens for the ground floor flats in Building A are generous in size although as noted in the previous application they will be overshadowed for much of the day. However, all units have, at minimum, a 5 sq.m. balcony, and some are larger. Most of the 'mews' house have areas of amenity space that comply with the Council's SPG minimum requirements; in the case of Houses 6, 7 and 8 these are in the form of roof terraces. As noted above, impacts on neighbours from terraces at this level have been considered and are acceptable. Progress has been made with ensuring that the development will make a financial contribution towards off-site amenity provision. The Council's Green Spaces Co-ordinator advises that the sum for this is £2834 for off-site play space, while the shortfall in amenity space of 80 sq.m. across the development generates a requirement for an off-site payment of £5450. Subject to this being provided through a section 106 agreement, it is considered that the third reason for refusal will be adequately addressed.

Reason 4: Provision of affordable housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policies CS4 of the Core Strategy and DM10 of the Development Management Policies DPD, with the latter policy setting a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more (to be calculated in terms of habitable rooms or floorspace).

The application provided a detailed viability assessment which makes a case that the development would not be viable with the provision of affordable housing. An independent review of the applicant's assessment was carried out on the Council's behalf, although agreement was not reached on the viability issue. However, the application has offered eight shared ownership units as on-site affordable housing comprising flats in Buildings A and C. This comprises 25% of the net saleable floor area of the development and while this is welcomed, it falls some way short of minimum 40% proviso required in Policy DM10. In line with the London Affordable Housing Viability SPG published in August 2017, it is considered that this proportion of shared ownership units can be accepted provided that the section 106 agreement to secure the units also provides a review clause. The review would require a post-development review of viability, to ensure that if the profitability of the scheme is sufficiently improved on the level projected in the viability assessment then an additional financial contribution towards provision off-site housing would be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision.

The Council's Housing Enabling Team has requested that the shared ownership units be offered to prospective buyers with an initial 25% share and this has been agreed to by the applicant and their prospective partner RSL.

For the above reasons, it is considered that the completion of a section 106 agreement would overcome the fourth reason for refusal of the 2016 application.

Reason 5: Lack of cycle storage

A minimum of one cycle space is required for each 1-bedroom flat and two spaces for the two bedroom units (flats and houses), equating to 18 spaces for Building A, 16 spaces for the mews houses (two per house), and four spaces for the two flats in Building C - a total of 37 spaces across the development. The drawings show 10 spaces to be provided within Block A, and Houses 1, 3 and 4 will have direct access to their rear gardens which allows for their cycle stores to be located there. This would require 21 spaces to be accommodated elsewhere. It is noted that this level of provision is likely only to be provided by using some of what would otherwise be amenity space for the development. The amenity shortfall noted above in relation to the third reason for refusal takes this into account, so the level of cycle storage required to comply with local and London-wide policies and guidance can be secured by a condition that requires further details to be submitted and approved to show complying levels of cycle storage, prior to the commencement of the development.

The fifth reason for refusal of the 2016 application can therefore be overcome.

Whether there are any other issues which are materially different from those considered when the 2016 application was assessed.

- Whether the redevelopment of the site is acceptable in principle

The applicant's Planning Statement describes the north-western part of the site as former rear garden land at 2 - 20 Bittacy Hill. As such, this part of the site is not brownfield land, but may be developed subject to being of a character appropriate to the area. The remainder of the site is more properly described as brownfield land. For this area, Policy DM14 in the Development Management DPD protects B Class uses unless it can be demonstrated that it is no longer required for business purposes. The 2016 application set out that marketing of the site for business purposes had been carried out, and no suitable tenant was secured, and the scheme was not refused on grounds of loss of employment space.

Taking into account that, including the flats above the shops on Bittacy Hill, the site is surrounded by residential development on all sides and that if redeveloped for employment purposes would be likely to result in loss of residential amenity noise and potentially heavy vehicle traffic. This, along with the fact that no substantive objection was raised to this issue in the previous application, it is considered that in combination with the lack of objection in the previous application the loss of the bulk of this site for employment uses is acceptable in principle, subject however to a condition requiring that the office unit in Building C is retained as such.

Impact on the highways network

The proposed development provides 21 parking space, which includes one on-site space for a new Car Club and three disabled spaces. As required in the London Plan, 20% of the spaces will have active electric vehicle charging points and a further 20% will have passive provision. A draft Travel Plan has also been provided, and while not a requirement for a development of this size it can be used to manage the car club offer and an in addition can be applied to the office unit within the development.

Based on the site's accessibility level, PTAL 2, a total of 33 car parking spaces would need to be provided to fully comply with the Council's Parking standards. Although the 21 spaces to be provide represents an under provision, the inclusion of a car club bay and Travel Plan would mitigate any likely overspill onto the public highway.

Several neighbour letters raises issues regarding traffic congestion, impacts on pedestrian and traffic safety and limited parking. While the Highways Officer's has not objected to the proposal with regards to these issues, the provision of sufficient cycle storage would be need to be ensured through the recommended condition, and the Car Club provision and Travel Plan would need to be provided for in a section 106 agreement.

A condition is also recommended to provide for refuse and recycling storage at the development, along with a refuse collection plan to ensure that where necessary, refuse bins are moved to a central collection point on collection days .

Residents concerns regarding construction impacts will be provided for through an appropriate condition requiring a Demolition and Construction Management Plan.

Impacts on protected wildlife

It is noted that the existing buildings are disused and that while some are in a good standard of repair, others are less so. Some of these may be attractive as bat roosts and / or hibernation sites. The north-western part of the site remains as rough open ground and could be attractive for a range of ground-dwelling species. National level Planning Practice Guidance advises that Local Planning Authorities should require ecological surveys where there is a reasonable likelihood of a protected species being present and affected by development. As there is potential of wildlife within the site, a condition requiring a pre-development survey to identify any requirements for protection and mitigation, along with an ecology strategy to improve biodiversity at the site is included in the recommendations in this report.

Impacts on trees

The tree survey provided with the application advised that all but one of the trees within the site would be removed. Trees adjacent to boundaries within neighbouring sites would remain, and will need to be protected during construction to ensure that impacts on root systems from excavation and ground compaction are avoided and / or mitigated. This is provided for by the recommended conditions.

As already noted, some adjustments to the layout of shared amenity space will be required to provide the balance of cycle storage and this will also be required for the provision of with refuse and recycling stores, and if this presents an opportunity for retention of further trees of reasonable quality then this should be taken.

Building sustainability and site drainage

The sustainability statement submitted for the scheme set out intentions for building sustainability within the scheme. In order to secure meaningful provision, conditions require further details of on-site renewable energy provision and biodiversity improvements, and require water saving devices to ensure that the development is water efficient .

The Council as Lead Local Flood Authority (LLFA) has requested the provision of a detailed drainage strategy, and this is also covered by the recommended conditions.

Community Infrastructure Levy and Section 106 provisions in the scheme

The development is liable to the Community Infrastructure Levy (CIL), which has been calculated at £56,805 payment under the Mayoral CIL and £219,105 payment under the London Borough of Barnet CIL

In addition, the section 106 provisions for the scheme would secure the following in-kind and financial contributions as part of the development:

- (i) Provision of eight flats as identified on Plan numbers (to be advised) as shared ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
- (ii) Provision of a review of development viability for the approved development (including residential and non-residential units), with a proportion of any "superprofit" over the 20% nominal viability level to be paid to the Council for the purpose of contributing towards off-site affordable housing.
- (iii) Provision of a minimum of one car parking space for use by a "car club" and accessible to members of the car club both within and outside the development.
- (iv) Provision of monitoring costs for a travel plan.
- (v) Meeting the costs of providing appropriate play space improvements within the locality of the site - £2834.
- (vi) Meeting the costs of providing appropriate amenity space improvements within the locality of the site - £5450.
- (vii) Meeting the Council's costs of monitoring the planning obligation - £3000.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above. On balance, it is considered that the amendments in this proposal as compared to the refused scheme and the requirements set out in recommended section 106 clauses and conditions are sufficient to address these concerns. The support of some neighbouring businesses is noted, and the viability of local shops would be improved by the additional customer base that would result from the development.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of the 2016 application, subject to the recommended conditions and to a section 106 agreement covering the matter set out in Recommendation 1.

Location plan



Location **St Vincents Farm Cottage The Ridgeway London NW7 1EL**

Reference: **17/4788/CON** Received: 24th July 2017 **AGENDA ITEM 8**
Accepted: 2nd August 2017

Ward: Mill Hill Expiry 27th September 2017

Applicant: Mr Luke Winham

Proposal: Submission of details of conditions 3 (Materials) 4 (Levels) 5
(Demolition and Construction Method Statement) 6 (Refuse) 8 (Cycle
Parking/Storage) 14 (Biodiversity) 16 (Mitigation) 17 (Enclosure) 20
(Turning/Parking Space) 22 (Electric Vehicle Charging) pursuant to
planning permission 16/8115/FUL dated 17/05/17

Recommendation: Approve

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

Informative(s):

- 1 The plans accompanying this application are: Boxmoor construction Ltd - planning condition sign off 25th June 2017; BCL/NB617/101 RevB; root protection areas; BCL/NB617/100; ARBTECH ecological mitigation and enhancement plan; 20/07/2017; Boxmoor construction Ltd - construction method statement 8th September 2017.

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02.
- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

2. Planning history

09.05.2017 – Committee resolved to grant conditional planning permission for the demolition of existing 8no. dwellings and ancillary buildings and erection of a part single storey, part two storey building to provide 7no dwellings. Associated cycle parking, storage, parking and amenity space. Alterations to hard and soft landscaping.

In determining this planning application, Members voted to amend Condition 3 to ensure that it was determined by the Planning Committee rather than be delegated by officers.

3. Scheme description

An application has been submitted to discharge Condition 3 of the planning permission (16/8115/FUL). This application has been combined with several other conditions including levels, demolition and construction method statement, refuse, cycle parking, biodiversity, mitigation, enclosure, turning space and electric vehicle charging points.

4. Assessment of proposal

Condition 3 – materials

The condition states as follows

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

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

The proposed materials comprise of:

Roof tiles - slate

Brickwork - blue engineering bricks for use in English bond brick wall plinths up to damp proof course in main building, refuse store and shed building.

Cladding - marley eternit cedral weatherboard - white

Fascia - board black ash.

Driveways and pathways - Marshalls Priora permeable block paving charcoal 200mm x 100mm x 80mm.

Private patio areas - natural paving - grey calibrated sandstone.

Windows and doors - UPVC

Guttering - freeflow guttering system - black
Entrance shelter canopies - clay tiles and plain fascia
Boundary treatment - close boarded timber fence

The condition was called to Committee to ensure that the development could achieve an appearance that was rural in character and nature which would blend in with the development in the locality rather than being obtrusive and visually dominant within the landscape and context. The materials include a white cedar board cladding which assists in contributing towards this objective in addition to the texture and finish of the material as a board cladding rather than brick .

The proposed materials are considered to be satisfactory given the setting and context of the proposed building. There is sufficient information to approve the condition.

Condition 4 – levels

The condition states as follows

a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

The levels are considered to be acceptable and do not give rise to unacceptable impacts to existing trees and surrounding residential amenity and there is sufficient information to approve the condition.

Condition 5 - demolition and construction management plan

The condition states as follows

a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

The report contains measures in relation to the hours of construction, as well as dust suppression, the cleaning of vehicles, emissions mitigation and the storage of materials. In respect of highways and construction traffic management, the CMP has been supplemented by a Construction Logistics Plan which would assist in securing acceptable

highways implications and the maintaining of environmental quality within the development and immediate surrounds.

The environmental health team have reviewed the information submitted and are satisfied with the details submitted. There is sufficient and adequate information to approve the condition.

Condition 6 - refuse

The condition states as follows

a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

The refuse and recycling provision is considered to be satisfactory for the number of units and the provision accords with the Council's storage requirements set out in its guide for architects and developers. Sufficient accessibility for a refuse vehicle is possible along the access from The Ridgeway.

Officers are working with the applicants to ensure that the Sheffield Stands are contained within a fully enclosed structure

The highways team has reviewed the information submitted and are satisfied with the details submitted. There is sufficient and adequate information to approve the condition.

Condition 10 - amenity sub division

The condition has been withdrawn from the current application as officers do not support the details submitted to discharge the condition.

Condition 13 - external lighting

The condition has been withdrawn from the current application as officers do not support the details submitted to discharge the condition.

Condition 14 - biodiversity

The condition states as follows

Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the

Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

The strategy has not identified the habitats of protected species in the locality including bats for example. However the strategy seeks to encourage future habitats being established and these include bird and bat boxes, wildflower meadow, butterfly, insect and invertebrate colonies. The strategy is also fully cognisant of the various regulations for species protection.

The biodiversity enhancement measures as per the recommendations within ecological mitigation and enhancement plan dated 20th July 2017 prepared by Arbtech. The condition can be approved on the basis of these details.

Condition 15 - landscaping

The condition has been withdrawn from the current application as officers do not support the details submitted to discharge the condition.

Condition 16 – mitigation

The condition states as follows:

a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

The biodiversity mitigation measures as per the recommendations within arbtech ecological mitigation and enhancement plan dated 20th July 2017 are considered to be satisfactory. The condition can be approved on the basis of these details.

Condition 17 - enclosure

The condition states as follows:

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

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Details of the proposed means of enclosure which are close boarded timber fences to a height of 1.8m are considered to be acceptable and there is sufficient information to approve the condition.

Condition 19 - tree protection plan

The condition has been withdrawn from the current application as officers do not support the details submitted to discharge the condition.

Condition 20 - turning/parking space

The condition states as follows:

Before the development hereby permitted is first occupied turning space and parking spaces shall be marked out within the site and any changes to vehicular access constructed in accordance with the details indicated on Drawing no. 1635.03.04Revh and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

The highways team have reviewed the information submitted and are satisfied with the details submitted. There is sufficient and adequate information to approve the condition.

Condition 22 - electric vehicle charging

The condition states as follows:

a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 2 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 2 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

The highways team have reviewed the information submitted and are satisfied with the details submitted. There is sufficient and adequate information to approve the condition.

5. Conclusion

The details submitted to discharge the various conditions listed in this report have been found to be acceptable (unless where stated) and would contribute to enabling the development to be constructed in a manner which meets the aspirations of the Development Plan and the NPPF. The proposed development would constitute high quality development and would accord with policies DM01, DM04, DM06, DM08, DM15 and DM17 of the Local Development Plan Development Management Policies DPD (2017).

6. Recommendation

That conditions 3 (Materials), 4 (Levels), 5 (Demolition and Construction Method Statement), 6 (Refuse), 8 (Cycle Parking and Storage), 14 (Biodiversity), 16 (Mitigation), 17 (Enclosure), 20 (Turning/parking space); 22 (Electric Vehicle Charging) pursuant to planning permission 16/8115/FUL are discharged.



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Location **The Pillar Chapel 19 Brent Street London NW4 2EU**

Reference: **17/4427/FUL**

Received: 10th July 2017

Accepted: 17th July 2017

Ward: West Hendon

Expiry 11th September 2017

Applicant:

Proposal: Erection of marquee for used for up to 10 events per year

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan drwg no: RG LP1
Noise Impact Assessment by W.A.Hines & Partners
Proposed plan and elevation drwg no: 6827/P1 Rev B

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 No amplified sound and/ or music shall be generated on site as a result of the development hereby approved.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Policies DM01, DM02 and

DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 4 The hours of operation shall be limited to 11am - 10.30pm on the Sabbath day (Saturday) ONLY as a venue for religious events ancillary to the chapel and for no other purpose.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 5 The Marquee associated with each event shall be dismantled within 48 hours of the conclusion of each event and erected no earlier than 36 hours prior to the commencement of each event.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and to ensure that the proposed development does not affect the setting, interest and value of the Grade II listed building. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

Officer's Assessment

1. Site Description

The site is the former Pillar of Fire Society, 19 Brent Street within the ward of West Hendon. However, the building is now principally a hotel although a chapel still exists on the site which is separate from the hotel.

The site is located on the south-west side of Brent Street. The site is located approximately 200m south-east of Brent Street District Town Centre.

The general locality of Brent Street is primarily residential with a mixture of dwellings and flats, with a small number of commercial premises. Buildings vary in size and scale but these include two storey dwellings and residential blocks of 3-4 storeys. To the south of the site are two storey dwellings on Elm Close and Elm Park Gardens, similarly to the north-west are two storey dwellings on Goodyers Gardens. Immediately to the west of the site is Acacia Court, a three storey block of flats. To the south-east is Hendon Adath Yisroel Synagogue.

The site has historically been used as a church with associated bible school and home 'for the rehabilitation of fallen women'. In more recent years, rooms were provided by the Society for those in need of short-term accommodation, with some dormitory-style rooms, with the provision of shared facilities including dining facilities. This use was akin to a hostel, as a significant level of care does not seem to have been provided. There are 4 self-contained flats within the building, some of which are currently occupied as dwellings.

The building predominantly features a quadrangle with a central open courtyard and a coach house style building to the north. There are areas to the immediate west and north which are undeveloped and are used as car parking.

The former chapel building is a Grade II listed building and the remainder of the site is listed by association with the chapel. The building dates back to 1893.

Permission was granted to convert part of the site to a 22 bedroom hotel under reference H/02272/10 and the site is now being used to serve this purpose.

2. Site History

Reference: 15/06705/FUL

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Demolition of an existing wooden outbuilding and removal of shipping container to be replaced with a brick built structure of identical dimensions to the wooden outbuilding being demolished

Decision: Approved subject to conditions

Decision date: 25 January 2016

Reference: H/03781/13

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of boundary gates and formation of emergency access

Decision: Refused (Dismissed at appeal)

Decision date: 10 October 2013

Reference: H/01144/12

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Use of land at rear for erection of marquee in connection with the chapel. The marquee would be used for up to 40 events per year. Provision of 20 additional parking spaces

Decision: Refused

Reason: The proposed marquee, by reason of its siting, size, length of time for which it is required and associated general activity, would have a harmful impact on the residential amenities of neighbouring residents. It would be contrary to policies D5 and Env12 of the Adopted Barnet Unitary Development Plan 2006, and policies DM01 and DM04 of the Development Management Policies (Examination in Public Stage 2012).

Decision date: 11 July 2012

Reference: H/03297/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of alteration to first floor windows and increase in height and depth of existing windows to match

Decision: Approved subject to conditions

Decision date: 2 November 2011

Reference: H/00273/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of gates and alterations to fence to facilitate creation of vehicular access to Elm Park Gardens to enable emergency access

Decision: Refused

Reason: The vehicular access due to its siting at the end of a residential cul-de-sac would result in additional comings and goings, detrimental to the character of the area and the residential amenities of occupiers or neighbouring residential properties, contrary to policies GBEEnv1 and D2 of the Barnet Adopted Unitary Development Plan (2006)

Decision date: 19 September 2011

Reference: H/02272/10

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Change of use of former hostel areas to C1 hotel, with ancillary parking

Decision: Approved subject to conditions

Decision date: 28 July 2010

3. Proposal

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The marquee is to be used for the serving of refreshments and receptions on Sabbaths and Festival Days for use of up to 10 events per year and would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities.

Noise would be limited to normal levels of conversation and occasional raised voices produced within the marquee. No speech amplification or music would occur. The proposed use of the marquee will be from 11:00am - 22.30pm on Saturdays (Sabbath) with enabling set-up from 08:00am. The marquee will be used ancillary to the chapel on religious days there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. The marquee would be used by up to 175 people and would be acoustically lined. A sound report accompanies the application.

4. Public Consultation

Consultation letters were sent to 122 neighbouring properties.

17 responses have been received in opposition to the application on the following
Use would attract 175+ people and result in the increased comings and outgoings of visitors attending the events. This would result in an increased level of noise, disturbance and traffic and parking pressures/ congestion from those attending functions to the detriment of neighbouring residents

Use would result in the accumulation and external storage of refuse in close proximity to the adjoining boundary with neighbouring residential properties

Marquee has previously had television screens and amplified music, disco and consumption of alcohol on the premises. Increase in anti-social behaviour as a result of on-site alcohol consumption by those attending functions in close proximity to neighbouring residential properties

Loss of outlook and privacy to residential neighbouring properties

Impact on Grade II Listed building

Use is not appropriate for the area

Impracticality and/or lack of enforcement in the event of a breach of planning regulations

9 responses of support were received. These are on the grounds that the proposal have improved the appearance of the area and brought additional employment benefits.

Internal /Other Consultations:

Traffic & Development: No objection

Environmental Health: In the past complaints have been received in regards to noise emanating from 19 Brent Street: -

PHCP03/11/05113 - Amplified speech from large marquee resident on Elm Prk Gds - not witnessed - alleged 3no. events that year so far, complaint received in May, reported to planning and EH via VIP complaint.

PHCP03/12/83116 - Loud music - resident lives on Brent Street - afternoon - 12:30 - Stat nuisance witnessed

PHCP03/12/83117 - 2012 11:30 am - noise from setting up bouncy castle, nfa comp dealt with hotel instead.

Although the marquee will not be in use after 22:30 in the past complaints have been made by neighbouring properties during the day so it's not so much the times of use but more the activities that could increase nuisance complaints.

There is no objection to the marquee but no speakers should be in the marquee as it provides no attenuation. I would advise prohibiting music in the marquee or ensure it is controlled to be low level so not heard by surrounding properties.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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.

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, DM04

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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.

5.3 Assessment of proposals

Introduction

A similar application was refused following planning application ref H/01144/12. Conversely, the applications sought planning permission for an increased number of 40 events per year and was refused by reason of its siting, size, length of time for which it is required and associated general activity.

This application now proposes a reduction from 40 to 10 events, the dismantling of the marquee after each event, a reduction in floor area of the marquee and confirmation that the marquee and the usage would only take place on weekends.

Impact on the character and appearance of the area

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The area at the rear of the property is an open tarmac area which is currently used as a play area. A standard marquee would be of a conventional canvas construction and would be erected, dismantled and removed from the site on events days. The marquee would have a width of 13.9m and a depth of 21m. It would be 16m from the western boundary with 17 Elm Park Avenue. Its siting relative to the area in which it would occupy in conjunction with its ancillary use confined to events days is not considered to adversely impact the character and appearance of the host property and local area. In addition, given the process of demounting after every event, the impact on the character and appearance of the area and its relationship with the existing buildings on the site would be limited and acceptable.

Impact on the listed building

The use of the marquee would be limited, intermittent and temporary. It would not be attached to the listed building and would interfere with the fabric of the listed building. The limited frequency of the installation of the marquee would ensure that the setting, interest and value of the listed building would not be harmed and there would not be any impact on this.

Impact on the amenity of adjoining occupiers

The principal amenity impact arising from the development would be the noise levels that would occur given the location of the marquee close to the boundary with Elm Close and Elm Park Gardens properties. The nearest adjoining property is no 17 Elm Park. The

marquee would be set away a distance of approx. 20m from this neighbouring occupier, approx. 50m from No 1 Acacia Court and approx. 30m from nos. 6 - 10 Goodyers' Gardens. Given these distances it is considered that there would be little or no impact in regards to loss of light, outlook and privacy

The marquee is to be used for receptions associated with Sabbath days on up to 10 events per year. According to the Planning Statement, the marquee would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities and would operate between 11.00am - 22.30am with set up from 08.00am. Objections have been received in relation to this application concerning the noise impact. In addition, Environmental Health are in receipt of some occasional noise complaints. Finally, a planning application was refused in 2012 for the erection of a marquee for over 40 events per year because of the likely impact on neighbouring properties. As such, the reduction in the number of events to just 10 per year would constitute a significant improvement on amenity grounds which would limit the impact. It should be noted that The Town and Country Planning (General Permitted Development) Order 2015 at Part 4 Class B permits the temporary uses of land on 28 days per year as well as the erection of any moveable structures associated with the use. In effect, planning permission is deemed to be granted through the Order for the use of the land and the marquee.

Environmental Health has reviewed the application and given the level of past noise and nuisance complaints as a result of events on site, strongly recommended a condition prohibiting amplified sound or music to ensure that noise levels are controlled for the benefit of surrounding residential properties.

Despite the objections received against this application, with the use of conditions set out at the top of this report to limit amplification of speech, music and noise the principal source of noise would be limited to normal levels of conversation and occasional raised voices generated within the marquee. No amplification of speech, sound or music would occur. The applicant has advised that the marquee would be acoustically lined and a sound report accompanies the application.

Although issues have been addressed in the submitted supporting planning statement insofar as noise calculations of unamplified noise emissions from associated general activity given that objections have been submitted on the grounds of noise, disturbance and traffic issues, conditions have been attached to ensure the attenuation of these circumstances. A breach of these conditions would therefore result in the LPA being able to consider whether taking action would be appropriate.

Impact on highways

The hotel (and the chapel) is accessed from Brent Street and car parking is provided directly from Bethel Close. The proposed development would benefit from access to car parking. The use of the marquee would be for Sabbath. On the Sabbath, there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. Attendees benefit from good public transport facilities. The 83, 240, and 183 routes pass the site, which travel between Golders Green Station, Edgware, Pinner, Wembley and Ealing. Within 5 minutes' walk lies Hendon Central Underground Station. However, there would be 20 car parking spaces at the venue. It is therefore considered that there would not be any harmful highways impact.

5.4 Response to Public Consultation

All material planning considerations have been addressed accordingly in the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

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

APPENDIX

Site Description:

The site is the former Pillar of Fire Society, 19 Brent Street within the ward of West Hendon. However, the building is now principally a hotel although a chapel still exists on the site which is separate from the hotel. The site is located on the south-west side of Brent Street. The site is located approximately 200m south-east of Brent Street District Town Centre.

The general locality of Brent Street is primarily residential with a mixture of dwellings and flats, with a small number of commercial premises. Buildings vary in size and scale but these include two storey dwellings and residential blocks of 3-4 storeys. To the south of the site are two storey dwellings on Elm Close and Elm Park Gardens, similarly to the north-west are two storey dwellings on Goodyers Gardens. Immediately to the west of the site is Acacia Court, a three storey block of flats. To the south-east is Hendon Adath Yisroel Synagogue.

The site has historically been used as a church with associated bible school and home 'for the rehabilitation of fallen women'. In more recent years, rooms were provided by the Society for those in need of short-term accommodation, with some dormitory-style rooms, with the provision of shared facilities including dining facilities. This use was akin to a hostel, as a significant level of care does not seem to have been provided. There are 4 self-contained flats within the building, two of which are occupied by persons employed by the hotel while two are occupied by Assured Shorthold Tenants. One flat on the western side of the quadrangle and which predominantly overlooks the hard surfaced area to the west and the siting of the proposed marquee is directly affected by the proposal.

The building predominantly features a quadrangle with a central open courtyard and a coach house style building to the north. There are areas to the immediate west and north which are undeveloped and are used as car parking. The former chapel building is a Grade II listed building and the remainder of the site is listed by association with the chapel. The building dates back to 1893. Permission was granted to convert part of the site to a 22 bedroom hotel under reference H/02272/10 and the site is now being used to serve this purpose.

A planning condition was imposed on the planning permission to restrict the permitted development rights associated with temporary uses of land and structures on that land which is now addressed by Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended). The purpose of this condition is not to set out a presumption against the acceptability or otherwise of any marquees (or events) on the site but to allow the decision maker (the local planning authority) to exert control over the nature of events and temporary structures on the site, given that permitted development rights permit 28 days of usage in any given year.

Reason for this annex report

At the meeting of the Hendon Area Planning Committee on 17 October, it became apparent that the impact on neighbouring residential amenity was erroneously assessed. Where it was reported that the nearest residential neighbour was 16 to 17m away, it was demonstrated at the meeting that the nearest neighbour was less than 2m away with bedroom windows directly overlooking the siting of the proposed marquee. Although the meeting was curtailed and no decision was made on the recommendation on the principal agenda report, it was deemed necessary to undertake a site visit to establish these facts.

Officers met with the three nearest residential neighbours on site to give further consideration of the planning implications of the proposed development. The resulting conclusions are set out in the assessment below.

As the meeting was curtailed mid-item on 17 October 2017, protocol requires that the item must be reconsidered. However, as officers - in light of the new information - intend to bring forward a different recommendation, guidance has been sought as to the required procedure going forward. It has been agreed that the original agenda report with original recommendation (to approve) is presented to the agenda of 30 November 2017, this report should be appended by an additional report which amplifies the officers' revised position with an alternative recommendation and relevant justification. This is put forward for Members' discussion with a view that the new recommendation will also be subject to a vote by Members.

Assessment:

Impact on the amenity of adjoining occupiers:

The proposed marquee would be used in relation to events being hosted by the hotel although the primary connection would be in relation to the chapel. The applicants' documentation states that the marquee would provide capacity to accommodate up to 175 people. It would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities and would operate between 11.00am - 22.30am on Saturdays (Sabbath) with enabling set-up from 08:00am for the purpose of religious functions. The marquee would be sited to the south of the site, and is some distance from the Chapel. It would be of limited visibility from any public viewpoint on Brent Street though would be more visible from Elm Park Gardens and Elm Close.

New material introduced at the committee's hearing of the 17th October 2017 revealed the presence of self-contained residential units within the grounds of the Pillar Hotel immediately adjacent to the siting of the proposed marquee. The former report presented at October's committee incorrectly denotes the nearest neighbouring property to be no. 17 Elm Park, which adjoins the application site at the rear on Elm Park Gardens and is set away a distance of approx. 20m. A site visit therefore ensued on the 31st October 2017 and intended to establish the relationship between the on-site dwelling and the marquee proposal, which has been omitted in the former planning assessment, however provides new and significant implications on the amenity of a residential neighbouring property.

It transpires that Flat no.3 is currently occupied by private occupiers whilst other units are occupied by staff members of the Pillar Hotel. Flat no.3 is a 1 bed self-contained residential unit. Each room including the bedroom, living area and study is single aspect. The bedroom overlooks the site of the proposed marquee as does the living room. The opening in the north eastern elevation directly faces onto the open cloister of the Chapel at a distance of approx. 2m and the opening in the south western elevation faces onto the open tarmac area intended for the marquee. This opening would set away approx. 2.5m from the marquee proposal. In addition to this, the bedroom is single aspect and therefore only served by 1no. window opening in the western flank wall and would be obscured from view at a distance of approx. 1.5m from the marquee.

It is considered that the close proximity to habitable room openings of flat no.3 would be insufficient to negate the level of impact upon the occupiers of this unit. The siting, scale and close proximity of the marquee proposal in respect of the aforementioned window

openings would unduly give rise to a loss of light, outlook and an increased sense of enclosure to these occupiers.

In addition, the siting in respect of Flat no.3 and the length of time for which the marquee would be required and associated general activity, although the statement identifies that no amplified sound would occur, would be likely to have a harmful impact on the residential amenities of this neighbouring occupier in terms of considerable noise and disturbance. The proximity of the marquee and the creation of a pedestrian corridor for staff and guests along the perimeter of the marquee would facilitate comings and goings immediately outside of noise sensitive windows. These movements are potentially harmfully noise generating in themselves and could contribute to loss of privacy and loss of security. Despite the no amplified sound or music condition imposed on the original recommendation, it is considered that the proposed development's proximity to these windows would facilitate the transmission of noise that would be fundamentally unacceptable.

The new evidence provides new implications for the development and its impact on the residential amenity in the context of the development plan policies, which are significant issues relevant to the planning decision. Sufficient evidence has been demonstrated to outweigh the former reason for approval on the basis of impact upon the residential amenity of Flat 3.

Conclusion

The proposed development would therefore generate an unacceptable level of harm for the existing occupiers of the adjoining residential unit. Although the effect would be to only one residential unit, it is considered that this harm would be so significant as to outweigh the benefits that the erection of the marquee would bring about to the local economy and to the commercial benefit of the hotel.

Recommendation

Notwithstanding the consideration of the application in the principal report, the conclusions reached and the recommendation put forward, the proposed development is considered harmful, contrary to policy and therefore is recommended for **REFUSAL**.

Reason

The proposed marquee, by reason of its siting in relation to adjoining residential noise sensitive windows, its size, noise and associated general activity would have a harmful impact on the residential amenities of neighbouring residents. It would be contrary to policies DM01 and DM04 of the Development Management Policies (2012).

Location **37 Church Road London NW4 4EB**

Reference: **17/4534/FUL**

Received: 14th July 2017

Accepted: 25th July 2017

Ward: Hendon

Expiry 19th September 2017

Applicant: PINDIS DEVELOPMENTS LTD

Proposal: Change of use from class A1 to Class A3 including single storey rear extension and installation of an extraction flue to the rear elevation

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 10-001, 10-002, 10-003, 11-001, 11-002, 11-003, 11-004, 11-005, Empire Lettings London Report.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (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) 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 for the storage of food waste where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 The level of noise emitted from the (specify machinery) plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 8 a) Once approval has been granted, a report must be carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

- 9 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
- b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with

- 10 That the hours of operation of the restaurant (A3) use shall be from 12.00pm - 10.30pm daily and no members of the public should be within the premises outside of these times.

Reason: To ensure that the operation does not prejudice the enjoyment of the occupiers of their homes or business premises in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

- 11 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative(s):

- 1 The following submitted plans: 10-001, 10-002, 10-003, 11-001, 11-002, 11-003, 11-004, 11-005, Empire Lettings London Report.
- 2 In accordance with paragraphs 186 and 187 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.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2800 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 £2800 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a ground floor retail unit location on Church Road; it forms part of the Brent Street Town Centre Secondary Shopping Frontage and lies within the Hendon ward. The first floor 37A Church Road is in use as a self-contained residential flat planning reference H/00495/10. Church Road is a road of mixed character, predominantly comprising of commercial units below with residential units above. There are residential properties opposite and to the rear of the site (on Ravenhurst Avenue).

The application site is a two storey building which is situated within a group of terraced properties (no's 37-47) Church Road. It is sited adjacent to a similar sized two storey building no 39 to the east of the site. During the site inspection, it was verified that the property is currently vacant and the agent claimed the last use to be as an A1 sandwich shop.

No's 41-47 Church Road form single storey commercial premises on Church Road, while the upper residential floors are set back from the front building line. In addition, no's 41-47 Church Road, built single storey rear extensions up to the rear boundaries of their sites. With regard had to the application site, it will accommodate a rear garden and thus, the single storey rear extension is set approximately 7.5m away from the rear boundary of the site.

The property is not a listed building and does not fall within a designated conservation area.

The property is lawfully in use for A1 at the ground floor level. The property has previously been used as an A3 use, which has ceased trading.

2. Site History

Reference: W05354

Address: 37 Church Road London NW4

Decision: Approved subject to conditions

Decision date: 5 November 1976

Description: Garage

Reference: W05354B

Address: 37 Church Road London NW4

Decision: Approved subject to conditions

Decision date: 26 March 1996

Description: Internally illuminated display panel to replace existing panels on side elevation

Reference: H/02387/11

Address: 37 Church Road, London, NW4 4EB

Decision: Refused

Decision Date: 11 August 2011

Description: Proposed covered outdoor area to rear of existing A1 commercial property using permanent structure.

Reference: H/02772/13

Address: 37 Church Road, London, NW4 4EB

Decision: Unlawful
Decision Date: 5 August 2013
Description: Erection of a new marquee to the rear of shop.

Reference: 15/04019/FUL
Address: 37 Church Road, London, NW4 4EB
Decision: Refused
Decision Date: 03.09.2015
Description: Rear extension and change of use from A1 to A3
1 reason for refusal:

Lack of Marketing Evidence

The applicant has failed to provide sufficient evidence to demonstrate that this A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use. In the absence of such marketing information the proposed change of use would detract from the retail function of this frontage and would have a detrimental impact on the vitality and viability of Brent Street town Centre, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Adopted Core Strategy (2012) and policy DM11 of the Adopted Development Management Policies DPD (2012).

Reference: 16/6442/PNC
Address: 37 Church Road, London, NW4 4EB
Decision: Prior Approval Required and Refused
Decision Date: 17.11.2016
Description: Change of use from Class A1 (Retail) to Class A3 (restaurant.)
3 reasons for refusal:

Noise

Insufficient information has been provided in relation to noise, in the absence of this information the development does not ensure that the amenities of occupiers are protected from noise contrary to Policy DM04 of the adopted Development Management Policies DPD (2012).

Odour

Insufficient information has been provided in relation to noise, in the absence of this information the development does not ensure that the amenities of occupiers are protected from odour contrary to Policy DM04 of the adopted Development Management Policies DPD (2012).

Impact on vitality and viability

The proposed scheme resulting the loss of a retail unit would be detrimental to the vitality and viability of Brent Street Town Centre. The proposals would be contrary to policy DM11 of the Adopted Barnet Development Management Policies 2012.

3. Proposal

The proposed development is for the change of use from class A1 vacant (sandwich shop) to class A3 (restaurant). The vacancy occurred from 2 July 2017. In addition, the proposal is for the erection of a single storey rear extension measuring 4.5m deep x 7.5m wide x 3m high incorporating a flat roof. The single storey rear extension will provide for a kitchen and one door and three windows in the rear elevation and is sited to the rear of no's 37 and 39 Church Road.

The site area is 190sqm; existing floor area is 60sqm and the proposed floor area is 80sqm. The restaurant will have five full time and 3 part time employees. There is no existing parking on site however, the proposal will provide for three new car parking spaces. No parking arrangement details have been provided with the submission.

Further, the applicant is applying for the installation of an extraction flue to the rear elevation of no 37 at ground level. The flue will be internal and the vent at the rear as a condenser unit. Environmental health officers have provided comments and attached conditions to mitigate the amenities of occupiers of neighbouring properties.

4. Public Consultation

Consultation letters were sent to 171 neighbouring properties. 20 responses have been received, comprising 20 letters of objection.

The objections received can be summarised as follows:

- Concerns regarding opening hours, entertainment, refuse, parking, congestion, noise, nuisance, health, pollution and odour impacts of the proposal
- No fire exit or refuse area left for 39 Church Road with proposed rear extension
- The proposed extension is out of keeping with the surrounding area
- The change of use will result in significant adverse impacts on amenity
- Devalue surrounding properties, area congested and overdeveloped

Consultation-Environmental Health

Environmental health officers had raised three concerns as follows; noise from the plant, impact of noise from ventilation and extraction plant on development and kitchen extraction equipment. The officers had introduced mitigation measures to ensure the proposed development does not impact on the amenities of occupiers of neighbouring properties.

Environmental Health had approved subject to appropriate conditions. This will be discussed in the amenity section of the report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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.

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, DM04, DM11, DM12, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- 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 April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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 it would impact on highways
- Whether it would impact on the vitality and viability of the town centre
- Whether the visual impact of the flue would impact on the amenity of neighbouring occupiers

5.3 Assessment of proposals

Impact of the extension and flue on the character and appearance of the area

Planning permission is sought for the erection of a single storey rear extension with a depth of 4.5m deep x 7.5m wide x 3m high incorporating a flat roof. The single storey rear extension would be finished in brick to match the existing building. The single storey rear extension is set approximately 7.5m away from the rear boundary of the site and would extend to the rear of no 39 Church Road. The rear garden occupies approximately 53sqm of outdoor and usable amenity space.

With regard to the full width single storey rear extension, it is sited to the rear of the property and is not visible from Church Road. Furthermore, when viewed from the rear of properties on Ravenshurst Avenue and the rear gardens of neighbouring dwellings, the extension appears as a relatively modest and proportionate addition to the existing building. Moreover, the majority of the rear gardens are developed in the form of single storey rear extensions built up to the boundary of sites (27-31 and no's 41-47, Church Road), such that the application site does not appear overly developed.

The single storey rear extension would be built in brick and materials and finishes would match the existing building and as such would appear in keeping with the existing building and surrounding properties within the vicinity of the application site.

The extension would not harm the character or appearance of the area and accords with policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document (2012), Policies DM01 of the DMP and the Residential Design Guide, 2016. These policies, taken together, seek to ensure good design and that new development makes a positive contribution to the character and appearance of an area.

Principle of change of use and whether the proposals would have an acceptable impact on the vitality and viability of the town centre

Policy DM11 advises that the Council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the secondary frontage below 65% will not be permitted. The proposal should not create an over-concentration of similar uses which detract from the retail function of the town centre. Change from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. When it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses. Conversion of any Class A use to a community use will be expected to present an active frontage at ground floor and be able to demonstrate a

similar weekday footfall to Class A1 use. All alternatives to Class A1 use will be subject to amenity impacts.

No retail survey had been provided by the agent. Upon the Case Officer's own retail survey of the secondary frontage of Brent Street Town Centre the proportion of class A1 retail uses within the secondary parade is 59% which is substantially below the 65% as specified under policy DM11.

The previous planning application (reference 15/04019/FUL) had been refused because the applicant failed to provide sufficient evidence to demonstrate that this A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use.

In the absence of such marketing information the proposed change of use would detract from the retail function of this frontage and would have a detrimental impact on the vitality and viability of Brent Street town Centre, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Adopted Core Strategy (2012) and policy DM11 of the Adopted Development Management Policies DPD (2012).

However, the agent has provided a marketing report prepared by 'Empire Lettings London'. Background research had been carried out and a number of companies had been contacted however, due to the lack of footfall had not yielded investment. The agent had approached smaller businesses in the local area, who were only interested in A3 use due to its location within close proximity to the Middlesex University and the Claddagh Ring. Since March 2015 extensive marketing had been carried out which involved; onsite board, marketing brochure, email campaign to our database, in-house property particulars were prepared with details of the property were placed on our company website, particulars were distributed via email to our company database of companies, agents, corporations and individuals, erected a large 'To Let' board on site. The outcome of the marketing campaign resulted in two viewings and one offer of £25,000 for ownership of lease was on condition of A3 license being obtained. When the interested party viewed previously refused change of use applications to A3, the interested party had lost interest.

In light of the marketing evidence, there was no interest in the use of property for A1 use and there was a likelihood of the premises being used for A1 in the short to medium term. On balance, the use of the premises as an active A-class frontage within a town centre is preferable to a vacant unit.

Impacts on Residential Amenity

The proposed single storey rear extension is sited adjacent to relatively deeper single storey rear extensions. Given the modest dimensions for the proposed extension at single storey level, it is considered that it would not result in a loss of light or appear overbearing to the detriment of the amenities of neighbouring occupiers.

Moreover, the single storey rear extension is sited approximately 7.5m away from the rear boundary of the site, an extensive distance of approximately 18.5m from the nearest residential property no 2 Ravenshurst Avenue. Given the adequate separation distance and modest addition to the existing property, it is considered that it would not harm the amenities of occupiers at no 2 Ravenshurst Avenue.

The proposed extension will result in a new entrance to the rear of the A3 unit to provide access in and out of the kitchen area to the rear of the property. The new rear access is for commercial use and as such would not result in obstruction to the uses of operation of the neighbouring commercial unit at 35 Church Road, nor would it be considered out of character with the street scene.

The applicant had not suggested opening hours in the application form. However, opening hours will be secured by way of condition to ensure the opening hours are similar to opening hours for other commercial uses along this stretch of Church Road. The opening hours will be 12.00pm - 10.30pm daily and this will ensure that the operation does not prejudice the enjoyment of the occupiers of their homes or business premises in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

The proposed extraction flue is to be sited at the rear of the premises and it would be internal and as such, it would minimise any possible impact on the residential units above. The nearest residential property to the rear is no 2 Ravenshurst, sited approximately 18.5m away from the rear of the application site. However, the extraction flue is likely to give rise to odour and noise and as such, the applicant's information has been assessed by environmental officers who have expressed support for the scheme subject to attached conditions. Once the attached conditions have been discharged this will minimise any potential impacts on neighbouring properties. Upon consideration of the above, the proposed extraction flue will have minimal impact on the amenities of neighbouring properties.

The Councils Environmental Health Department have been consulted and have no objections to the proposal for the replacement of an extraction flue at the site subject to specified conditions which are attached to this decision.

Highways and refuse storage

Parking and car access arrangements will remain unchanged. There are no on site parking spaces. There is in adequate parking on nearby streets however the local passenger transport accessibility will ensure that the private vehicle trip generation and parking demand will be manageable locally. The site is situated within a local centre and clustered with other highly intensive uses such as Middlesex University, Hendon Town Hall and other businesses in the area.

Refuse storage appropriate to a hot food premises will be secured through planning condition.

5.4 Response to Public Consultation

- Concerns regarding opening hours, entertainment, refuse, parking, congestion, noise, nuisance, health, pollution and odour impacts of the proposal

It is considered that the above issues could be addressed through the use of planning conditions.

- No fire exit or refuse area left for 39 Church Road with proposed rear extension

The applicant has confirmed that the curtilage of the site entails the rear of 39 Church Road on the Site Location Plan and has signed Certificate A to confirm it is in the

applicants ownership. Therefore, given this has been in existence it is not a matter for officers to consider as part of this planning application.

- The proposed extension is out of keeping the surrounding area

This concern has been addressed in the assessment above.

- The change of use will result in significant adverse impacts on amenity

This concern has been addressed in the assessment above.

- Devalue surrounding properties

This is not a material planning consideration

- Area congested and overdeveloped

This concern has been addressed in the assessment 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

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the vitality and viability of the Town Centre shopping area. The applicant has justified the change of use from an A1 to A3 use in the marketing report prepared by 'Empire Lettings London'. The proposed single storey rear extension would appear subservient to the building and respect the character and appearance of the surrounding area to an acceptable level. The single storey rear extension is not considered to have an adverse impact on the amenities of neighbouring occupiers. Further, the proposed extraction flue would result in noise and odour however, these impacts are considered minimal, secured by way of conditions and as such, would not harm the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

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Location **Spectrum House Hillview Gardens London NW4 2JR**

Reference: **17/6496/FUL**

Received: 13th October 2017

Accepted: 16th October 2017

Ward: Hendon

Expiry 15th January 2018

Applicant: Crocus Field Ltd

Proposal: Demolition of existing buildings and redevelopment of the site to provide a part three-storey, part two-storey residential building with basement parking area to provide 32 flats and associated private and communal amenity space. Provision of 40 car parking spaces

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

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

6199-PL-001 (Location Plan)

6199-PL-103 (Site Plan)

6199-PL-104 (Ground Floor Plan)

6199-PL-105 (First Floor Plan)

6199-PL-106A (Second Floor Plan)

6199-PL-107 (Roof Plan)

6199-PL-108 (Basement Plan)

6199-PL-109A (Front & Rear Elevations)

6199-PL-110A (North & South Elevations)

6199-PL-111 (Streetscene)

6199-PL-112A (North & South Elevations Indicating Existing Building and previous applications)

6199-PL-113A (Site Sections From the North and South)

PL.0100 (Location and Block Plan)

PL.0101 (Existing Floor Plans)

PL.0103 (Existing Elevations)

Design and Access Statement (received 13.10.2017)
Energy Statement (received 13.10.2017)
Geo-Environmental Desk Study / Preliminary Risk Assessment (received 13.10.2017)
Planning Statement (received 13.10.2017)
Planning Viability Assessment (received 13.10.2017)
Transport Statement (received 13.10.2017)
Utilities Statement (received 13.10.2017)

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is occupied.
- 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 April 2013) and 7.21 of the London Plan 2015.

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the development, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

- 7 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 8 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

10 Part 1

Before development commences other than for investigative work:

a) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- Qualitative Risk Assessment by Jomas Associates Ltd recommends further investigations.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

c) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

11 The development hereby approved shall not commence (other than demolition works) until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 13 Before the development hereby permitted is occupied the car parking spaces and the access to the parking area as shown on Drawing Nos. 6199-PL-104, 6199-PL-108 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 14 The building shall not be occupied until the details of the vehicular access has been submitted to the highway authority for approval and shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 Before the development hereby permitted is occupied details of the Electric Vehicle Charging Points with 20% active and 20% passive shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the Electric Vehicular Charging provision is in accordance with the London Plan requirements.

- 16 Before the building hereby permitted is first occupied the proposed first floor window(s) in the west elevation facing the rear gardens of Albert 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 April 2013).

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 18 The level of noise emitted from the extraction/ventilation plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 19 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).

- 20 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.

- 21 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36.7% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and the proposed 3 flats (10%) constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £88,585 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 £341,685 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

3 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.

4 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 2017. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide confirmation that an asbestos survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

5 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- 6 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Noise Levels - For information

Please supply the following information for all extraction units (including air conditioning, refrigeration):

1. The proposed hours of use of the equipment.
2. The sound pressure levels of the ventilation/ extraction system to be installed in decibels dB(A) at a specified distance from the equipment.
3. Details of where the equipment will be placed i.e. within or outside of the building, marked on to a scale map.
4. Details of silencers to be fitted, and other sound insulation measures to reduce any noise impacts on neighbours including their noise reduction in dB(A).
5. Distance away from noise

- 7 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 8 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 9 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.
- 10 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning & Regeneration Directorate. This may involve relocation of any existing street furniture and would need to be done by the Highway Authority at the applicant's expense. Estimate for this and any associated work on public highway may be obtained from the Environment Development and Regulatory Services, Barnet House, 1255 High Road, London N20 0EJ.
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 12 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 13 The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

Officer's Assessment

1. Site Description

The application site comprises of part two and part three storey commercial buildings located on the western side of Hillview Gardens, within the ward of Hendon.

The buildings on site follow a broad 'T' shape footprint. Along the front of the site, there is a two- storey, brick-built building which occupies the majority of the width of the site and its current lawful use is as an office. The central element has a hipped pitched roof with flat-roof wings on either side. There is a small landscaped area between the front of the building and the public highway. Within the rear corner of the site, there is another office building of part two and part three storeys in height which sits on the immediate side and rear boundaries. Centrally at the rear of the site, there is a large warehouse building which has several stepped pitched roof elements, but has a similar height of the adjacent three storey office building and runs along the rear boundary with the garden of Albert Road.

All of the buildings on site are currently unoccupied. There is an existing vehicular access to the southern part of the site which runs between the existing buildings and no. 92 Hillview Gardens.

The area is characterised by two storey buildings, predominately residential houses, with flats at Vincent Court, Whiteways and a college (Schaeffer House) to the north.

2. Site History

Reference: 17/6496/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Refusal

Decision Date: 7 August 2017

Description: Demolition of existing buildings and redevelopment of the site to provide a part three-storey part two-storey residential building with basement parking area to provide 33 flats and associated private and communal amenity space. Provision of 40 car parking spaces.

Reference: 15/03198/FUL

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Approved following legal agreement

Decision Date: 1 March 2016

Description: Demolition of existing buildings and redevelopment of the site to provide a new three storey residential building with basement parking area to provide 27 flats and associated private amenity space

Reference: H/01429/14

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Approved

Decision Date: 1 May 2014

Description: Change of use of buildings A and B from B1 office to C3 residential

Reference: H/05989/13

Address: Spectrum House, Hillview Gardens, London, NW4 2JR

Decision: Prior Approval Required and Refused

Decision Date: 11 February 2014

Description: Change of use from B1 office to C3 residential (23units)

3. Proposal

This is a resubmission following the refusal of planning permission by Hendon Planning committee at the July 2017 meeting. The refused scheme, as detailed in the Officer Report to committee, was for the following development;

"The proposal seeks the redevelopment of the site, following the demolition of the existing buildings, to provide a new three storey residential building with basement, comprising of 33 flats, off-street parking, and associated and communal amenity space."

This application was refused for the following reason:

1. The proposed development by virtue of its size, scale, bulk and massing including its proximity to the rear boundary with Albert Road and overall intensification of the site would give rise to an overdevelopment of the site, harmful to the visual amenities of the site and surroundings and also to the residential amenity of adjoining occupiers in Albert Road and Hillview Gardens. As such, the proposed development would be contrary to policies DM01 and DM02 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Adopted Local Plan Core Strategy (2012).

As stated this is now an amended scheme for the demolition of the existing buildings and provision of a new three storey residential building with basement, comprising of 32 flats, off-street parking, and associated communal amenity space. The main alterations are;

- Reduction in the number of units from 33 to 32;
- Reduction of two/three storey element on the rear elevation of the central projection;
- The proposal would provide 10 x 1 bedroom, 17 x 2 bedroom and 5 x 3 bedroom units.

The application has been amended during the course of the application, which includes the following:

- Depth of roof terrace to S04 reduced by 1m;
- Depth of roof terrace to S05 reduced by 0.7; and
- Height of privacy screens to S04 and S05 reduced to 1.8m.

4. Public Consultation

Consultation letters were sent to 236 neighbouring properties.

38 responses have been received, comprising 38 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site;
- Loss of employment;
- Development of 32 flats is not sustainable;
- Design and scale not in keeping with the character;
- Mix of proposed units is not appropriate;

- Overbearing and visually intrusive;
- Overlooking;
- Loss of privacy and sunlight;
- Noise pollution;
- Insufficient parking; and
- Lack of infrastructure

Environmental Health - No objections subject to conditions

Local Flooding Authority - No objections subject to conditions

Traffic and Development - No objections subject to conditions

Thames Water - No objections subject to conditions

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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.

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, CS8, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)
Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redevelopment and loss of employment floorspace;
- Affordable housing provision;
- 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;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any other material considerations.

5.3 Assessment of proposals

Principle of development and loss of employment floorspace

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

From the site history, it is noted that prior approval has been granted to convert part of the site to residential use under reference H/01429/14 for the conversion of the premises to 23 residential units. In 2015, under planning permission reference 15/03198/FUL to redevelop the site, a 'Sustainability Study for Continued Commercial Use' was submitted in support of the loss of the employment use. This report stated that the property had been marketed since 2008 and due to the site's location within a residential area; it is considered less attractive for commercial occupants. In its assessment, the Planning Authority accepted that active marketing had been undertaken and that there were a number of factors which would restrict the potential for future employment on this site. As such, the loss of employment was considered acceptable.

Taking into account that the loss of employment has been previously accepted under 15/03198/FUL and 17/2261/FUL, the current proposal is not considered to conflict with Barnet policy DM14.

Affordable housing provision

In accordance with Barnet policy DM10, new housing developments are required to provide 40% of affordable housing on site. Only in exceptional circumstances will a reduction in affordable housing be accepted. Where a reduction is sought, the Planning Authority will seek that a viability report is submitted to justify the reduction and that the report is independently assessed.

The applicant has provided a financial viability statement in support of the scheme which states that it is not viable for any affordable housing to be provided. This has been reviewed independently by DVS who commented that there were limited differences in the outcome of the two appraisals but confirmed that the site remains unviable. It is noted that the significant proportion of the build cost relates to the construction of the basement which has a significant impact on the site's viability. The independent review confirms that it is not viable for the proposals to provide affordable housing on the site.

The submitted viability report is still considered to be valid and therefore, the requirements of policy DM10 are considered to be met and no affordable housing is able to be provided within this application.

Impact on the character and appearance of the existing site, streetscene and surrounding area

At present, the site consists of a two storey building across the front of the site, with a three storey building and a large warehouse sited at the rear. The area surrounding the application site mostly comprises of two-storey residential properties.

Redevelopment of the site for 27 flats was previously granted and therefore the proposed scheme for 32 flats is in principle considered to be acceptable subject to the proposal being found acceptable in other policy aspects.

Density

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. The proposal would provide 32 units with a total of approximately 94 habitable rooms.

This is only a minor alteration to the application that was before committee (33 units/ 96 habitable rooms). The site measures 0.2ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 448 hr/ha and 152 u/ha (480 & 165 previously), which would still be in excess of the London Plan standards. However, while the proposed figures are larger than the advised ranges, it is advised that this should not be applied mechanistically and should also take into account a number of considerations, such as local context, design, open space and transport capacity. The proposed density is still considered acceptable in policy terms.

The proposal development would once again provide a mix of dwelling types, comprising 10 x 1 bedroom, 17 x 2 bedroom & 5 x 3 bedroom units. Planning Officers do not raise any significant issues with the proposed mix of units.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Layout

The layout of the proposed scheme is considered to broadly follow the layout of the existing buildings with a main front element across the site and a central rear projection. The proportion of built form to open space/landscaping is considered to be acceptable and provides a suitable visual buffer.

The proposed front building line would be staggered between that of 92-94 Hillview Gardens and Whiteways and is considered to provide an appropriate transition within the streetscene.

Scale and massing

The proposal consists of a part two and part three storey building, with the third storey stepped back at the front and rear elevations. While the predominate character of the area is two storeys, the site sits at a lower level compared to the surrounding adjacent sites, and allows for provision of a three storey building which sits at a lower level than the adjacent properties on Hillview Gardens. The properties at the rear on Albert Road also are at a significantly higher level than the site and when viewing the proposed section drawings illustrate that the proposed buildings would not appear out of context in terms of scale and massing compared to the existing buildings on site.

The overall massing has been further reduced in this application with the depths of the first and second floors being further reduced away from the rear boundary with Albert Road

External appearance

The proposal consists of a flat roof building with brickwork on the ground and first floors, with metal cladding on the second floor. As the predominant material on site will be brick, this is considered to suitably allow the proposal to integrate successfully within the streetscene.

Whilst the proposed undercroft and basement ramp are not characteristic features of the area, the principle of a basement entrance has been accepted by the consented scheme. It was acknowledged that the basement parking was necessary to facilitate the development. In order to help visual integrate this element further, a garage door has been inserted.

Impact on neighbouring residential amenity

The privacy of existing developments should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Design solutions through layout of habitable rooms, window placement and building orientation should be used to address privacy and overlooking issues. Barnet policy DM01 advises that schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

With regards to the reason to refuse consent, the council have clarified that the concern of the planning committee related to the rear section of the central projection and its impact on neighbours facing this projection, on Albert Road. As recorded in the report to committee

"...given that the scale of the proposal would be no greater in height and the central rear projection being set away from the side boundaries by at least 10m, it is not considered

that the proposal would have a harmful impact in terms of loss of light, outlook or overbearing on 92-94 Hillview Gardens, Whiteways or Schaeffer House.

This position has not altered with this scheme and as with the previous application any impact on these local residents would not be highly material. The officer's analysis on impact on residents on Albert Road stated the following;

"In terms of the impact on the properties on Albert Road to the rear, Planning Officers note the impact of the current buildings on site which are built along the shared boundary. These are to be demolished as part of the proposed development. In comparison to the existing impact of the current building, it is considered that the proposal is now less visually overbearing. The proposed second floor would be set back approximately 7-8m from the rear boundary. From the submitted section drawings, Planning Officers do not consider that the proposal would have an adverse overbearing impact or would result in a detrimental level of loss of light or outlook. Due to the site levels, the ground floor windows would lie below the rear boundaries of the Albert Road properties, the first floor windows would all be obscured glazing and the amenity areas on the second floor would be enclosed by privacy screens. For these reasons, Planning Officers do not consider that the proposal would create detrimental levels of overlooking".

Members however expressed concern about the level of impact on residents bordering the site on Albert Road and permission was refused. This scheme has been reduced in order to address these concerns. The first and second floors at the rear have been set further from the common boundary with rear gardens on Albert Road. The distance between the rear elevation and the common boundary/rear facing windows on Albert Road is considered acceptable. As with the previous application rear facing windows on this elevation can be obscure glazed and private amenity areas enclosed by screening. It is the advice of officers' that the amended scheme addresses previous concerns held by the planning committee.

The proposed access to the basement parking is located at the existing access point. In comparison to the commercial use of the access and potential of the associated vehicle movements, the proposed residential use and associated movements are considered to be a lesser impact.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Each of the proposed flats would meet the minimum space requirements.

Each of the units would be at least dual aspect, and Overall, officers are satisfied that the proposed units would have adequate levels of outlook, daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provide per habitable room for flats. The proposal meets these standards.

Highways issues

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

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

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

10x1b	a range of 0.0 to 1.0	0.0 to 10.0 spaces required
17x2b	a range of 1.0 to 1.5	17.0 to 25.5 spaces required
5 x 3b	a range of 1.0 to 1.5	5.0 to 7.5 spaces required

This equates to a parking provision range of between 22 and 43 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 2 which is considered to be a moderate level of accessibility. 40 car parking and 56 cycle parking spaces are proposed for the proposed residential use within the basement parking area. The Council's Traffic and Development service has commented that the proposed parking provision is in accordance with policy DM17.

A 1:10 gradient for the ramped access needs to be provided. Ramp gradient steeper than 1:10 would need to be designed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks most up to date edition.

20% of Active and 20% of passive Electrical Vehicular Charging Points have to be provided in accordance with the London Plan requirements.

A transport Assessment submitted with the application is in response to the previous planning application 17/2261/FUL. However, current planning application is similar to the previous application therefore the TA is still relevant to the submitted planning application.

Revised vehicular and pedestrian access is proposed close to the existing vehicular and pedestrian accesses. The proposed highway work would need to be undertaken under S278 of the Highways Act.

The refuse and recycling bins are to be located in a designated store at basement level. It is proposed that the refuse will be collected from the kerb side. The bins therefore will need to be brought to the back of the public highway within 10m for the Council's Refuse Collection Team to undertake on the day of collection.

Any other material considerations

Sustainability

The Sustainability report submitted concludes that the dwellings will achieve a 36.7% reduction in emissions over what is required by building regulations.

The proposal would meet Part M4(2) of the Building Regulations for 90% of the development and Part M4(3) for 10% of the development, in accordance with the London Plan requirements.

5.4 Response to Public Consultation

- *Overdevelopment of the site* - While the proposed density of the scheme is high, on balance taking into account the existing buildings on site and compliance with all relevant policies, the proposal is not considered to be overdevelopment. A proposal of 27 units was previously considered to be acceptable.

- *Development of 32 flats is not sustainable* - proposal is located within a residential area. The majority of units are 2 bedroom and considered to be appropriate in the context of this location.

- *Design and scale not in keeping with the character* - Considered to be acceptable in this instance.

- *Mix of proposed units is not appropriate* - the proposal consists of 10 x 1 bed units, 17 x 2 bed units and 5 x 3 bed units. This is considered to be acceptable.

- *Overbearing and visually intrusive* - Proposal is considered to be less overbearing than the refused scheme and is suitably amended to address committee concerns. .

- *Overlooking* - In relation to Albert Road properties, the proposed ground floor windows will be located below the boundary fence, the first floor windows will be conditioned to be obscured and the second floor balconies will be enclosed by privacy screening. Furthermore the rear elevation at first and second floor level will now be sited further from the common boundary.

- *Loss of privacy and sunlight* - Through the demolition of the existing buildings, the amenity of the neighbouring residents is considered to be improved. The proposal is not considered to result in overlooking or loss of outlook and as such the privacy of neighbouring properties would be maintained.

- *Noise pollution* - While the proposal represents an increase in the number of people on the site, the proposed use is to be residential and would not conflict with the neighbouring adjacent properties. It is considered that a residential use is more appropriate in terms of noise than the existing commercial use.

- *Insufficient parking* - Further car parking provision has been added to give a total of 40 spaces. The Council's Traffic and Development service has reviewed the proposed highways issues and raises no objections.

- *Lack of infrastructure* - Proposal will be required to pay a Community Infrastructure Levy (CIL).

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

In light of the above appraisal, it is considered that the amended and reduced scheme has addressed the concerns expressed by the planning committee at the July meeting. It is therefore recommended that this application is approved subject to conditions.



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