

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 13TH NOVEMBER, 2018

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Cllr Eva Greenspan
Vice Chairman: Cllr John Marshall

Councillors

Melvin Cohen
Shimon Ryde
Alan Schneiderman
Claire Farrier
Danny Rich

Substitute Members

| | |
|-------------------|-------------------|
| Alison Moore | Jennifer Grocock |
| Kath McGuirk | Anne Hutton |
| Gabriel Rozenberg | Reuben Thompstone |
| | Peter Zinkin |

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

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Decisions of the Finchley and Golders Green Area Planning Committee

15 October 2018

AGENDA ITEM 1

Members Present:-

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

The minutes were approved.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor John Marshall who would arrive late.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

| Councillor | Item(s) | Declaration |
|-------------------|----------------------------------|---|
| Cllr Melvin Cohen | 10 200-210 Golders Green Road | Non-pecuniary interest by virtue of some of the objectors being known to him. |
| Cllr Shimon Ryde | 19 2 Crewys Road | Non-pecuniary interest by virtue of the agent being known to him. Cllr Ryde will leave the room for this application. |
| Cllr Shimon Ryde | 11 23 Golders Green Crescent | Non-pecuniary interest by virtue of family members living next door to 23 Golders Green Crescent |

4. REPORT OF THE MONITORING OFFICER (IF ANY)

NONE.

5. ADDENDUM

Received for items 10, 12, 14, 16 and 17 below.

6. THE HIPPODROME NORTH END ROAD LONDON NW11 7RP 18/4397/LBC

Withdrawn from the agenda for further consideration by officers.

7. 213 - 215 GOLDERS GREEN ROAD LONDON NW11 9BY 18/0579/RCU

The Chairman withdrew this item from the agenda to allow further negotiation with the applicant.

8. 185 WEST HEATH ROAD LONDON NW3 7TT 18/4447/FUL

The Chairman withdrew this item from the agenda to allow further consultation with residents on the amended plans.

9. 1-5 PRINCES PARADE, GOLDERS GREEN ROAD AND 1 - 3 HEATHER GARDENS LONDON NW11 9HS 18/2492/FUL

The Chairman referred this item up to the Planning Committee (next meeting 5th November) as concerns had been raised about the Parking Survey.

10. REAR OF SAGE COURT 200-210 GOLDERS GREEN ROAD LONDON NW11 9AQ 18/4689/FUL

Councillor Marshall was not present for this item.

The Planning Officer presented the report and addendum to the Committee.

No one spoke in objection or support of the application.

Mr Pick, the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) 6

Against (approval) 0

Resolved – the application was **APPROVED**.

11. 176 GOLDERS GREEN ROAD LONDON NW11 8BB 18/3970/FUL

Councillor Marshall was not present for this item.

The Planning Officer presented the report to the Committee.

An objector who had registered to speak was not present. The applicant was present but did not address the Committee.

The vote was recorded as follows:

For (approval) – 6
Against (approval) – 0

Resolved – the application was **APPROVED**.

12. 16 LICHFIELD ROAD, LONDON, NW2 2RE 18/2798/FUL

Councillor Marshall arrived during the presentation of this application so was not permitted to vote.

The Planning Officer presented the report and addendum to the Committee. The additional conditions set out in the addendum were noted.

Ms Katie Law spoke in objection to the application.

The agent for the applicant, Mr Kyriacou, addressed the Committee.

A statement from Cllr Anne Clarke was read out by the Planning Officer.

The vote was recorded as follows:

For (approval) – 3
Against (approval) – 3

The Chairman then used her casting vote in favour of the application.

Resolved – the application was **APPROVED**.

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13. 592 FINCHLEY ROAD LONDON NW11 7RX 18/4404/FUL

The Planning Officer presented the report to the Committee.

Mr Howard Freeman spoke in objection to the application. He also spoke on behalf of Miss Emma Freeman.

Mr Alby, agent, spoke on behalf of the applicant.

The vote was recorded as follows:

For (approval) – 0

Cllr Ryde moved to refuse the application for the reasons below:

The proposed outbuilding by reason of its size, design, siting and proposed use would result in harmful noise and disturbance from associated general activity, resulting in a harmful loss of residential and visual amenity to neighbouring occupiers including the upper flats. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

The motion was seconded by Cllr Schneiderman.

The vote was recorded as follows:

For (refusal) – 4
Against (refusal) – 2
Abstained - 1

Carried – the application was **REFUSED**.

14. REAR OF 147 CRICKLEWOOD LANE LONDON NW2 2EL 18/3403/FUL

The Planning Committee presented the report and addendum to the Committee.

Mrs Atotileto spoke in objection to the application.

Mr Steven Coleman, agent for the applicant, addressed the Committee.

Cllr Farrier moved a motion to add the below condition:

Condition 18: 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 to H of Part 1 of Schedule 2 of that Order shall be carried out within the area of the curtilage of the dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

The motion was seconded by Cllr Ryde.

The vote was recorded as follows:

For (approval) – 7
Against (approval) - 0

Carried – the application was **APPROVED** with the above condition.

15. 261 NETHER STREET LONDON N3 1PD 18/3148/FUL

Councillor Cohen gave apologies and left the meeting.

The Planning Officer presented the report to the Committee.

None of the objectors who had registered to speak addressed the Committee.

The agent for the applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 6
Against (approval) - 0

Resolved – that the application was **APPROVED**.

16. 22 & 24 DOLLIS AVENUE FINCHLEY LONDON N3 1TX 18/4405/FUL

The Planning Officer presented the report and addendum to the Committee.

Mr Melvyn Whyte spoke in objection to the application.

Ms Zoe Donoff spoke in objection to the application.

Mr Julian Sutton, agent for the applicant, addressed the Committee.

Cllr Chairman moved a motion to refuse the application for the following reasons:

The proposed development by reason of its size, footprint, massing, and width would be an overdevelopment of the site, appearing unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policy 2012 and policy CS5 of the Adopted Barnet Core Strategy 2012.

The motion was seconded by Cllr Ryde.

The vote was recorded as follows:

For (refusal) – 5

Against (refusal) – 1

Carried – the application was **REFUSED**.

17. 4 GRANVILLE ROAD LONDON N12 0HJ 18/3188/FUL

The Planning Officer presented the report and addendum (with amended recommendation and amended condition 22) to the Committee.

None of the objectors who had registered to speak were present.

The applicant's representative addressed the Committee.

The vote was recorded as follows:

For (approval) – 4

Against (approval) – 2

Resolved – the application was **APPROVED**.

18. TUDOR COURT 2 CREWYS ROAD LONDON NW2 2AA 18/3299/S73

Councillor Ryde left the meeting for this item.

The Planning Officer presented the report to the Committee.

The applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 5
Against (approval) – 0

Resolved – the application was **APPROVED**.

19. 23 GOLDERS GREEN CRESCENT LONDON NW11 8LA 18/3671/FUL

The Planning Officer presented the report to the Committee.

There were no registered speakers.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 6
Against (approval) – 0

Resolved – the application was **APPROVED**.

20. 127 - 133 HIGH ROAD LONDON N2 8BW 18/3629/RCU

The Planning Officer presented the report to the Committee.

The applicant was present but did not address the Committee.

There were no registered speakers.

The vote was recorded as follows:

For (approval) – 5
Against (approval) - 1

Resolved – the application was **APPROVED**.

21. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

The meeting finished at 8.20 pm

Amenity value

- Mature tree on the edge of Big Wood and adds character to Conservation Area
- Taking it down will leave a void in this part of the Suburb
- Tree has been standing for hundreds of years, it is one of the best trees in the road which has many similar trees, there must be another way of solving this problem without removing a perfectly healthy tree
- Oak tree is one of the pre-Suburb Oaks retained by Raymond Unwin in his masterplan of the estate
- It is one of the trees retained from Big Wood when the Suburb was developed
- This oak is by the path leading into the wood from Oakwood Road and greatly enhances the very well-used entrance to the wood.
- It was identified as a Significant Tree in the Hampstead Garden Suburb Tree Survey
- This important tree which contributes significantly to the character and amenity of the Suburb
- This healthy ancient Oak Tree is a significant part of the local landscape
- The tree is an integral part of Oakwood Road and the Suburb and should be protected
- Neighbours greatly appreciate the beauty, health benefit and amenity value of this highly Significant Tree
- One of a pair of oak trees marking the entrance to Big Wood, and it significantly contributes to the historical protected character of this area, predating it significantly.
- Beautiful old tree of significant local amenity value to residents, visitors and wildlife
- The tree, deliberately retained when the Suburb was developed. makes a significant contribution to the history and character of the Suburb and its wildlife and the environment, and has high amenity value.
- This is a lovely tree (and a pair with an oak in the garden of No.66) and one I enjoy framing my regular walks through Bigwood
- This oak is a wonderful tree. It has provided pleasure to all who see it and adds to the wonderful green space appeal of Hampstead Garden Suburb. We need preserve our mature native trees and not replace them with the latest trend. Established trees weather the dry spells better. This is a garden suburb and not the last minimalist look.
- Together with its fellow oak on the other side of the pathway, the tree creates a glorious canopied entrance to Bigwood.
- The idea of needlessly felling this 250 year old Oak is completely unacceptable! It is healthy, of extremely high amenity value and adds immeasurably to our community. There can be no justification for even considering removing this tree. As a community we have already lost far too many mature trees over the past 15 years without justification. This cannot continue.
- The streetscene will be detrimentally affected. These beautiful Oak trees define the landscape of Oakwood Road and the immediate surrounding area. The tree standing at adjacent to the entrance to Bigwood is matched with another similar Oak. It is essential to keep such trees to ensure the integrity of this special area.
- The houses are mostly more than 100 years old and generally appear visually unchanged. They were built as part of an overall plan that incorporate the views of these ancient trees as part of the streetscene.

- This magnificent tree forms one of the entrances to Bigwood. It has been here far longer than the Suburb or the house whose garden it is in. They should not have bought the house if they planned to have it removed.
- It gives pleasure not only to some of us who appreciate it each day but also to a whole ecosystem.
- It has stood there for nearly a century before the house was built! It is of historic importance being at the entrance of Bigwood which is an important remnant of the original forests that covered all this area.
- The big demand from everybody is MORE trees which improve air quality
- The tree is part of the original landscape of Hampstead Garden Suburb, it shows no signs of disease or damage. It's a twin to the tree at no 66 opening the way into Oakwood Road.
- Felling it would be a crime and disservice to the community and would also lower the value of adjacent properties. The Suburb is known for its leafy surroundings- the recent amount of unnecessary tree felling going on in the Suburb is seriously affecting the landscape, atmosphere and value of the neighbourhood.
- This is an important boundary tree within Hampstead Garden Suburb and it was growing before this house was built. The house was carefully positioned so that the oak tree would enjoy pride of place.
- It is one of the 'original' oaks that predated the building of the suburb and was deliberately retained by the planner, Raymond Unwin. It, alongside other such trees throughout the suburb, forms an essential part of the character of the area and the road, the environmental benefits of such a tree notwithstanding.
- It is an important tree: a large oak at the entrance to Bigwood in the garden of 64 Oakwood Road. It is a pair with an oak in the garden of 66. Both oaks form a key part of the streetscape and landscape and it would be highly detrimental if the oak at number 64 were felled. It is probably 200 years old and pre-dates the houses considerably.
- This ancient and magnificent oak tree. It forms a wonderful pair with its neighbouring oak tree and deserves the strongest possible protection to preserve it for future generations. This tree will support much wildlife as well as being an important statement tree marking the entrance to our wonderful woods at Bigwood.
- It adds hugely to the character of the streetscape, pre-dates the neighbouring properties, and could not be properly replaced. Felling such a tree would be wholly disproportionate and a terrible loss. It must be protected for future generations to enjoy.
- It serves as part of the natural gateway to Big Wood - to lose it would be of great detriment to the surroundings. I believe it to be an Unwin oak which predates the building of the houses in Oakwood Road by many years. People who know better than me will have testified that it is not likely to cause great harm to the property, and indeed its removal is more likely to cause damage. Under the circumstances its removal would be environmentally criminal for reasons which are probably more to do with how the new owner feels about its aspect and relationship to the house
- The house was bought, and originally built, with the tree in place and it should not be removed at the whim of the new owner of the property.
- It contributes hugely to the leafy street scene and provides a clear link to Bigwood, our local much-valued nature reserve.
- This is a beautiful tree in a location where trees are a longstanding and integral part of the area's character and history.
- The tree is a fine old oak, one of a pair marking the entrance to Big Wood from Oakwood Road. It was identified as a Significant Tree in the Hampstead Garden

Suburb Tree Survey, undertaken jointly by the London Borough of Barnet, the HGS Trust and the HGS Residents Association. I would estimate that it is at least 200 years old and long predates the adjacent houses. The tree is visible from along the street and beyond. It makes a very important contribution to the amenity of the locality. It is particularly appreciated by those using the Wood and the path to Northway Gardens and its playground opposite.

- You are of course aware that Hampstead Garden Suburb is a conservation area and internationally renowned example of early town planning and that it was a feature of the original design that not only should the houses be surrounded by gardens and hedges but also there should be generous open spaces and other areas of green and that wherever possible, existing trees should be retained in the design. The majority of Big Wood, which is ancient woodland shown on the earliest maps, was retained as part of the design. This tree is a key feature of the landscape and the original planners clearly intended trees of this stature to be visible between the cottages and seen from the street and their gardens as part of their design. It is an important contributor to the visual amenity of the area.
- Design features such as this are especially valuable because they give the Suburb the appearance of having developed organically over the centuries, with dwellings giving way to important trees such as this fine specimen. Trees of this age are particularly valuable for their contribution to environmental diversity and habitats as well as for their visual amenity.
- The tree contributes significantly to the green street scene
- The tree predates the building of the houses in Oakwood Road by many years and is one of a pair retained, when the Suburb was built, to enhance the entrance to Bigwood.
- We must save our trees in Hampstead Garden Suburb, they are unbelievably valuable to wildlife, have rare and documented lichen and fungi, and are part of an 'oasis' for bats. They are irreplaceable and magnificently valuable to the atmosphere and community

Application submissions

- The evidence to support the case to remove this important tree is scant
- The Building Research Establishment level of damage is identified on the documents submitted (from 2012) as level 2, which is categorised as slight. The latest report does not categorise the level of damage. The appropriate remedy for slight damage is localised repair.
- When the tree is mature and pre dates the house (as this tree does), the felling of such a tree can lead to worse damage (than subsidence damage) due to swelling of the clay
- This risk of such heave damage to 64, 62 and 60 Oakwood Road (and perhaps further properties) has been dismissed in the reports and correspondence without any investigation.
- Before a decision is taken to remove the tree by anyone, it would be prudent to understand details of anti-heave measures incorporated in to the underpinning of 64 and 62 Oakwood Road and the likely effect of heave on those properties and 60 Oakwood Road.
- There should also be an appropriate level monitoring exercise to definitively demonstrate progressive downward movement, rather than current monitoring submitted, which is inadequate in having no deep datum to measure against and a short timeframe lasting barely over one season.

- A tree of this importance requires a very high level of proof that it is the cause of significant damage to no 60 Oakwood Road and that it needs to be removed.
- [The engineer] believe a Heave assessment is unnecessary and on his logic Aviva should be willing to give written 20 year indemnities to the owners of nos. 62, 64, 66 and 68 (all of whom are as near or nearer to the tree than no. 60) for any damage from heave as a result of the tree being removed. The potential cost of this indemnity significantly reduces any extra cost of work required with the tree remaining
- Felling the tree would be out of proportion to the risk and it is not clear that the tree is even responsible
- It is likely that as the tree is older than some of the houses around it there is a significant risk of heave
- Concerned that removal of trees should be requested by residents living several houses away from the actual tree, and of any potential heave issues caused by the removal of such trees to the neighbouring houses
- A tree of this calibre merits strong protection, and should not be felled unless there are entirely compelling reasons for its removal, which is certainly not the case here
- The issue of heave impacting on properties to the left of the path to Big Wood has not even been considered in the application
- To remove such a large tree would probably cause damage through heave to a number of adjacent properties and therefore the application is extremely irresponsible and well as reprehensible.
- The tree was in place when the owner purchased the property. It should therefor come as no surprise to the owner that some tree related expenditure on his property may be required. That is not sufficient reason to cut down the tree. The lawyer who threatened to sue the council shames the legal profession and should be shunned by London residents.
- The supporting papers still do not justify the removal of this tree. As you are aware, it is in the garden of number 64 but the application has come from number 60. Its removal is not justified by the evidence and in addition to the loss of amenity would have an adverse effect on numbers 62, 64, 66 and 68 by risking heave. The cost of any indemnity to those properties would surely outweigh the cost of remedial works to No 60.
- The contribution of this tree to any damage at No 60 seems highly dubious
- There is absolutely no proof which one [of the trees], if any are creating the small cracks. Heave will be immense if you remove these magnificent protected trees and can cause far more damage as they use water for their roots and have created a delicate balance and are extremely valuable in areas such as this where water runs directly down hill to this area from the elevated top of Bigwood Nature Reserve.

Insurance

- House in question should have been aware this is a potential subsidence area and have sufficient insurance to cover their property without having to remove trees on neighbour's properties
- There are other methods to prevent root damage to nearby properties. TPO trees – especially Oaks – in the Suburb are a rare and precious resource and should not be felled or reduced to save money for insurance companies or local home owners
- I am sure various insurance companies would like to fell as many trees as they can but this does not make it necessary
- Tree must be protected against excessive claims by overly reactive insurance companies, who also do not seem to take into account any other factor or the

serious potential heave issues which even more strongly affect closer neighbouring housing, and will not be considered lightly. Would they be willing to indemnify all the neighbours within the radius of influence against damage caused by heave?

- Another lazy and uninformed insurance company trying to take a shortcut.. these trees define the Suburb and cannot be touched
- We have previously objected to the felling of this magnificent oak, and feel frustrated that the wanton behaviour of the insurance company compels us to do so again.
- Too often, insurance seek to fell trees to solve the immediate problem without considering other ways of resolving the situation. Felling this tree will also create the risk of heave to the surrounding properties which could cause far more damage.
- The destruction of a significant amenity to the landscape, streetscape and community of the suburb would have an overwhelmingly detrimental effect, and any inconvenience to the insurer of a particular household should not take precedence.
- Insurance companies ...and loss adjusters.... should in my opinion be banned by law from bringing spurious claims regarding tree damage in houses in conservation areas such as Hampstead Garden Suburb which is built on clay, everyone knows that clay moves, it shrinks and expands with the weather and water tables.
- The companies go to the council when they know they can simply try and get money from the council when the council wants to save the trees. Most of these insurance companies have green policies which state the opposite of their current practice of trying to get the tree killed

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak tree

C11908A/04/TRE – Oak – Thin by 25% and Lift as specified.

- s211 Notice of Intent registered 25th June 2004
- six week notification period expired 6th August 2004

TCP/0246/16 – 1 x Oak - Thin by 20%, Deadwood, Lift low branches and shorten low branches encroaching towards house

1 x Apple - Thin by 20%, Deadwood, Lift low branches

1 x Yew - Trim low laterals back to main stem

- s211 Notice of Intent registered 20th April 2016
- six week notification period expired 1st June 2016

TCF/0313/18 – T1 - Oak - Remove.

- s211 Notice of Intent registered 8th May 2018
- Tree Preservation Order (internal reference 18/TPO/025) made 13th June 2018

60 Oakwood Road

TCP/00655/15 – Pruning of tree roots necessary to install a Copper Root Barrier as indicated in submitted "Copper Root Shield Feasibility Check Sheet."

- s211 Notice of Intent registered 18th September 2015
- six week notification period expired 30th October 2015
- notwithstanding the high public amenity of the Oak and the importance of Oaks in particular to the character and appearance of the Hampstead Garden Suburb Conservation Area, it was not considered expedient to make a Tree Preservation Order at

this time as the installation of a copper root barrier seemed an appropriate option. Thus the making of an Order – necessitating the submission of a formal application which would have received consent – seemed unreasonably bureaucratic and inappropriate.

Tree Preservation Order

18/TPO/025 – London Borough of Barnet 64 and 66 Oakwood Road, London NW11 Tree Preservation Order 2018

- made 13th June 2018

- decision whether or not to confirm subject of separate Finchley and Golders Green Area Planning Committee Report 13th November 2018

PLANNING APPRAISAL

1. Introduction

On 8th May 2018, an application form proposing felling of the Oak tree in the front garden of 64 Oakwood Road in connection with alleged property damage at 60 Oakwood Road was received via the Planning Portal. As the tree was within the Hampstead Garden Suburb Conservation Area, but not in a Tree Preservation Order at that time, a s211 notice of intended tree works was registered under reference TCF/0313/18.

In accordance with the Town & Country Planning Act 1990 (as amended), if the Local Planning Authority wishes to control treatment of a tree subject of a s211 notice of intended tree works, it must make a Tree Preservation Order (TPO). An application for TPO consent would then be required and would be determined in accordance with the provisions of the relevant legislation.

A Tree Preservation Order was made on 13th June 2018 (internal reference 18/TPO/025). There is a separate report before this Committee for determination as to whether or not the Order should be confirmed (i.e. given long term effect).

The inclusion of the tree in the new Order meant that formal consent for treatment was required – so it was necessary for the applicant / agent for TCF/0313/18 to submit a fresh application form; reason(s) for the proposed treatment; and specified supporting documentary evidence as set out on the application form and associated guidance notes. The subsequent application form proposing felling of the Oak tree in the front garden of 64 Oakwood Road in connection with alleged property damage at 60 Oakwood Road was submitted via the Planning Portal on 29th June 2018 – but there were discrepancies and shortcomings in the information – clarification was thus requested.

Further information was submitted by e-mail on 26th July 2018; clarification on 21st August 2018; and updated monitoring on 29th August 2018. The application was validated on 29th August 2018.

2. Appraisal

Tree and Amenity Value

The subject Oak stands in the front garden of 64 Oakwood Road, about midway along the flank boundary with the pathway leading from Oakwood Road to Big Wood. It is a substantial mature tree, in excess of 20 metres in height, of good form and condition. The girth of the Oak is indicative of its being a great age.

The Oak pre-dates the development of Hampstead Garden Suburb - it was retained and influenced the layout of the area. The tree is very clearly visible along much of the length of Oakwood Road and also from the well-used footpaths / twittens providing access to the public open spaces of Big Wood and Northway Gardens. As referred to by some of the objectors, it is perceived as 'one of a pair' with the smaller mature Oak in the front garden of 66 Oakwood Road. The Hampstead Garden Suburb Character Appraisal Statement includes much relevant information, reinforcing many of the comments of objectors.

Oakwood Road lies in the northern part of the Suburb, running almost parallel with Falloden Way (A1 trunk road), backing onto Northway Gardens through which Mutton Brook flows. In this part of the Suburb (identified as part of Character Area 6 of the Hampstead Garden Suburb Character Appraisal Statement) "there are extensive open spaces and woodland. Northway Gardens forms a green corridor between Falloden Way and Oakwood Road. Big Wood and Little Wood are Ancient woods bordering Denman Drive and Oakwood Road, and form a notable feature of the topography" as noted in the Character Appraisal Statement. Most of the area was designed before the First World War and was largely built by 1915. Oakwood Road was developed to provide housing for rent at low to modest rates. Architecturally, it continued the artisan cottage tradition.

This history is relevant because in the 1911 Unwin Master Plan for the Suburb, the area now occupied by Oakwood Road is shown as woodland, completely undeveloped, forming part of an enlarged Big Wood. However, a subsequent undated plan on display in the Hampstead Garden Suburb Trust offices shows the early stages of the development of Oakwood Road cutting through part of the woodland block but retaining a number of the pre-existing mature woodland trees. Indeed pathways and roads are shown laid out to align with the retention of particular groups of large trees – with an axis of footpaths and roadways running straight from Midholm Close, through Midholm, crossing Falloden Way, through Northway Gardens, between 59 / 61 and 64 / 66 Oakwood Road and on into the heart of Big Wood – the Oak at 64 Oakwood Road (together with other mature Oaks in the immediate vicinity) is clearly marked as being retained in the layout on the undated plan. The Trust believe the plan to date from approx. 1913 – it is clearly based on the 1911 Unwin Master Plan, but shows further, later, designing of the northern part of the Suburb at a relatively early stage.

The Introduction of the Character Appraisal Statement includes the following information relevant to the public amenity value of the Oak(s):

Views and Vistas - "Glimpsed views - Throughout the Suburb there are views of trees above rooflines, and glimpsed views between houses of trees and planted areas behind. For example, the views above and between houses to Turners Wood provide continuity between the woodland and the mature trees retained in gardens, as well as a sense of scale. Similarly, the mature oaks in Oakwood Road and Denman Drive unite Big Wood, Little Wood and the woodland of Northway Gardens/Mutton Brook. Whether or not individual specimens pre-date the development, they help to provide a link with the pre-development landscape and remaining woodland as well as reflecting the philosophy that informed the design of the Garden Suburb. The many footpaths frame views between hedges and lead onto attractive small greens or allotments. These glimpsed views are an important characteristic of the Suburb which need to be preserved."

Streets and Open Spaces – "The roads within the Conservation Area are public open spaces of great quality. Wherever possible, in laying out the design for the "Garden Suburb", particular care was taken to align roads, paths and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when

designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that *“Unwin, more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”*. Unwin used the natural contours of the land to create a relationship between the imposing buildings in Central Square and the cottages of the Artisans’ Quarter. The axial roads provide through routes but the gradual slope of the hill was accommodated with less formal road layouts suited to smaller scale housing. The layout of roads often follows old tracks, contour lines, or old hedge boundaries curving around remnants of pre-existing woodlands or the boundary oaks of the old field system. Closes and formal squares infill land between the main routes providing more intimate spaces and picturesque streetscapes. Everywhere, great care has been taken to vary the building line so that some houses are set back behind small greens, others step forward creating a sense of enclosed space and providing attractive views.”

Trees and Hedges – “Trees and hedges are defining elements of Hampstead Garden Suburb. The quantity, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb. Trees and landscaping provide a complimentary setting to the built form. It was the intention that dwellings and nature should be in such close relationship. Henrietta Barnett was clearly influenced by Ebenezer Howard’s views that *“Human society and the beauty of nature are meant to be enjoyed together... Town and country must be married and out of this joyous union will spring a new hope, a new life, a new civilisation.”* and *“.. Parks and gardens, orchards and woods, are being planted in the midst of the busy life of the people, so that they may be enjoyed in the fullest measure”*. Unwin’s expressed intention, which he achieved, was: *‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of the distant view preserved, if not as open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’*”

“Many very old boundary oaks survive in roads, gardens and open spaces and have great impact, both visually and environmentally, as individual trees..... The maturity of planting in the Suburb results in many fine, specimen trees in gardens enhancing the general streetscapes. Where roadways are too narrow to incorporate street trees, trees in gardens are crucial to the verdant appearance of the streetscape. Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

- Creating a rural or semi-rural atmosphere
- informing the layout of roads and houses with mature field boundary trees
- providing links with pre-development landscape and remaining woodland
- creating glades, providing screening and shade, and marking boundaries
- framing views, forming focal points, defining spaces and providing a sense of scale
- providing a productive, seasonal interest and creating wildlife habitats”

The Character Appraisal Statement includes the following relevant information in respect of Character Area 6:

“Even within the context of Hampstead Garden Suburb this area is notable for its lush, green character. Big Wood and Little Wood are the remnants of ancient woodlands; the mature oaks in these two woods rise above the cottages in Oakwood Road and the two forks of Denman Drive. Mutton Brook runs through the attractively landscaped Northway Gardens which also has tennis courts and a children’s playground. Everywhere there are mature street trees, well maintained hedges and attractive garden planting”

“The street layout and architectural styles fully exploit the setting. To the South, roads are curved both to retain mature trees and also to provide soft, picturesque street views.”

“Principal positive features:

Layout and public realm

- curve of streets and planning of cul-de-sacs relate sympathetically to the topography
- road layouts frame views; focal points draw the eye up and down slopes
- pre-existing woodlands and areas of open meadow beside Mutton Brook are incorporated into the layout
- streets curve to accommodate ancient trees
-
- footpaths (twittens) link roads providing safe pedestrian shortcuts through the area from north to south and east to west.

Landscape and trees

- woods and Northway Gardens provide attractive green spaces and recreational areas for residents
- Big Wood and Little Wood are ancient woodlands of historic interest
- views to trees and open green spaces in the distance
- trees in gardens, especially mature trees
- number and scale of trees are well chosen to enhance streetscapes
-
- planting in front gardens often complements and enhances the buildings”

Oakwood Road is described in greater detail as:

“Oakwood Road curves sharply up a gentle slope from Addison Way and then follows the south side of the shallow valley carved by the Mutton Brook. The character of the road is enhanced by the adjacent ancient woodlands. The entrance to Little Wood borders the first section of the southwest side of Oakwood Road. Big Wood forms a backdrop of oaks for the houses on the south side of the road and many of the houses stand on land that was formerly covered by woodland. Remnants of the woodland can be seen in the approximately 200 year-old oaks that stand in some gardens and at certain points on the pavement. Many are visible above the roofs and through large well-planned gaps between the groups of houses.

The road has grass verges and a variety of street trees. The hedges are predominately of privet sometimes mixed with wild shrubs such as blackthorn, hawthorn or hazel with some woodland flowers, such as wood anemone and bluebell, growing among the roots. In general the impression of Oakwood Road is of cottages in a natural wooded setting.”

The Oak in the front garden of 64 Oakwood Road (together with other mature Oaks in the immediate vicinity) are very obviously remnants of the woodland and their retention has clearly been intrinsic to the layout of the roads, paths, and houses in this area – an integral part of the philosophy, character and appearance of this part of the Hampstead Garden Suburb Conservation Area. Although not identical, the Oaks in the front gardens of 64 and 66 do unite to form a pair - framing the view, as a focal point at the entrance to Big Wood and contributing significantly to the streetscape and the wider Suburb. These mature Oaks (retained from the ancient woodland which perhaps was the source of the road name) provide continuity and a link to the pre-development landscape, visually, environmentally and ecologically – and may be considered essential components of the lush green character and semi-rural atmosphere.

As may be noted from the volume of, and matters raised in, objections detailed above, the Oak is much valued by residents as being an integral part of the character and appearance of the Hampstead Garden Suburb Conservation Area; contributing significantly to public amenity.

The Oak is considered to be of special amenity value - in terms of its historical significance in the layout of the Suburb; its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area; its arboricultural value as a tree in its own right; and its environmental benefits. If this mature Oak was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the Conservation Area.

The application

The application submitted by Innovation Group Environmental Services as agent for Subsidence Management Services was registered on 29th August 2018. The reasons for the proposed removal of the Oak (applicant's reference T1) cited on the application form are:

The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability to 60 Oakwood Road, London NW11 6RL.

- 1. Estimated costs of repair to the building are £20,000.00 if the influence of the tree(s) remain and £12,000.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).*
- 2. Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £32,000.00*
- 3. It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).*
- 4. Note: Further monitoring results may be submitted if these become available during the course of this application.*

Including the additional information submitted subsequently, the supporting documentation comprised:

- Arboricultural Report dated 23rd April 2018
- Root Identification dated 11th December 2017
- Soil Analysis dated 18th December 2017
- Geotechnical dated 19th December 2017
- Draft Claim Assessment Report dated 10th January 2018
- Engineering Report dated 30th May 2018
- Drainage Investigation Report dated 11th December 2017
- level monitoring 20/11/17 – 24/5/18 (4 readings)
- Engineering Appraisal Report dated 15th August 2012
- Engineering Appraisal Report dated 15th August 2012 and 19th September 2012
- Factual Report of Investigation dated 16th July 2012
- Factual Report of Investigation dated 23rd August 2012
- Root Identification dated 29th August 2012
- Geotechnical dated 16th August 2018
- updated level monitoring – 16/7/18

The agent provided clarification (*which is shown in italics below the relevant query*) for the following:

- TP1 of 16/7/12 (by side path) was abandoned at 700mm due to drain surround and services obstructing, BH1 and datum were excavated elsewhere (to right of bay)
 - *Yes – that is what is stated in the CET report.*

 - TP1 and BH1 of 23/8/12 were excavated in a different position (to left of bay) but not identified by a different reference number
 - *Correct – each TP & BH number is specific to the respective CET report.*

 - The Innovation Group Engineering Report dated 30/5/2018 Site Plan (derived from the Environmental Services Arboricultural Survey dated 23/4/2018) shows TP/BH1 and TP/BH2 in completely different locations again
 - *The location plan in the IGSMS report 30 May 2018 indicates the positions of the TP's & BH's undertaken by Innovation Group and not those undertaken by CET.*

 - The SubsNetUK Geotechnical report dated 19/12/2017 includes information only for TP/BH2, there is nothing for TP/BH1
 - o however, as TP/BH2 appears to be in the middle of the path, the basis for the foundation detail is unclear
 - *The SubsNetUK report dated 19 December 2017 shows the location of TP/BH1. TP/BH1 was detailed in the report dated 7 February 2014 (you can get this from isubs). It is something to do with the software that when an additional site investigation is done it shows the location of the original TP's & BH's and onto which the new TP/BH locations are then added. In this case, I understand from my conversation with SubsNetUK that only a BH ie; BH2 was done in the path as near as possible to the front LH corner of the house. Only a BH was done because of the concentration of service pipes at the front LH corner.*
 - *I have spoken to SubsNet and the report has been updated to show BH2 log. (see Attached)*

 - There are discrepancies as to how the house is described:
 - o Innovation Group Engineering Report dated 30/5/2018 describe the property as “a two storey mid terrace house of traditional construction with solid brick walls and surmounted by a ridged slate covered roof”
 - o Environmental Services Arboricultural Survey dated 23/4/2018 describe it as “The subject property is a two storey mid-terrace house which projects forward of the neighbour to the left-hand side”
 - o The Cunningham Lindsey 2012 Engineering Appraisal Reports suggest ““The subject property is an end terrace house in a conservation estate location on a plot that is gently sloping, generally from back to front”
 - *In a way, there is validity in all of the house descriptions. No60 is separated from No62 at ground level by a passage way and the 2 properties are attached at first floor and roof levels along the party wall line. The front elevation of No62 is stepped back from the front elevation of No60. This is shown in the site plan in the IGSMS report 30 May 2018.*
- For clarity, I have attached 2 photographs, Front elevation 1 and Front elevation 2. From them and the site plan the local authority can decide for themselves the best way to describe the risk address.*
- The Innovation Group Draft Claim Assessment Report dated 10/1/18 appears to be an essentially blank pro forma template (but, despite the lack of any substantive

- information, the Discussion still notes “indicative of subsidence as a result of shrinkage of the clay subsoil due to the moisture extracting influence of”)
- *No further comment required.*
 - The Innovation Group Engineering Report dated 30/5/2018 lists heave calculation among the Table 1 - Documents considered, as the Oak significantly pre-date the neighbouring housing please provide a full heave assessment for all surrounding properties
 - *A Heave assessment is not required to validate our application under 6.40c requirements however The IGSMS report dated 30 May 2018 indicates Nos62 & 64 to the LHS of the risk address suffered subsidence damage due to the oak trees presence and were subsequently underpinned. Consequently, the engineered solution for these properties should have made due allowance for any heave recovery if the tree was removed/died/blown over. The properties to the RHS of No60 are further away from the oak tree in question and thus any potential heave recovery to these properties will be less on the assumption they are currently damaged by tree related clay shrinkage subsidence.*
 - Please clarify when / if drainage repairs undertaken to cross-reference with monitoring
 - *Drainage repairs have not been undertaken at this time because the only defects were recorded on “vent pipes.” Historically drainage repairs were done and appear to remain in a serviceable condition.*
 - Please clarify why no deep datum was used (as had been in 2012)
 - *At the time of instruction of level monitoring the engineer dealing with the claim failed to notify the presence of the CET deep datum in the instruction. Never the less, the level monitoring clearly demonstrates a tree related clay shrinkage mechanism operates indicating the oak tree is the dominant effective cause of the subsidence damage.*

The Council’s Structural Engineer has assessed the information and the following points should be noted:

Trees – The Arboricultural report shows the locations of trees around the property. It shows the Oak tree T1 in the front garden of 64 Oakwood Road at an estimated distance of 15m from the affected building and approx. 25m in height; the other trees indicated are an Alder, T2, growing in the highway verge at an estimated distance of 11.3m from the affected building and approx. 15m in height; a Birch, T3, at 58 Oakwood Road at an estimated distance of 9m from the affected building and approx. 3m in height; and a Eucalyptus, T4, at 56 Oakwood Road at an estimated distance of 13m from the affected building and approx. 10m in height.

Damage - The Innovation Group Engineering Report dated 30th May 2018 has taken account of site investigation reports from 2012 and 2017, drainage survey 2017, geotechnical report 2017, and arboricultural reports from 2014 and 2018. The Engineering Report notes that there have been previous incidents of damage “*the first episode was reported summer 2006. The second being 2011 and insurers were notified at that time. A valid claim was accepted under the subsidence section of the policy and this claim with repeat damage has been ongoing ever since.*”

The Report notes that repairs to the superstructure and redecoration were undertaken in July 2013; further damage occurred to the property only weeks after completion of the earlier subsidence repairs; further extensive repairs were completed to the property

autumn 2016 following installation of the root barrier; but that damage occurred again summer 2017 with cracking located above the main door opening and internally within the bathroom – the cracking was ‘in the order of 1-2mm’. The damage is classified as category 2 in accordance with BRE Digest 251.

Subsoil Investigations – Several different investigations have been undertaken at various times:

TP/BH2 – 19/12/17 – shared pathway to eastern (left as facing) side of front of house – borehole 4m deep, roots encountered to but no deeper than 2.6m below ground level (The inset suggesting house foundations to be 0.8m below ground level which appears to derive from 2014 investigations not supplied, has been omitted from the revised document)

TP/BH1 – 23/8/12 – by eastern side of bay – borehole 5m deep, roots encountered to 2m below ground level (house foundations to be 0.65m below ground level)

TP1 – 16/7/12 – front eastern corner of house – abandoned at 0.7m due to drain surround and services obstructing

BH1 – 16/7/12 – slightly in front of western side of bay – borehole 7.3m deep, datum installed at 7.3m but no soil sampling or strength testing below 5m; roots encountered to but no deeper than 2.5m below ground level

- Oak roots identified in July 2012 and December 2012, but not August 2012
- The Oak T1 is the most likely source of Oak roots
- Firm/Stiff Clay was encountered under the foundations
- Foundation depths are typical for this age of property

Soil testing - The Innovation Group Engineering Report dated 30th May 2018 notes that “*The Moisture profiles indicate vegetation induced moisture depletion between 1.3 and 1.8m. The soils were sampled and tested in late autumn / start of winter 2016 which will allow for some rehydration.*” It is unclear whether this is a misprint as the Geotechnical report states that BH2 site investigation works were “undertaken on 5 December 2017 during dry weather (i.e. no rain).”

The Engineering Report also states “*The base Oedometer readings to Trial Pit No. 1 predict Total Free Surface Heave of 78.4mm. Given that there is cracking of circa 2mm, the likely heave will allow the structure to stabilise without adverse heave effects.*” 60 Oakwood Road is a central property in a staggered terrace and the Oak significantly predates the buildings – but in response to a request for a full heave assessment for all surrounding properties, the reply from the agent was “*A Heave assessment is not required to validate our application under 6.40c requirements however The IGSMS report dated 30 May 2018 indicates Nos62 & 64 to the LHS of the risk address suffered subsidence damage due to the oak trees presence and were subsequently underpinned. Consequently, the engineered solution for these properties should have made due allowance for any heave recovery if the tree was removed/died/blown over. The properties to the RHS of No60 are further away from the oak tree in question and thus any potential heave recovery to these properties will be less on the assumption they are currently damaged by tree related clay shrinkage subsidence.*” Building Control records indicate that 64 Oakwood Road was underpinned in 1996 and 62 had piled underpinning in 2006.

Monitoring – Level monitoring has been carried out from 20/11/17 to 16/7/18. Datum is unlikely to be fully stable, hence it would indicate differential movement which is likely to be less than the overall movement. Most of the recorded movement is occurring at the front left corner with maximum overall movement of 8mm. The six months of monitoring is consistent with seasonal movement at the front corner of the building, in that it shows

recovery from November'17 to May 18 (however, the Heathrow rainfall data indication of a wet spring with quite heavy rainfall in March, April and May 2018, followed by a dry June and July does not facilitate separating the influence of climate from vegetation); although the pattern of movement along the rear differs.

Drainage – The drains were surveyed in December 2017 and are in a poor condition including the runs at the front left corner of the property (the agent has confirmed that *“Drainage repairs have not been undertaken at this time because the only defects were recorded on “vent pipes.” Historically drainage repairs were done and appear to remain in a serviceable condition.”*) - but soil is desiccated and a leaking drain would have had a slight beneficial effect.

Conclusions – On the basis of the submitted information Oak tree T1 is likely to be implicated in damage to the front eastern corner of the building; the root barrier has prevented the Alder from being a contributory factor. As the Oak predates the properties, heave could be an issue.

In respect of the root barrier, there are several inconsistencies in the submitted information. The Arboricultural Report dated 23rd April 2018 states *“Please note: we understand that a root barrier may have been installed within the front garden of No.60 (full details of extent not available); however, the recovery of functionally active roots on the house side of the barrier suggest that the barrier has proved ineffective and has been breached.”* The Engineering Report includes a “Sketch taken from Environmental Services Arboricultural survey” annotated ‘Assumed line of root barrier’; refers to autumn 2016; but also notes *“a root barrier was installed to the front of the property and in principle protects against the Alder Tree [a street tree growing in the verge at the front of 62 Oakwood Road]. The barrier was installed in spring 2014. No roots have been found within the trial pit or borehole from the Alder. The barrier could not extend to protect against T1 Oak fully due to the location of drainage and services to the buildings. Further influence and damage caused by T1 Oak was inevitable.”*

It should be noted that pruning of tree roots necessary to install a Copper Root Barrier as indicated in submitted "Copper Root Shield Feasibility Check Sheet" was subject of s211 Notice of Intent TCP/00655/15 registered 18th September 2015. Information submitted in connection with TCP/00655/15 clearly indicates that the copper root barrier was proposed as an intervention specifically taking account of both trees ‘believed to be the cause of the problem’, the street Alder and the Oak at 64 Oakwood Road, remaining in situ. The Feasibility Check Sheet stated *“The location of the identified trees provide the opportunity to implement the intervention technique detailed below, in order to mitigate against their influence and reduce the foundational movement in order to restore relative stability.”* After describing how copper root barriers work, it continued *“This solution is multipurpose and ideally suited to the current application. Traditional impervious barriers divert rather stop roots and may block moisture movement. Also, roots getting under such barriers can grow back to the surface. Therefore the use of this permeable barrier stops roots either by engaging and constricting them or by chemically inhibiting them. The benefits of such a shield are its dual protection both physical and biological. The multi-layered sheets can be welded together whilst retaining its flexible qualities, i.e. can be cut and effectively resealed to fit around services and foundations, inert with a 50 year service life expectancy. Equally the solution inhibits root growth on the barrier face which is often problematic with conventional barriers where increased moisture levels can cause root growth to become more prolific on the face of a traditional barrier. Research has shown that the use of the recommended style of copper based screening has greatly reduced the*

affects of root growth when compared to other traditional physical barrier installations” A photograph showing the proposed barrier location and a site plan marking the proposed location annotated “Copper geo-textile root barrier to be installed as shown opposite in the front garden. Min 3m depth to be achieved were possible. Minimum 5m distance from trees. The barrier will be installed to negate the movement to the property. Barrier length 7m in total. CAT scan to be undertaken to locate any underground services” were also included.

However, the 2018 Engineering Report and Arboricultural Report submitted with the current application do not appear to have properly investigated the root barrier (“assumed line” “full details of extent not available”). My own observations on site suggest that the root barrier installed does not appear to correspond with the position shown on the Copper Root Shield Feasibility Check Sheet – the diagonal line on site not extending beyond the lawn whereas that indicated crossed the path and, on the ‘tree side’ of the inspection chamber, the service runs. The contention in the 2018 Engineering Report that *“The barrier could not extend to protect against T1 Oak fully due to the location of drainage and services to the buildings. Further influence and damage caused by T1 Oak was inevitable”* seems in direct contradiction to the 2015 assertions *“This solution is multipurpose and ideally suited to the current application..... The multi-layered sheets can be welded together whilst retaining its flexible qualities, i.e. can be cut and effectively resealed to fit around services and foundations, inert with a 50 year service life expectancy.”* It is evident that the root barrier proposed in 2015 was designed to protect against Oak roots and fit around services. It is therefore unclear whether:

- (i) Although proposed, the copper root barrier was not installed
- (ii) The copper root barrier was only partially installed
- (iii) Some other root barrier was installed

A further alternative is that the copper root barrier was installed as proposed and BH2 has been excavated on the ‘tree’ rather than ‘house’ side of the barrier.

In describing ‘Remedial options’, the Innovation Group Engineering Report dated 30th May 2018 notes the following:

- *“Although the repeat damage is relatively minor in structural terms, it will be expensive to rectify because of the size of the rooms and the extensive decorations that will be required.”*
- *“A range of underpinning solutions is available depending on the area that requires stabilisation and the depth required. Traditional, mass concrete, underpinning is generally the most economical solution where the required depth is relatively shallow.....Most underpinning is extended to a metre below the last discovered root and this is 2.6m making this an unacceptable risk from a health and safety perspective and should be discounted.”*
- *“A mini pile solution offered by Shire Consulting could be utilised but consideration to protect the internal walls and ground floors also could make this a very expensive option and require alternative accommodation.”*
- *“A specialist contiguous root barrier offered by Shire Consulting could be a suitable solution. This option allows mini piling and a sheet barrier to be installed up to the property and would avoid the risk of loss of support to the foundations. The original root barrier was not extended fully past the front corner of the property due to the position of the drainage system. For this to be installed a trench would need to be dug to the external wall face to expose the foundation and services. A barrier may be able to be installed below the services level however the drains invert is noted to be 900mm and this option may be impractical to install.”*

- *“In the light of the depth of the roots found, to undertake a mini piling scheme, or a suitably designed root barrier to stabilise the rear extension instead of removing the offending vegetation the costs of such a scheme are in the region of £20,000.00 exclusive of the serving of Party Wall Notices and professional fees.”*

The report concludes that *“The most cost effective scheme is likely to be a mini piled solution or a suitable design root barrier, subject to access and installation. The cost of the scheme is likely to be in the region of £20,000 inclusive of VAT, but exclusive of professional fees. The cost of superstructure repairs is currently reserved at £12,500.00. But could be less if a root barrier is installed.”*

If it is concluded that a ‘suitable design root barrier’ is an appropriate solution, it is far from clear why the Copper geo-textile root barrier proposed in 2015, designed to protect against the Oak roots and fit around services, *“This solution is multipurpose and ideally suited to the current application..... The multi-layered sheets can be welded together whilst retaining its flexible qualities, i.e. can be cut and effectively resealed to fit around services and foundations, inert with a 50 year service life expectancy”* was not installed as intended to negate the movement to the property. Nor is it clear why the Engineering Report notes that *“The original root barrier was not extended fully past the front corner of the property due to the position of the drainage system.”* – when it is evident that the copper geo-textile root barrier could *“be cut and effectively resealed to fit around services and foundations”*.

It does not appear that there has been a thorough assessment or coherent investigation of the site history - e.g. *“we understand that a root barrier may have been installed within the front garden of No.60 (full details of extent not available)”*; *“Assumed line of root barrier”*; *“The barrier was installed in spring 2014”*; *“the engineer dealing with the claim failed to notify the presence of the CET deep datum in the instruction”* - and the application submissions appear to be predicated on a foregone conclusion that damage is due to vegetation related subsidence even before any evidence has been assessed:

- The Innovation Group Draft Claim Assessment Report dated 10/1/18 appears to be an essentially blank pro forma template in which, despite the lack of any substantive information, the Discussion still notes *“indicative of subsidence as a result of shrinkage of the clay subsoil due to the moisture extracting influence of”*
- The 2018 Arboricultural Report states:
 - o *“This report is based on our understanding at the time of visiting the property that engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation”*
 - o *“Level monitoring has been undertaken, and whilst limited to only 2 readings, it has confirmed soil recovery over the winter period”* – this is not borne out by monitoring readings dated 11/17, 01/18, and 03/18 and, given the timing, could not possibly show seasonal movement related to vegetation
- The 2018 Engineering Report notes *“Site investigations dating back to 2012 have concluded that the property had been affected by clay shrinkage subsidence”* – but the 15/8/2012 updated 19/9/2012 Engineering Appraisal Report recommends the removal of a ‘rose tree located in the front garden’, arranging for an arboricultural report, and clarifies that the investigations have not yet been concluded.
- Despite indicating that *“the pattern of cracking suggests there has been a downward rotational movement towards the front left corner in the direction of the offending vegetation”*, the 2018 Engineering Report suggests remedial options instead of removing vegetation could include *“a mini piling scheme or a suitably designed root barrier to stabilize the rear extension”* – even though there is no rear extension.

The cracks are described as being within BRE Category 2 - BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "*Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick and require easing and adjusting. Typical crack widths up to 5mm.*" The BRE Digest concludes "Category 2 defines the stage above which repair work requires the services of a builder. For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage." No information has been provided to suggest that damage has progressed above Category 2.

Given the importance of the Oak in the streetscene; the apparent failure to install the root barrier previously proposed; the apparent presumption that the tree is implicated in subsidence damage; that the damage is assessed as BRE Category 2; and the potential heave implications (especially in the light of the implications for neighbouring properties), it may be questioned whether the proposed removal of the prominent TPO Oak at this juncture is excessive / premature. However, our Structural Engineer has noted that Oak tree T1 is likely to be implicated in damage.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other).

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that *“Estimated costs of repair to the building are £20,000.00 if the influence of the tree(s) remain and £12,000.00 if the proposed tree works are allowed to proceed..... Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £32,000.00”*

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineer has noted that the Oak T1 is likely to be implicated in damage - albeit having significant concerns about other factors and heave implications.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded that addressing other factors would resolve the alleged problem, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Oak’s roots are the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’ and that the damage would be addressed by the tree’s removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £20,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Most matters addressed in the body of the report. It should be noted that there has been some misunderstanding on the part of some objectors – the application has not been submitted by, or on behalf of, the tree-owner at 64 Oakwood Road (which property was underpinned in 1996); but on instruction from the insurers of 60 Oakwood Road.

CONCLUSION

The applicant, Subsidence Management Services, proposes to fell the significant mature Oak standing in the front garden of 64 Oakwood Road, adjacent to pathway into Big Wood, because of its alleged implication in subsidence damage to 60 Oakwood Road.

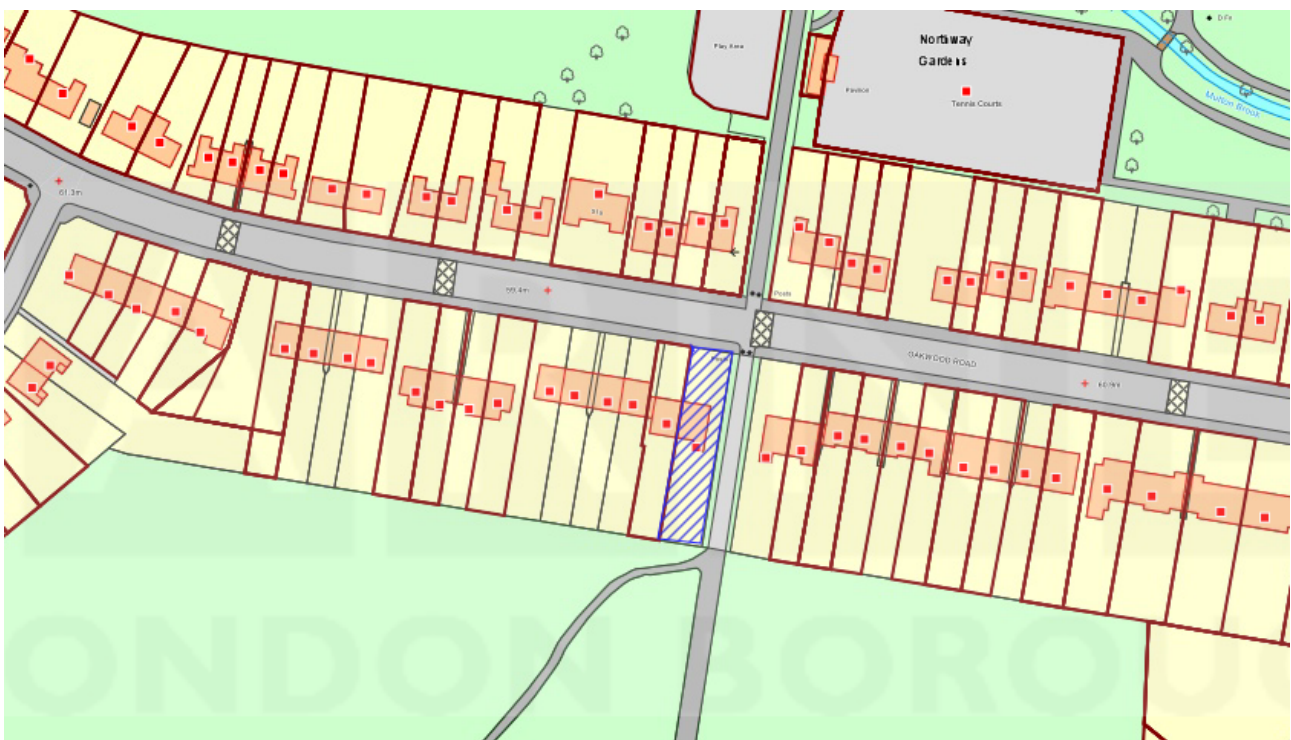
The proposed felling of the Oak would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is the closest to the property and the most likely source of roots found. However, there are shortcomings in the information provided. There are also concerns about the apparent failure to install a root barrier as proposed in 2015 and about heave implications.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £20,000 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that on the basis of available information that removal of the Oak is excessive and has not been demonstrated to be necessary; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.



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COMMITTEE REPORT

LOCATION: 64 and 66 OAKWOOD ROAD, LONDON NW11

REFERENCE: 18/TPO/025

WARD: Hampstead Garden Suburb

PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

RECOMMENDATION:

That Members of the Finchley and Golders Green Area Planning Committee determine the appropriate action in respect of the confirmation of the London Borough of Barnet 64 and 66 Oakwood Road, London NW11 Tree Preservation Order 2018, either:

CONFIRM WITHOUT MODIFICATION

That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 64 and 66 Oakwood Road, London NW11 Tree Preservation Order 2018 without modification.

Or:

DO NOT CONFIRM

That the Council, under Regulations 7 and 9 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not confirm the London Borough of Barnet 64 and 66 Oakwood Road, London NW11 Tree Preservation Order 2018.

1. MATERIAL CONSIDERATIONS**Relevant Planning Policies and Guidance Adopted**

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Head of Development Management Planning (Development Management) dated 12th June 2018 (see Appendix 1)
- TCF/0313/18 – s211 Notice of Intent received 8th May 2018 – “T1 – Oak – Remove” at 64 Oakwood Road, London NW11 6RL

Background Information/Officers Comments

On 8th May 2018, a proposal to remove an Oak standing at 64 Oakwood Road, London NW11 6RL was received via the Planning Portal. As the tree was within the Hampstead Garden Suburb Conservation Area, but not in a Tree Preservation Order, a s211 notice of intended tree works was registered under reference TCF/0313/18.

For a s211 notice of intended tree works, it is necessary only to submit sufficient details to identify the subject tree(s) and the treatment(s) proposed – there is no requirement for the information to be in any particular format (e.g. on a specified application form); provide any reason for the proposal; or have any supporting documentary evidence – it is a notification (rather than a consent) procedure and, at the expiry of the statutory six week notification period, the specified treatment can be undertaken.

In accordance with the Town & Country Planning Act 1990 (as amended), if the Local Planning Authority wishes to control treatment of a tree subject of a s211 notice of intended tree works, it must make a Tree Preservation Order (TPO). An application for TPO consent would then be required and would be determined in accordance with the provisions of the relevant legislation.

If a tree is included in a Tree Preservation Order, formal consent for treatment is required from the Local Planning Authority (subject to certain exemption provisions set out in the legislation) – it is necessary to submit an application form; reason(s) for the proposed treatment; and specified supporting documentary evidence as set out on the application form and associated guidance notes. The TPO treework application can be consented, either with or without conditions, or refused. The applicant / agent has a right of appeal to the Planning Inspectorate against refusal or conditions and it is possible to claim compensation from the Local Planning Authority for loss or damage caused or incurred in consequence of the refusal or conditions.

On becoming aware of the s211 notice of intention to remove the Oak at 64 Oakwood Road, concern was raised by a Ward Councillor and a number of objections were received from local residents / the Hampstead Garden Suburb Trust / the Hampstead Garden Suburb Residents' Association. A delegated report considering the appropriateness of making a Tree Preservation Order was drafted (relevant extracts at Appendix 1) and an Order made on 13th June 2018 in the interest of public amenity.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

No objections or representations were received on the making of the Order but, on 29th June 2018, an application for consent to remove the Oak, T1 of the Tree Preservation Order, was submitted via the Planning Portal from the same applicant / agent as had previously submitted the s211 Notice of Intent. The application was registered under reference TPF/0429/18 and is subject of a separate report for determination by this Committee.

In the absence of any duly made objections and representations, adopted Council procedures provide that the Tree Preservation Order can be confirmed under delegated powers rather than referred to a Planning Committee. However, as this Committee is determining TPF/0429/18 (the application for consent to fell), it is appropriate that the decision as to whether or not to confirm the Tree Preservation Order is considered in parallel.

If the Order is confirmed, formal consent remains a requirement for works to the trees in accordance with legislative provisions into the future – however, there may be associated

compensation liability. If the decision is made not to confirm, the Order would lapse (as would associated compensation provisions) - but whilst Conservation Area treework notification provisions would still be relevant, any future attempt to include the tree(s) in a new Tree Preservation Order would almost certainly be liable to challenge.

The Tree Preservation Order includes two Oak trees – one at 64 and the other at 66 Oakwood Road. There is a current application to remove the larger tree at 64 because of its alleged implication in property damage. The making of the Order, triggered by the s211 notification, has meant that much more detailed information needed to be submitted and thus can be taken into account in determining the application to fell the ‘better’ tree of the pair (TPF/0429/18). However, if it is concluded that consent to fell this tree should be granted then, unless there is particular desire to provide long term protection to the Oak at 66 in isolation, confirmation of the Order may be open to question.

The confirmation of the Tree Preservation Order is considered to be in the interests of public amenity - as set out in the delegated report for the making of the TPO appended (also in the separate TPF/0429/18 report also in the agenda pack), it is considered the subject Oak trees contribute significantly to public amenity, and given normal arboricultural attention are capable of providing amenity value for a considerable time. However, confirmation of the Order may have financial consequences - if the Local Planning Authority is prepared to face potential compensation liability it is recommended that the Order be confirmed without modification.

2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The Tree Preservation Order was made in the light of an intention to remove an Oak at 64 Oakwood Road, which is now subject of a separate application for determination by this Committee. Confirmation of the Tree Preservation Order is considered to be in the interests of public amenity but may have financial consequences because of tree preservation legislative compensation provisions. If Members believe that the potential liability is justified by the trees’ contribution to public amenity justifies, it is recommended that the Order be confirmed without modification.



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Appendix 1 – Extract from Delegated Report to Make the Tree Preservation Order

The Council received a proposal to remove an Oak standing at 64 Oakwood Road, submitted via the Planning Portal by Innovation Group Environmental Services acting as agent for Subsidence Management Services. It was alleged on the application form that the “tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability to 60 Oakwood Road, London NW11 6RL”. A s211 Notice of Intent was registered accordingly, under reference TCF/0313/18.

An e-mail was received from a Ward Councillor on 22nd May 2018 stating “This is very worrying. Would this go to Committee. If we think of felling it can I ask that it be determined by committee?”

In accordance with the Town & Country Planning Act 1990 (as amended), if the Local Planning Authority wishes to control treatment of a tree subject of a s211 notice of intended tree works, it must make a Tree Preservation Order (TPO). An application for TPO consent would then be required and would be determined in accordance with the provisions of the relevant legislation. This report considers the appropriateness of making such an Order (it is not possible to grant consent or refuse a s211 notice of intent). As this notice of intent, the Council’s role is not to grant or refuse consent but is to consider whether it is expedient in the interests of amenity to make a Tree Preservation Order.

National Planning Practice Guidance provides the following advice in respect of the making of Tree Preservation Orders:

Paragraph: 007 Reference ID: 36-007-20140306

What does ‘amenity’ mean in practice?

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before **34**

authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Revision date: 06 03 2014

Paragraph: 008 Reference ID: 36-008-20140306

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Revision date: 06 03 2014

In addition to the e-mail from the Ward Councillor, by the date of drafting this report (12th June 2018), 27 objections to the removal of the Oak had been received from local residents / the Hampstead Garden Suburb Trust / the Hampstead Garden Suburb Residents' Association. The objections varied in length and detail; with many commenting on the nature of the supporting documentary evidence, which is not relevant for the purposes of this report, however other observations were more pertinent to the amenity value of the tree:

- The streetscene will be detrimentally affected
- These beautiful Oak trees define the landscape of Oakwood Road and the immediate surrounding area
- The tree standing at the entrance to Bigwood is matched with another similar Oak
- It is essential to keep such trees to ensure the integrity of this special area
- [The houses] were built as part of an overall plan that incorporate the views of these ancient trees as part of the streetscene
- It provides a very real value to the community, nature and the overall amenity of the Suburb
- The tree in question has dominated the landscape for decades in that part of HGS and it would be a scandal if it were removed
-this beautiful, healthy and clearly old oak tree forming part of a pair at the entrance to Bigwood from Oakwood Road between Houses 64 and 66
- It will form important habitat for wildlife as a British oak

- This is a beautiful and significant mature tree, probably over 200 years old. It was obviously part of the old wood and deliberately retained when the designers of Oakwood Road planned the cottages.
- Aesthetically it is important not only for the environment of Oakwood Road but also, as the Oakwood Road entrance to Big Wood where it is paired with another oak in the garden of No 66 to produce a magnificent canopy entrance.
- It forms an integral part of the green backdrop for which the suburb is famous predating the surrounding buildings by a century
- The oak trees of the suburb provide a vital environment for wildlife e.g. woodpeckers
- It is a pair with an oak in the garden of 66. Both oaks for a key part of the street landscape and it would be highly detrimental if the oak at number 64 were felled
- This beautiful oak tree is one of a pair with significant local amenity value and importance to the thousands of local residents and visitors to the area and varied wildlife
- This Oak tree is one of the pre-Suburb Oaks retained by Raymond Unwin in his masterplan of the estate....It is one of the trees retained from Big Wood when the Suburb was developed
- As part of the Hampstead Garden Suburb Tree Survey..... this tree has been identified as a Significant Tree
-the removal of an old tree which cannot be replaced by new young planting. Such trees are exceedingly rare and especially precious in the suburban landscape. No where more so than in the Hampstead Garden Suburb.
- This is one of a pair (64 & 66), marking the entrance to Bigwood which is a part of the original historic forest covering this area for hundreds of years. This oak is a magnificent specimen and was there long before this house was built. The south side of Oakwood Road all borders Big Wood and the original builders were aware of this!
- This tree is one of the trees deliberately retained from Big Wood when the Suburb was developed.
- This oak is by the path leading into the wood from Oakwood Road and greatly enhances the very well-used entrance to the wood.
- This is a magnificent and ancient tree which, together with its 'partner' on the opposite side of the path, makes a wonderful canopied entrance to Bigwood. Not only is it a public amenity from a visual point of view, it is an important habitat for birds including woodpeckers, contributing to the wonderful birdsong that enhances my almost daily walks through the wood.
- The tree is visible from along the street and beyond. It makes a very important contribution to the amenity of the locality. It is particularly appreciated by those using the Wood and the path to Northway Gardens and its playground opposite.
- This tree is a key feature of the landscape and the original planners clearly intended trees of this stature to be visible between the cottages and seen from the street and their gardens as part of their design. It is an important contributor to the visual amenity of the area.
- Design features such as this are especially valuable because they give the Suburb the appearance of having developed organically over the centuries, with dwellings giving way to important trees such as this fine specimen.
- Trees of this age are particularly valuable for their contribution to environmental diversity and habitats as well as for their visual amenity.
- This fine oak over 200 years old predates any of the houses in Oakwood Road and is one of the trees retained by the architects in their original master plan for the estate.
- It is one of a pair cradling the Oakwood road entrance to the nature reserve of Big Wood. It makes a significant contribution to the amenity of the area.
- The tree itself is magnificent, a local amenity serving both as a landmark to those entering Bigwood and a significant amount of birds, squirrels and other wildlife
- This tree is a visual and natural amenity which in the 21st century where we have lost so much woodland, trees and natural habitat for our fast diminishing bird and insect population, we cannot afford to lose both for their futures and their necessity to our survival.

The Oak subject of TCF/0313/18 stands in the front garden of 64 Oakwood Road, about midway along the flank boundary with the pathway leading from Oakwood Road to Big Wood. It is a substantial mature tree, in excess of 20 metres in height, of good form and condition. The girth of the Oak at 64 is indicative of its being a great age.

Various of the comments cited above suggest the Oak at 64 Oakwood Road is ‘one of a pair’ – whilst there is another Oak almost opposite, on the other side of the path, in the front garden of 66 Oakwood Road, this second mature Oak is smaller (approx. 15m) and its form has been affected by the close proximity of the adjacent larger tree. This second Oak appears to be in reasonable condition, although there is some deadwood and dead branches.

There is a further large mature Oak almost opposite, on the other side of the carriageway to the north, very close to the front boundary of 59 Oakwood Road - this tree is included in the Greenspaces inventory of Council owned / maintained Highways trees (265784 – Sgl/22) – it is not considered further in detail in this report as its maintenance is already under direct Council control via an alternative mechanism.

The Oaks pre-date the development of Hampstead Garden Suburb - they were retained and influenced the layout of the area. The trees are very clearly visible along much of the length of Oakwood Road and also from the well-used footpaths / twittens providing access to the public open spaces of Big Wood and Northway Gardens. The Hampstead Garden Suburb Character Appraisal Statement includes much relevant information.

Oakwood Road lies in the northern part of the Suburb, running almost parallel with Falloden Way (A1 trunk road), backing onto Northway Gardens through which Mutton Brook flows. In this part of the Suburb (identified as part of Character Area 6 of the Hampstead Garden Suburb Character Appraisal Statement) “there are extensive open spaces and woodland. Northway Gardens forms a green corridor between Falloden Way and Oakwood Road. Big Wood and Little Wood are Ancient woods bordering Denman Drive and Oakwood Road, and form a notable feature of the topography” as noted in the Character Appraisal Statement. As the Statement describes, Oakwood Road stands on land which formed part of the 112 acres originally held on a 999-year lease and developed by Co-partners under Trust control from 1912 until 1919. The freehold was bought in 1958. The area layout was first sketched by Unwin and refined by his successor as Trust Architect, GL Sutcliffe (Sutcliffe had already worked on the designs for Oakwood Road in his former role as the Co-Partnership’s Architect). The development of this area marks a transition point in both the architectural and social history of the Suburb. Most of the area was designed before the First World War and was largely built by 1915. Oakwood Road was developed to provide housing for rent at low to modest rates. Architecturally, it continued the artisan cottage tradition. During, and after, World War I construction conditions were very difficult and costs rose significantly; after the war, Government housing finance favoured Local Authorities. These two factors ended the ability of the private sector to build cottage housing for moderate rentals.

This history is relevant because in the 1911 Unwin Master Plan for the Suburb, the area now occupied by Oakwood Road is shown as woodland, completely undeveloped, forming part of an enlarged Big Wood. However, a subsequent undated plan submitted by the Hampstead Garden Suburb Trust shows the early stages of the development of Oakwood Road cutting through part of the woodland block but retaining a number of the pre-existing mature woodland trees. Indeed pathways and roads are shown laid out to align with the retention of particular groups of large trees – with an axis of footpaths and roadways running straight from Midholm Close, through Midholm, crossing Falloden Way, through Northway Gardens, between 59 / 61 and 64 / 66 Oakwood Road and on into the heart of Big Wood – the two Oaks at 64 and 66 Oakwood Road together with the mature Highways Oak referred to above are clearly marked as being retained in the layout on the undated plan. The Trust believe the plan to date from approx. 1913 – it is clearly based on the 1911 Unwin Master Plan, but shows further, later, designing of the northern part of the Suburb at a relatively early stage.

The Introduction of the Character Appraisal Statement includes the following information relevant to the public amenity value of the Oak(s):

Views and Vistas - “Glimpsed views - Throughout the Suburb there are views of trees above rooflines, and glimpsed views between houses of trees and planted areas behind. For example, the views above and between houses to Turners Wood provide continuity between the woodland and the mature trees retained in gardens, as well as a sense of scale. Similarly, the mature oaks in Oakwood Road and Denman Drive unite Big Wood, Little Wood and the woodland of Northway Gardens/Mutton Brook. Whether or not individual specimens pre-date the development, they help to provide a link with the pre-development landscape and remaining woodland as well as reflecting the philosophy that informed the design of the Garden Suburb. The many footpaths frame views between hedges and lead onto attractive small greens or allotments. These glimpsed views are an important characteristic of the Suburb which need to be preserved.”

Streets and Open Spaces – “The roads within the Conservation Area are public open spaces of great quality. Wherever possible, in laying out the design for the “Garden Suburb”, particular care was taken to align roads, paths and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that *“Unwin, more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”*. Unwin used the natural contours of the land to create a relationship between the imposing buildings in Central Square and the cottages of the Artisans’ Quarter. The axial roads provide through routes but the gradual slope of the hill was accommodated with less formal road layouts suited to smaller scale housing. The layout of roads often follows old tracks, contour lines, or old hedge boundaries curving around remnants of pre-existing woodlands or the boundary oaks of the old field system. Closes and formal squares infill land between the main routes providing more intimate spaces and picturesque streetscapes. Everywhere, great care has been taken to vary the building line so that some houses are set back behind small greens, others step forward creating a sense of enclosed space and providing attractive views.”

Trees and Hedges – “Trees and hedges are defining elements of Hampstead Garden Suburb. The quantity, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb. Trees and landscaping provide a complimentary setting to the built form. It was the intention that dwellings and nature should be in such close relationship. Henrietta Barnett was clearly influenced by Ebenezer Howard’s views that *“Human society and the beauty of nature are meant to be enjoyed together... Town and country must be married and out of this joyous union will spring a new hope, a new life, a new civilisation.”* and *“.. Parks and gardens, orchards and woods, are being planted in the midst of the busy life of the people, so that they may be enjoyed in the fullest measure”*. Unwin’s expressed intention, which he achieved, was: *‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of the distant view preserved, if not as open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’*”

“Many very old boundary oaks survive in roads, gardens and open spaces and have great impact, both visually and environmentally, as individual trees..... The maturity of planting in the Suburb results in many fine, specimen trees in gardens enhancing the general streetscapes. Where roadways are too narrow to incorporate street trees, trees in gardens are crucial to the verdant appearance of the streetscape. Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

- Creating a rural or semi-rural atmosphere
- informing the layout of roads and houses with mature field boundary trees
- providing links with pre-development landscape and remaining woodland
- creating glades, providing screening and shade, and marking boundaries
- framing views, forming focal points, defining spaces and providing a sense of scale
- providing a productive, seasonal interest and creating wildlife habitats”

The Character Appraisal Statement includes the following relevant information in respect of Character Area 6:

“Even within the context of Hampstead Garden Suburb this area is notable for its lush, green character. Big Wood and Little Wood are the remnants of ancient woodlands; the mature oaks in these two woods rise above the cottages in Oakwood Road and the two forks of Denman Drive. Mutton Brook runs through the attractively landscaped Northway Gardens which also has tennis courts and a children’s playground. Everywhere there are mature street trees, well maintained hedges and attractive garden planting”

“The street layout and architectural styles fully exploit the setting. To the South, roads are curved both to retain mature trees and also to provide soft, picturesque street views.”

“Principal positive features:

Layout and public realm

- curve of streets and planning of cul-de-sacs relate sympathetically to the topography
- road layouts frame views; focal points draw the eye up and down slopes
- pre-existing woodlands and areas of open meadow beside Mutton Brook are incorporated into the layout
- streets curve to accommodate ancient trees
-
- footpaths (twittens) link roads providing safe pedestrian shortcuts through the area from north to south and east to west.

Landscape and trees

- woods and Northway Gardens provide attractive green spaces and recreational areas for residents
- Big Wood and Little Wood are ancient woodlands of historic interest
- views to trees and open green spaces in the distance
- trees in gardens, especially mature trees
- number and scale of trees are well chosen to enhance streetscapes
-
- planting in front gardens often complements and enhances the buildings”

Oakwood Road is described in greater detail as:

“Oakwood Road curves sharply up a gentle slope from Addison Way and then follows the south side of the shallow valley carved by the Mutton Brook. The character of the road is enhanced by the adjacent ancient woodlands. The entrance to Little Wood borders the first section of the southwest side of Oakwood Road. Big Wood forms a backdrop of oaks for the houses on the south side of the road and many of the houses stand on land that was formerly covered by woodland. Remnants of the woodland can be seen in the approximately 200 year-old oaks that stand in some gardens and at certain points on the pavement. Many are visible above the roofs and through large well-planned gaps between the groups of houses.

The road has grass verges and a variety of street trees. The hedges are predominately of privet sometimes mixed with wild shrubs such as blackthorn, hawthorn or hazel with some woodland flowers, such as wood anemone and bluebell, growing among the roots. In general the impression of Oakwood Road is of cottages in a natural wooded setting.”

The Oak in the front garden of 64 Oakwood Road, together with that at 66, are very obviously remnants of the woodland and their retention has clearly been intrinsic to the layout of the roads, paths, and houses in this area – an integral part of the philosophy, character and appearance of this part of the Hampstead Garden Suburb Conservation Area. Although not identical, the two trees do unite to form a pair - framing the view, as a focal point at the entrance to Big Wood and contributing significantly to the streetscape and the wider Suburb. These mature Oaks (retained from the ancient woodland which perhaps was the source of the road name) provide continuity and

a link to the pre-development landscape, visually, environmentally and ecologically – and may be considered essential components of the lush green character and semi-rural atmosphere.

Whilst the s211 Notice of Intent proposes the removal of one Oak at 64 Oakwood Road, given the tree's relationship with the Oak at 66 Oakwood Road, it is considered reasonable to consider the appropriateness of including both trees in a Tree Preservation Order. As set out above, the two trees have been assessed as important trees of significant amenity value which meet the criteria set out in Government Guidance. It is clear from the comments received from residents, the Residents' Association, and the Suburb Trust that the tree(s) are greatly valued and have considerable public amenity value. The Local Planning Authority believes that the removal of the selected tree(s) *“would have a significant negative impact on the local environment and its enjoyment by the public”*. Given the s211 notification of the intended removal of the Oak at 64 Oakwood Road, the inclusion of the tree(s) in an Order at this time is considered to *“show that protection would bring a reasonable degree of public benefit in the present or future”* – not least because it would give the Local Planning Authority some measure of control over the treatment of the tree(s) which would otherwise be absent.

With appropriate cultural attention, the two Oak trees are capable of contributing to public amenity for a considerable period of time. It is considered expedient in the interests of amenity to make a Tree Preservation Order (TPO). The inclusion of these trees in a TPO would necessitate the submission of an application for TPO consent which would need to be accompanied by mandatory supporting documentary evidence that would be determined in accordance with the provisions of the relevant legislation.

For the above reasons it is considered appropriate to include the tree in a Tree Preservation Order.

Location Land To The Rear Of 1069 Finchley Road London NW11 0PU

Reference: 18/5296/S73

Received: 29th August 2018
Accepted: 3rd September 2018

AGENDA ITEM 8

Ward: Garden Suburb

Expiry 29th October 2018

Applicant: -

Proposal: Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include entering the site from Finchley Road and existing from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 This development must be begun within three years from the date of the approval of application reference 17/2723/S73.

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

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

Highways Technical Note by Paul Mew Associates dated August 2018; Covering Letter from Lichfields dated 29 August 2018; Drawing no. 1415-PL-200 Rev C; Site Location Plan; Drawing no.P1231/VAR/101; Drawing no.P1231/VAR/102; Drawing no.P1231/VAR/103 Figure 3a; Drawing no.P1231/VAR/103 Figure 3b; Drawing no.P1231/VAR/104.

Original Approved Plans:

Drawing no. 1415-PL-000; Drawing no. 1415-PL-221 Rev B; Drawing no. 1415-PL-303 Rev B; Drawing no. 1415-PL-306 Rev B; Drawing no. 1415-PL-321 Rev B; Drawing no. 1415-PL-322 Rev B; Drawing no. 1415-PL-323 Rev B; Drawing no. 1415-PL-331 Rev B; Details of 1.8m obscure balustrade; Details of 1.2m side balustrade; Drawing no.1415-PL-011; Drawing no. 1415-PL-212; Drawing no. 1415-PL-301; Drawing no. 1415-PL-302; Drawing no. 1415-PL-304; Drawing no. 1415-PL-305; Drawing no. 1415-PL-320; Drawing no. 1415-PL-330.

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).

- 3 The development shall be carried out in accordance to the levels details approved by the Local Planning Authority under reference 16/2478/CON dated 7th June 2016.

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 The development shall be implemented in accordance with the details of materials for the external surfaces of the building(s) and hard surfaced areas as approved by the Local Planning Authority under application reference 16/2956/CON dated 16th June 2016.

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 No dwelling shall be occupied until the refuse bin store shown on plan No 1415—PL-200 Rev C has been provided in accordance with further details to be submitted to and approved in writing by the local planning authority. Thereafter, the store shall be retained and kept available for use by the occupiers of the development.

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).

- 6 Part 1

The development shall be carried out in accordance with the Remediation Method Statement as approved by the Local Planning Authority under application reference 16/3700/CON dated 15 July 2016.

Part 2

In addition:

i) If, during the course of construction, any contamination is found which has not been identified previously, no further work shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority; and

ii) If any contamination has been found to be present at any stage, either before or during construction, no part of the proposed development shall be brought into use until a verification report has been submitted to and approved by the local planning authority, showing that all such contamination has been treated, and the site rendered safe for occupation, in accordance with the original contamination scheme and any further measures subsequently agreed.

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.

7 a) The scheme shall be carried out in accordance with the hard and soft landscaping details approved under reference 16/2478/CON by the Local Planning Authority dated 7th June 2016.

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 2015.

8 Proposed Unit 6 shall not be occupied until the proposed obscure glazing panel to the roof terrace at a height of 1.8m facing Temple Gardens, as indicated on Drawing no. 1415-PL-303 Rev B and document titled "Details of 1.8m obscure balustrade" shall be installed and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties on Temple Gardens in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016)."

- 9 None of the dwellings hereby permitted shall be occupied until provision has been made for cycle parking and cycle storage facilities in accordance with Drawing No 1415-PL-200 Rev C. Such provision shall be permanently retained thereafter.

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

- 10 None of the dwellings hereby permitted shall be occupied until the proposed parking spaces have been provided in accordance with Drawing No 1415-PL-200 Rev C. That area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The disabled parking space shall be provided and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Finchley Road and egress onto Temple Gardens and access details approved as shown on Drawing no. 1415-PL-200 Rev C. None of the dwellings hereby permitted shall be occupied until the proposed one-way operation and related signage has been implemented in accordance with these approved details. The signage shall be retained thereafter.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 12 None of the dwellings hereby permitted shall be occupied until electric vehicle charging points have been installed in accordance with details to be submitted to the local planning authority and approved in writing. The charging points shall thereafter be retained and maintained for the use of occupiers of the development.

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.

- 13 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).

- 14 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 6% 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.

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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.

- 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 payment under Mayoral CIL.

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

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

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

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

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

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

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.

- 4 The London Fire Brigade strongly recommends that sprinklers are considered for new development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of the occupier.

Officer's Assessment

1. Site Description

The site is located to the rear of the former Police Station at no.1069 Finchley Road (west) within the Garden Suburb Ward.

The existing building is two storeys with an additional two storeys within a mansard roof. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There is also a detached two storey block to the rear close to dwellings on Temple Gardens. The site has two points of access, from Finchley Road, and Temple Gardens.

Planning permission was granted at the site for a purpose built block of 9no flats.

In addition, planning permission was recently granted for the redevelopment of the building at front fronting Finchley Road 16/7565/FUL.

2. Site History

Relevant Planning History at the host site:

Reference: 18/2056/S73

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 29 June 2018

Description: Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings.' Variation to include installation of roof terrace and opaque glazing to Unit 6

Reference: 17/2723/S73

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18th July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'.

Variations include changes to the entrance foyer and associated small amendments to the northern elevation and internal alterations. Layout changes to flats on first to fourth floor. Changes to the window configuration on each elevation, siting of the third floor balcony on the western elevation and small extension to the fourth floor roof terrace. Alteration to the layout of the pathway between parking spaces 7 and 8

Variation of conditions 5 (Bin Stores), 9 (Cycle Parking) and 10 (parking spaces) to reword and reflect changes to drawing numbers.

Variation of condition 8 (obscure glazing to Unit 8) to reflect re-numbering of the second floor unit to the west to read Unit 6 and associated changes to drawing number

Reference: 16/3700/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 15 July 2016

Description: Submission of details of Condition 6 Part 1 (Soil Contamination) pursuant to planning permission 15/01377/FUL dated 04/04/16

Reference: 16/2956/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 16 June 2016

Description: Submission of details of Condition 4 (details of materials) pursuant to planning permission 15/01377/FUL (04/04/2016)

Reference: 16/2971/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 14 June 2016

Description: Submission of details of condition 11 (Access) pursuant to planning permission 15/01377/FUL dated 04/04/16

Reference: 15/07709/FUL

Address: 1069 Finchley Road, London, NW11 0PU

Decision: Approved subject to conditions

Decision Date: 28 January 2016

Description: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

Reference: 15/01377/FUL

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Refused but Approved at appeal (APP/N5090/W/15/3136451)

Decision Date: Appeal approved 4th April 2016

Description: Erection of a new building up to five storey including 11 no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9 no. self-contained flats, following demolition of existing buildings

Reference: 16/2478/CON

Address: Land To The Rear Of Former Golders Green Police Station, 1069 Finchley Road, London, NW11 0PU

Decision: Approved

Decision Date: 07 June 2016

Description: Submission of details of condition 3 (Levels), 7 (Landscaping) pursuant to planning permission 15/01377/FUL dated 04/04/16

Relevant Planning History at adjacent site to the front:

Reference: 18/3599/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 18 September 2018

Description: Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

Reasons for refusal:

1. The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).

2. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD(2012) and the Planning Obligations SPD (2013).

Reference: 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following Legal Agreement

Decision Date: 01 October 2018

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

Reference: 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

Reference: 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

3. Proposal

The applicant seeks planning consent for the variation to condition 2 (Approved Plans) pursuant to planning permission 18/2056/S73 dated 29/06/2018 for:

"Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings."

The proposed application seeks to vary the entrance into the site from Finchley Road and existing from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11.

The approved arrangement included one-way access entering the site via Temple Gardens and exiting via Finchley Road. The proposed variation would reverse this and would also require changes to the parking layout to allow cars access into the parking bays in the same direction as the flow of traffic. The parking provision on the site would remain as approved.

Associated signs would be erected within the site to indicate the flow of traffic.

4. Public Consultation

Consultation letters were sent to 251 neighbouring properties.
9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- The Transport Statement lists that there is no legal restriction on the direction of vehicular traffic. This is true, but what it does not state is that in reality virtually all traffic on Temple Gardens goes one way, towards St. George's Road/Finchley road, ie to the left of the rear exit;
- Traffic exiting to the right will face a blind spot and therefore this would be unsafe/ Highways safety;

- Cars parked either side and this would create a blindspot;
- Temple Gardens is mostly a one way road;
- Increase in noise levels with congestion problems;
- Exiting in this way will cause roadblocks;
- Its debatable whether the access as proposed has been established;
- The number of vehicles using the access to Temple Gardens has been hugely underestimated, as the vehicles will not only include future residents of the rear, but deliveries, taxis, visitors etc. for residents of both developments as well as the office space at the front;
- Will encourage parking on Temple Gardens rather than on Finchley Road;
- No valid reason to propose the change;
- Safety for children in neighbourhood.

The Council's Environmental Health officers were consulted and had no comment as it was considered that the amendments were Highways issues.

Highways officers were consulted and considered that the proposal was acceptable on highways grounds; this is discussed in the content of the report.

TFL objected to the scheme, however acknowledge that this assessment is for the Council's Highways officers.

A site notice was erected on the 13th September 2018.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM13, DM14, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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;
- Highways.

5.3 Assessment of proposals

Background

Planning permission was previously refused on the site for the following development under reference 15/01377/FUL:

"Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings"

The application was recommended for approval by planning officers but overturned and refused by the Finchley and Golders Green Area Planning Committee for the following reason:

"The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies."

The decision was appealed and permission allowed (appeal reference APP/N5090/W/15/3136451); the following paragraphs (para. 6-10) from the Inspector's decision are considered to be of relevance:

"It is proposed to use the existing access between 16 and 18 Temple Gardens, and concern has been raised regarding the effect on the living conditions of residents at Nos 16 and 18. There is some evidence that the use of the access may have been limited voluntarily whilst the police station was in operation. Nonetheless, there is currently no formal planning restriction on the vehicular use of the access.

The planning application was accompanied by a noise report by Syntegra Consulting which assessed the potential impact of vehicle movements. The report concluded that resultant noise levels would be below the existing background levels. I note the Council's reservations about the use of BS4142 for this assessment, but no alternative method has been suggested, and no other technical evidence is before me. Notwithstanding this, I note that no objection to the scheme was raised by environmental health officers in respect of noise and disturbance.

A Transport Statement (TS) was also submitted with the planning application, which predicted that the proposed nine residential units would generate a total of 24 two-way vehicle trips during a typical weekday, ie, 12 arrivals and 12 departures. The fact that a one-way system would be in operation would effectively half the number of vehicle movements through the Temple Gardens access, in other words, only the 12 arrivals per day would be experienced by Nos 16 and 18.

No comparative assessment is available of the levels of noise and disturbance that would have been generated whilst the police station was in use. However, the facility was in use 24 hours a day, and I consider it likely that vehicle movements would have been relatively high. It is highly unlikely that a relatively small development of nine flats would produce significantly more noise and disturbance than a police station, even taking into account the potential intensification of the Temple Gardens access.

On the basis of the likely number of vehicle movements, I find that the impact on the living conditions at Nos 16 and 18 Temple Gardens would not be so harmful as to warrant the withholding of planning permission."

It is considered that this decision is a material consideration in the assessment of the current application.

Introduction

The proposal seeks to vary condition 2 (plans) of the approved scheme to reverse the vehicular entrance into the site compared to the approved scheme. In conjunction with this, it is also proposed to vary the wording of condition 11 which relates to the access.

As no other changes are proposed, the assessment below will assess the differences between the approved and proposed schemes.

Impact on Character and Amenity of Neighbouring Occupiers

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Furthermore, the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and protect the amenities of neighbouring occupiers; the scheme would be expected to comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The proposed amendments would not have a material impact on the character of the area or appearance of the proposed building or associated curtilage of the site. Similarly, the changes in the rearrangement of parking spaces are not considered to result in additional noise levels or disturbance to neighbouring occupiers. This is discussed in more detail in the Highways section below, however the proposal includes signage to direct vehicles into entering the site the correct way.

In conclusion it is not considered that the access rearrangement would have an unacceptable impact on the character of the area or the visual amenities of neighbouring occupiers.

Impact on Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

In terms of vehicular visibility, the amendments would represent an improvement from the approved scheme, entering from Finchley Road rather than exiting onto this road. Drivers would have a good view of the footway and those using it and could negotiate their entry to the development better than the other way around. In terms of altering the access from entering through Finchley Road (rather than exiting), there is no greater highways impact.

No objection was raised by the Council's Highways team to the amendment to exit onto Temple Gardens. It was not considered that there would be a material change to highways (vehicular or pedestrian safety) in this regard.

The alterations to the parking layout are considered to be acceptable.

TfL provided the following comments with regard to this application:

"1. TfL's oversight view is that the current access point means vehicles are transitioning from one low traffic environment (the site) into another low traffic environment (Temple Gardens) and this should not be changed unless there is material consideration.

2. TfL feel the introduction of an access point off Finchley Road will greatly increase collision risks for vehicles, cyclists and pedestrians either on Finchley Road or on the proposed site. The applicant has proposed measures to mitigate these potential risks by implementing signage informing car drivers there is a one-way system in place. These signs will be situated within the sites boundaries, however TfL believe the applicant has nothing in place to enforce a one-way policy meaning drivers could choose to exit onto Finchley Road should they wish to."

TfL objected to the scheme however the Council are the highway authority for this development and therefore limited weight has been given to the objection. It must be noted that the use of the Finchley Road access as an exit was approved under application reference 15/07709/FUL (this was entrance and exit).

The application seeks to amend the wording of condition 11 to read as follows:

"The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Finchley Road and egress onto Temple Gardens and access details approved as shown on Drawing no. 1415-PL-200 Rev C. None of the dwellings hereby permitted shall be occupied until the proposed one-way operation has been implemented in accordance with these approved details.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016."

Given the comments above, it is considered that the amendments to the wording of the condition is acceptable.

Highways officers have recommended that subject to the attached conditions and informative, there is no objection to the scheme on highways grounds.

Accessibility and Sustainability

In respect of the sustainability and accessibility measures, these will remain the same as the previously approved application.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in detail in the report above. Given that the number of units would remain the same, it is not considered that the development would result in further parking pressures than previously considered acceptable and established by the consent.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval. The amendments hereby proposed are considered to be minor material alterations to the approved scheme.



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Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

Officer's Assessment

1. Site Description

The application site is located behind properties in Corringway accessed through a passage positioned between 3-5 Corringway, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The site has historically been used as a community tennis court for the use of residents of Hampstead Garden Suburb. Within the last decade the site fell into disrepair and became over-grown with vegetation. The site is now privately owned.

The Conservation Area Character Appraisal notes;

"Corringway is a cul-de-sac with a block of flats at its head. The immediate impression is pleasingly green. Privet hedges dominate, though some are laurel, while shrub frontages and low wooden gates have been generally retained. Attractive shrubs and trees in beds now line the road and there are no hardstandings to diminish front gardens. Burglar alarms, clamping warning notices, CCTV cameras and views of the phone mast over the roofscape detracts from the appearance of the close. "

2. Site History

Reference: F/03844/13

Address: R/O 3 -5 Corringway, London, NW11 7ED

Decision: Approved subject to conditions

Decision Date: 10/10/2013.

Description: Retention of existing tennis court including laying of new surface, hard and soft landscaping. Replacement fencing and gates. Retention of replacement of existing timber loggia

3. Proposal

This application seeks consent for the installation of 2no. CCTV cameras in the tennis court area.

The cameras will be positioned with one on the rear of the entrance door to the tennis courts, and the second on the front of the wooden shed at the southern corner of the site.

4. Public Consultation

A site notice was erected on 19/7/2018

A press notice was published on 12/7/2018

25 consultation letters were sent to neighbouring properties.

7 responses have been received, comprising of 6 objections and 1 comment

The views of objectors can be summarised as follows;

- No need for cameras as gates, fences and high hedges
- Loss of privacy
- Concerns that CCTV requires electricity supply which will be used for unspecified uses if the owner wanted to develop the site further
- Intrusive
- Impact on traffic and parking

HGS CAAC - No objection.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated in 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

ul Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (2016)
Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.3 Assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted.

This application seeks consent for the installation of two white CCTV cameras within the boundary of the tennis court site to the rear of properties in Corringway. Access to the tennis court is through a gated path positioned between 3- 5 Corringway.

The first camera is shown to be positioned above the entrance gate to the tennis court at an approximate height of 2.5m directly facing on to the tennis court. The second camera is shown to be sited on the front face of the existing timber shed within the site, again at an approximate height of 2.5m directly facing towards the main entrance gate.

It should be noted that the Hampstead Garden Suburb Trust has given approval for the cameras on the condition that the background imagery is removed to respect the privacy of neighbours. The type of camera proposed (HIK VISION DS-2CD2385FWD-I - 8 MP Network Turret Camera) can provide this restriction. Furthermore, it should be noted that the Conservation Area Advisory Committee raised no objection to the proposals.

The small nature and discreet positioning of the cameras are considered to ensure that these additions do not detrimentally impact on the character and appearance of the application site, wider Conservation Area or amenity of neighbouring occupiers. There has been an increase in applications for CCTV with in the Conservation Area, but through negotiation none have been refused. The details provided are considered to be acceptable and demonstrate that the cameras will not appear too prominent in their position, or detract from the overall character and appearance of the application site.

Given the positioning of the proposed cameras, the proposals are not considered to give rise to any detriment to trees of a high amenity value.

Having taken all material considerations into account, the proposed alterations would not detrimentally impact on the qualities of the application site and protect the character of this

part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.

5.4 Response to Public Consultation

The concerns raised that there is no need for cameras as gates, fences and high hedges is noted, however, the need for the cameras is not a material planning consideration.

The concerns raised that the proposed CCTV cameras will result in a loss of privacy and will be intrusive are noted, however, the cameras will not be positioned in a way that will overlook any neighbouring site.

The concerns that CCTV requires electricity supply which will be used for unspecified uses if the owner wanted to develop the site further are not a material planning consideration.

There is not considered to be any impact on traffic and parking as a result of the proposals.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed alterations would not detrimentally impact on the qualities of the application site and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.

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Location **Land Fronting St Andrew's Road And Portsdown Avenue Golders Green London NW11 0PJ**

AGENDA ITEM 10

Reference: **18/4546/FUL**

Received: 23rd July 2018

Accepted: 7th August 2018

Ward: Golders Green

Expiry 2nd October 2018

Applicant: .

Proposal: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area) with installation of wheelchair access. Refurbishment of the clubhouse including replacement roof, replacement windows with double glazing and new external cladding

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A contribution towards improvements to Local tennis facilities at Princes Park and Lyttelton Playing Fields - £75,000 plus a monitoring fee of £2,625

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning

application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

Drawing no. 572/PA/001; Drawing no. 572/PA/010; Drawing no. 572/PA/020; Drawing no. 572/PA/021; Drawing no. 572/PA/022; Drawing no. 572/PA/100 A; Drawing no. 572/PA/110 A; Drawing no. 572/PA/120; Drawing no. 572/PA/200 A; Drawing no. 572/PA/210 B; Drawing no. 572/PA/300 A; Drawing no. 572/PA/310; Drawing no. 572/PA/330 A; Drawing no. 572/PA/400 B; Drawing no. 572/PA/410 B; Drawing no. 572/PA/411 A; Drawing no. 572/PA/420 B; Drawing no. 572/PA/430 A; Drawing no. 572/PA/440 A; Drawing no. 572/PA/450 A; Drawing no. 572/PA/451; Drawing no. 572/PA/460; Drawing no. 572/PA/500 A; Drawing no. 572/PA/510 B; Planning Statement by MRPP; Design and Access Statement by MRPP; Sustainability Statement by MRPP; Transport Statement by Transport Planning Associates dated July 2018; Soft Landscape Design Palette by Marcus Foster; Hard Landscape Design Palette by Marcus Foster; Tree Planting Proposal Summary by Marcus Foster; Arboricultural Survey (BS5837:2012) & Impact Assessment by Marcus Foster ref AIA/MF/080/18; Existing Tree Survey by Marcus Foster Drawing T001; Proposed Tree Survey by Marcus Foster Drawing T002; Proposed Tree Survey with RPA by Marcus Foster Drawing T003; Tree Constraints Plan by Marcus Foster Drawing T004; Tree Planting Scheme by Marcus Foster Drawing no. LD-001; Soft Landscaping Plan by Marcus Foster Drawing no. LD-003; Ecological Appraisal Report by MLM Group.

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

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

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

- 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 2016.

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

b) The 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).

5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed along proposed houses 7 and 8 shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. 4572/PA/200 Rev A 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) and the Sustainable Design and Construction SPD (Adopted October 2016).

7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews

Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 8 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 at any time in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews Road.

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).

- 9 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, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 10 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. These details shall include landscaping for both the residential and tennis club.

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.

- 11 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas within the Tennis Club area

only, as hereby approved, for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development 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 2016.

12 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 and telecommunications) 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 2016).

13 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 2016.

14 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 13 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the

development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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 2016.

- 15 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.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

- 16 In the event that unexpected contamination is found at the site during the construction hereby approved, work shall stop immediately, a site investigation/ inspection carried out by a competent person and a report shall be submitted in writing to the Local Planning Authority for Approval. No further works shall be undertaken unless otherwise approved in writing by the Local Planning Authority.

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 October 2016) and 5.21 of the London Plan 2016.

- 17 No construction work resulting from the planning permission, including the installation of the temporary buildings hereby approved, 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).

18 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 October 2016) and 7.15 of the London Plan 2016.

19 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

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

20 The level of noise emitted from any fixed mechanical 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 2016.

21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been 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 October 2016) and Policy 7.15 of the London Plan 2016.

22 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

23 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 policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

24 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).

- 25 Notwithstanding the details shown on plans otherwise hereby approved and prior to the installation of any new lighting, a detailed external lighting scheme including siting of lighting columns and a site plan with lux lines shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality and prevent disturbance to existing and future occupants thereof are not adversely affected by the development in accordance with Policies DM01 and DM04 of the Development Management Policies (2012).

- 26 Before the development hereby permitted is occupied, existing parking spaces and the accesses to the parking spaces shall be provided in accordance with the Drawing No. 4572/PA/210 B submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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.

- 27 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a submitted planning application and approved drawings 4572/PA/210B and 4572/PA/520. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 28 The development shall be implemented in full accordance with the details of the storage of recycling containers and wheeled refuse bins/ other refuse storage containers as indicated on Drawing no. 4572/PA/520 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).

- 29 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 30 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 6% 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.

- 31 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.

- 32 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 33 The site clearance and any mitigation measures in relation to ecology shall be implemented in full in accordance with details in the hereby approved document titled "Ecological Appraisal Report" by MLM Group.

Reason: To ensure that nature conservation interests are not prejudiced 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 October 2016).

- 34 The tennis club and associated club house hereby permitted shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 8am or after 9pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 35 The street trees to be retained as indicated on the hereby approved documentation shall not be damaged or removed prior to, during or after construction, unless otherwise agreed with the Council's Street Trees department.

Reason: To mitigate against the loss of trees of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 and of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 15/02/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control

should REFUSE the application 18/4546/FUL under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of improvements and new facilities at identified tennis facilities. In the absence of this, the proposal would result in the loss of a tennis club and community facility contrary to London Plan (2016) Policy 7.18, Policy CS10 of the Local Plan Core Strategy (adopted September 2012), Policy DM13 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 payment under Mayoral CIL.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 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.

- 5 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.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - 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.
- 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 35dB(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.

- 7 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.
- 8 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.
- 9 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.

- 10 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.
- 11 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.
- 12 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 13 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development

works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 14 As required by condition 35, if any damage is caused to the existing street trees the applicant will be required contact the Council's Street Trees department to secure a scheme for the provision of replacement tree planting off site that reflects the amenity value of the trees.

The London Borough of Barnet, Green Spaces use the industry recognised system Capital Asset Valuation of Amenity Trees (CAVAT) to evaluate the loss of publicly owned and managed trees. Details of this system can be found on the London Tree Officers Association web site (www.ltoa.org.uk). If development activities causes a loss of these values by not conforming to agreed methods, then compensation will be sought from the developer to mitigate the loss of visual tree amenity in the local area.

The Street Tree officer has confirmed the CAVAT value of these trees as detailed below:

- T3- Sweet Gum £5,629
- T9 - Maple (Snakebark) £10,978
- T10 - Hawthorn £2,994

Officer's Assessment

1. Site Description

The application site comprises approximately 3860 sqm of tennis courts with one small club building, located between St Andrews Road and Portsdown Avenue. The tennis club is a privately-owned tennis club.

There are change in ground levels in the site with the ground levels declining from east to west along St Andrews Road and inclining from the centre of the site towards the south (towards St Andrews Road).

Surrounding properties are suburban character in both streets, with a mix of detached and semi-detached houses along with two short terraces towards the junction of St Andrews Road with Templar Avenue.

While the Club grounds are predominantly in tennis courts, there is an area of lawn towards its south-eastern corner, with an attractive stand of trees adjacent to the Portsdown Avenue frontage.

While the more immediate surroundings of the site are defined by the generally large although closely set houses which results in the suburban character of the area, Portsdown Avenue becomes more urban in character towards its eastern end where it continues eastwards beyond its junction with Templar Avenue to join Finchley Road.

There are a range of local shops and services on Finchley Road itself, all within a short walk from the Tennis Club site.

The site does not lie within a Conservation Area nor are the surrounding buildings Locally or Statutory Listed.

2. Site History

Reference: C01446F

Address: Templars Lawn Tennis Club, Portsdown Avenue, London, NW11

Decision: Approved subject to conditions

Decision Date: 13.07.1988

Description: Single storey clubhouse and landscaped area

3. Proposal

Planning permission is sought for the redevelopment of the site comprised of removal of two tennis courts and erection of 8no two storey single family dwellinghouses with rooms in the roofspace. In terms of the residential units the scheme seeks associated alterations to hard and soft landscaping with associated vehicular access for each dwelling (off-street parking), provision of amenity space, bicycle storage and refuse and recycling storage.

The proposal would provide 8no 4 bedroom houses. Proposed dwellings 3, 5, 7 and 8 would benefit from two parking spaces, whilst the other dwellings would benefit from 1no off-street parking each due to the relative positioning of street trees. Cycle parking, Refuse and recycling would be located at the front of each dwelling within purpose built storage.

The proposal would include the retention of the three courts altogether; the two most westerly are synthetic courts would be retained along with the associated floodlighting. These courts would be upgraded. The existing hard court would be upgraded to a MUGA (multi use games area) including tennis, 5-a-side football, basketball and netball and associated equipment. The existing clubhouse would be upgraded and refurbished; other than improvement works, the club house would not be altered.

Four dwellings are proposed along St Andrews Road and four along Portsdown Avenue, arranged as semi-detached dwellings.

New dwellings on St Andrew's Road

Along the St Andrews Road, proposed dwelling no.5 would have a front gable wing which would match the front line of no.8 St Andrews Road. The proposed buildings along this road would generally follow the building line apart from recesses to reduce the overall massing.

Proposed dwelling no.5 would have a depth of 12m, and would be set 1.6m from the boundary with no.8 St Andrews Road (retaining a gap of 3.3m between the side elevations). At the rear, the amendments have reduced the depth of the no.5 along the boundary with existing no.8 St Andrews Road; the proposed building would not project to the same depth as the ground floor rear projection of no. 8 St Andrews, however the building would project to a depth of 2.1m beyond the rear elevation at first floor.

Proposed dwellings 6 and 7 would protrude further into the garden by approximately 0.9m beyond the rear elevation of dwelling 5. Proposed dwelling no.8 would have a depth of 10.2m, and would as a result, be marginally wider than the other 3 dwellings on this section of the site. Unit no.8 would maintain a gap of 3m to the boundary with MUGA.

There would be a gap of 1.9m between the pairs of semis.

The buildings, as amended, would match the ridge and eaves height of the terrace to the east (no.2-8 St Andrews Road).

New dwellings on Portsdown Avenue

Proposed dwelling no.1- 4 would have a recessed front building line, set back by 0.9m from the front elevation of existing properties 5 and 7; this follows the modest stagger in building of properties to the east.

The proposed buildings along this road would have a maximum depth of 13.2m and are more consistent in the plot widths. Proposed units 1 and 4 would be set 0.9m from the boundary with the tennis courts and no.7 Portsdown Avenue respectively; proposed unit 4 would retain a gap of 2.1m between the side elevation of no.7. Unit 4 would project 3m beyond the first floor rear elevation of no. 7 Portsdown Avenue.

There would be a gap of 0.8m between houses 2 and 3.

The proposed dwellings would match the eaves height of no.5-7 Portsdown Mews, although the ridge height would be 0.5m lower than the ridge height of the immediately neighbouring buildings.

The design of these dwellings includes front gables and side dormers on the outer side dwellings, and side gables between the semis. Units 1 and 2 are mirrors of Units 3 and 4.

4. Public Consultation

Consultation letters were sent to 171 neighbouring properties.

56 responses have been received, comprising 49 letters of objection, 6 letters of support and 1 letter of comment.

The objections received can be summarised as follows:

Tennis Facilities

- Courts are a valuable asset and the heart of Temple Fortune;
- Loss of important community facility;
- Only sporting area in the vicinity;
- demand for tennis facilities;
- What allowances made to make a S106 agreement with contributions;
- No marketing done for the loss of the tennis facilities;
- MUGA does not justify loss of facilities;
- Require confirmation of whether Historic England have been consulted on this application. As the tennis club is over 100 years old, they would be statutory consultees;
- Can the club be legally sold? Queries whether this has been checked;
- Membership denied for people;

Character

- Out of character development;
- Lack of uniformity in design;
- Overcrowding/ Over-intensification;
- Dense & bulky design;

Amenity

- Loss of Outlook;
- Oppressive & overbearing;
- Overshadowing;
- Pollution due to increased traffic and building works;
- Loss of daylight/ sunlight to neighbouring houses;
- No daylight & sunlight assessment provided;
- Alter quality of life of neighbours;
- Removing the courts will result in both public and residential loss of view and of space - a huge, adverse impact on residential amenity of the neighbourhood;
- Air pollution;

Highways

- Loss of parking, which already restricted;
- Loss of residents parking bays;
- Dispute findings of parking survey;

Other

- Loss of Trees/ open space;
- Nearest park is 15 minutes away/ insufficient amenity areas within the local vicinity;
- The present site is green belt development;
- First phase to converting to flats/ HMOs;
- Developers intention is to redevelop the other side of the tennis club;
- Lack of affordable housing;

- Loss of nature conservation/ wildlife;
- Club internationally run badly to discourage new membership;
- No provision for supporting infrastructure in the area;
- Increase in crime due to cheaper "affordable" housing;
- Imperative that the development is limited to 8 houses if approved;
- Loss of tennis club would "be deprivation of a social amenity and result in players having to drive to a new location creating pollution, parking facilities";
- Subsidence;
- "Ground contamination and use of possibly dangerous materials may release hazardous elements, posing a health and safety risk to residents and beyond"
- Encroachment into neighbouring boundary;
- Questions whether existing members will benefit financially; who will run the club; will new members be allowed;

In addition, a weblink to an online petition was provided which included 315 people objecting to the scheme.

The representations received can be summarised as follows:

- No objection provided time activities are controlled/ control noise;
- Great use of the space;
- Area in need of housing and the development would support this;
- Proposal would offer more to the public/ Former club only benefitted a handful of people;
- Other club in the area;
- "Kisharon School has had free access for our pupils with SEN to this site for many years, which has provided us with a nearby additional outdoor area. The school site has limited outdoor area. The plans will include a mixed sports area with wheelchair access which we have been assured will continue to be available to our students and provide enhanced facilities. We therefore would strongly support this application."
- "An enhancement to an area that has been poorly frequented. The plans submitted suggest an exciting opportunity to develop the area, inviting more life to the community with a professional structure to the existing club."
- Kisharon very much support additional disabled mixed sports facilities being developed for the wider community;

Mike Freer MP has requested that the committee are advised that the application is for houses only and not for flats; "any objection based on flats should be ignored".

Andrew Dismore Assembly Member objects to the scheme for the following reasons:

- "A dangerous precedent for the loss of sports and physical recreation facilities for more development"
- Loss of sports/ recreational facility;
- Loss of trees;
- Represents major development of the site.

The Council's Green Spaces, Arboriculturalist, Highways and Environmental Health officers were consulted; the responses are in the relevant section below.

A site notice was erected on the 16th August 2018.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Planning Obligations SPD (adopted April 2013)

Residential Design Guidance SPD (adopted October 2016)

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:

- Partial loss of Tennis facilities;
- Principle of development and 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 the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

Partial Loss of Tennis Club

The NPPF emphasises the importance of social and recreational facilities, and states that Local Planning Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs" (para 92). The NPPF seeks to protect existing sports and recreational buildings from being built on unless "an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements" (para. 97).

Policy 3.19, relating to sports facilities of the London Plan (2016) sets out a strategic aim "to increase participation in, and tackle inequality of access to, sport and physical activity in London particularly amongst groups/areas with low levels of participation". Therefore, "development proposal that increase and enhance the provision of sports and recreation facilities will be supported", and "wherever possible, multi-use public facilities for sport and recreational activity should be encouraged".

Policy 7.18 of the London Plan 2016 states:

"The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate".

Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements"

The Council policy DM13 seeks to protect community uses. The policy details that the loss of a community facility will only be acceptable where:

- i. "New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use."

The Council has adopted a Playing Pitch Strategy which assesses quality and quantity of all outdoor sporting facilities in the borough including tennis. The document emphasises the need for protection of and investment in tennis. There is a focus on Council stock of tennis courts and the role of the private sector is identified.

"The highest current and latent demand for tennis has been identified in catchments surrounding existing courts is around Victoria Park, Princes Park, Hendon Park, Childs Hill Park and Basing Hill Park."

Princess Park is local to Templars Avenue, therefore officers would identify that there is a need for tennis courts locally. The proposal seeks the loss of two tennis courts and the open area to the south to accommodate the residential units. The supporting information has confirmed that the tennis club until April 2018 was a private club, "containing 72 members ... [it] was for this reason primarily that the Council decided that the land is not an asset of community value."

The proposal would seek to make improvements to the existing tennis courts and deliver one as a Multi-Use Games Area (MUGA), in addition to the refurbishment of the existing clubhouse. The proposal would also make the facilities available to the general public.

It is accepted that the scheme would still result in the loss of two tennis courts facilities, in an area identified as having a deficit of these facilities. The Council's Green Spaces team have been consulted and consider that the applicants offer to make a financial contribution for improvements to local tennis facilities elsewhere in the area is appropriate. It is considered that the financial contribution of £75,000, secured through a S106 agreement is an acceptable solution and would justify the loss of the two tennis courts. Tennis court improvements have been identified at Princes Park and Lyttelton Playing Fields (improvements to at least 2 tennis courts) .The loss of two tennis courts, considering the above including improvements to the retained courts and availability for public use, is considered acceptable.

Policy DM15 is also considered to be relevant in relation to the protection of open spaces, and it states:

"i. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- a. The development proposal is a small scale ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space provision can be made.

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity."

The area of open space is relatively modest and located to the south. As mentioned above, the scheme would secure financial contributions which would go towards improvements to local open spaces. In this regard, it is considered that the scheme would comply with this standard.

The proposed loss of the two tennis courts is considered to be acceptable given the financial contribution that would be secured subject to section 106 agreement.

Principle of development and Impact on the character of the area

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

The principle of residential use would reflect the surrounding uses and there is no objection in this regard.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has a PTAL of 2 which is considered to be low, and is considered to fall within a suburban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare (150-250 hr/ha). Taking the site area as 0.18ha (only including the area of residential use), the proposal for 8 houses would equate to a density of 44.44 units per hectare (388.89 habitable room per ha, due to all the bedrooms exceeding the standard for double rooms) which complies with the London Plan density matrix. Taking the site area to include the tennis courts (total of 0.41 ha) the density would be even lower.

Density however is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and the medium priority is 3 bedroom units. The houses are all 4 bedroom units and therefore the scheme adheres to this policy by providing large family units.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The spacing between dwellings, depth of buildings, plot divisions and siting within the site have been carefully and sympathetically arranged and the Local Planning Authority has no

objection. The buildings on both roads reflect the pattern of development, front and rear building lines.

The design of the properties is considered to be of a high standard with some variety in the detailing of the houses and arrangement of features. The dormers on some of the properties are considered to be subordinate to the relevant main roofslope. A condition has been added requiring details of the proposed materials, however the design is considered to be attractive and includes attractive detailing including on the windows and gable at the front. The indicative palette of materials and design has contextual references which would result in the buildings integrating well within the suburban area. The scheme promotes a modern interpretation of local vernacular and this is in accordance with the emphasis on design within the NPPF.

The plans indicate a bin and cycle store located at the front of each property. The structure itself is modest in height with a flat roof. The bins would be located at the front and within 10m from the highway. Officers do not object to this arrangement.

In addition, the improvements to the tennis club facilities is encouraged and would make an overall improvement to the area.

The design of the properties is considered to be of a high standard would make a positive contribution to this section of the Portsdown Avenue and St Andrews Road. The proposal is considered to be acceptable on character grounds.

Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. The proposed dwellings would have the most impact on each other in terms of overlooking due to the "back garden to back garden"

arrangement. It is not considered that the new dwellings (no. 4 and 5) in particular, would give rise to further levels of overlooking than in a typical suburban setting.

The depth of the building at plot 5 has been reduced as part of amendment as requested by officers, as has the depth of the terrace to prevent overlooking into the garden of no. 8 St Andrews Road. In addition, the proposed dwellings have also been reduced in height and therefore the combined amendments have reduced the visual impact on dwelling no.5 in terms of overlooking and perceived height (the proposed dwelling would not be overbearing) on no. 8 St Andrews Road. The first floor projection of the building, given the depth beyond no.8 St Andrews Road and the distance from this property would not be uncharacteristic or visually dominant.

In terms of the visual impact of proposed house 4 on the nearest neighbouring property at no. 7 Portsdown Avenue, the building would maintain a gap to this dwelling and would have a relatively modest projection beyond the rear elevation. It is considered that there would be some overshadowing to this property, however due to the siting and distance, it is not considered that this would be sufficient to warrant refusal. No. 7 Portsdown Avenue benefits from side windows facing no. 4 including a side dormer. Looking at the planning history of this property, including recent planning approvals (references F/03556/13 and F/00059/11), the side windows generally serve non-habitable accommodation, whilst the side dormer is a secondary window to a bedroom. The ground floor kitchen which due to its size is considered to be a habitable room, has windows to the side however there is also fenestration towards the rear. Whilst there would be loss of light to these windows, given what rooms these windows serve and other fenestration, officers do not consider that this impact is unacceptable and that the siting of the new dwellings would justify refusal of the application.

It is not considered that the improvements to the tennis facilities would have a further impact on the amenity of neighbouring occupiers, particularly adjacent to no. 9 Portsdown Avenue and no.10 St Andrews Road. Conditions have been added nonetheless with regards to the hours of use and if any additional lighting is proposed (details would be required).

Overall, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential occupiers.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan for a 4 bedroom 8 person unit over three storeys is 130sqm. The eight units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for double rooms (respectively).

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from suitable outlook and light; the units are all dual aspect.

In respect to mutual overlooking between the proposed units, the units would all be set at least 11m from the rear gardens of the parallel future units (the standard is 10.5m) and at least 23.4m between rear windows of the proposed units (the standard is 21m). The terrace of proposed dwelling 7 would project 2.7m beyond the rear elevation of proposed dwelling 8; to mitigate against overlooking, it is recommended that privacy screening is located along this boundary and details would be secured via a condition. It is therefore considered that there would not be unacceptable levels of overlooking between future units.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For houses, amenity space should be provided in the form of individual rear gardens; the Sustainable Design and Construction SPD stipulates that for houses with 7 or more habitable rooms a minimum of 85sqm should be provided. All the gardens for the new dwellings would meet this standard and thus provide sufficient amenity space for the future occupiers of the units. The depth of the garden of proposed unit 8 is relatively modest due to the siting of the retained tennis courts. As part of the amendments, the garden of this property was increased along the boundary with proposed unit no.7 and therefore the amenity of future occupiers improved compared to the initial submission. The layout of the amenity areas has been conditioned.

Environmental Health officers have commented on the proposal and consider that whilst some of the tennis courts would be removed for the development to provide private residential gardens, there is not any significant source of contamination in the immediate vicinity. The supporting information indicates that the tennis courts to be removed do not comprise hard courts (which are generally made from asphalt or concrete). Environmental Health officers have advised however that as the area would be covered by private gardens to each dwelling, a contamination condition is added to ensure that there is no harm to the future amenity. Environmental Health officers have also recommended conditions to address potential noise issues generated from fixed mechanical plant associated with the tennis club, users of the site, traffic and kitchen extraction equipment particularly given the proximity to the future dwellings.

The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

Impact on Trees and Ecology

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location,

species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Trees team have been consulted and have reviewed the submitted information including the applicant's Arboricultural Report.

The proposal requires the removal of all trees within the site. The quality, value and life expectancy does vary and the majority have been rated as poor.

Street trees growing along either side of the development on St Andrew Road and Portsdown Avenue provide high quality amenity value. These trees are shown as retained, however Tree officers have identified that there is a risk that they may be harmed by construction activities and the developer should provide a commitment that in case harm occurs, replacement trees of equivalent CAVAT value of the trees can be secured. This would be secured through a condition.

No provision has been provided for soil treatments for gardens to ensure new trees will grow post development; this can be secured through suitably worded conditions.

There is a high risk that the installation of services may impact on the health of street trees. The services must be designed to avoid the rooting areas of these trees; details would be secured through a condition.

The Arboricultural officer advised that mitigation planting is advised of additional planting on either side other development; whilst this would soften the impact of the new development, it is not considered that the site can accommodate additional street planting without compromising the entrances into the site and plot layouts. On balance therefore, it is considered that the benefits of the additional units would offset the loss of the low quality trees.

A detailed landscape plan has been produced to support this application for the residential properties. New landscaping must be provided for the revised tennis club to include new trees that will provide shade. It is therefore recommended that a landscaping condition is added to obtain this information.

Sufficient information has been provided to fully assess the impact of the application on trees. A high-quality landscape scheme across the site with extra heavy nursery stock plantings will be required to mitigate the impact of the buildings

The applicant has submitted an independent ecology assessment which concludes that "the habitats on-site have the potential to support nesting birds and roosting bats". The report recommends that the following:

"Any clearance of vegetation, or buildings that support suitable nesting features, should be timed to avoid the bird breeding season (March-August inclusive). If this is not possible, these habitats can only be removed following confirmation by a suitably qualified ecologist that they are not in active use by nesting birds.

Wall cotoneaster, an invasive species listed on Schedule 9 of the Wildlife and Countryside Act, is present on site and should be removed from site and disposed of as controlled waste.

Given the 'low' suitability of the tennis facility to support roosting bats, this building should be subject to a single roost emergence or re-entry survey during the bat active period (May to September inclusive), to confirm the presence/absence of roosting bats."

It is considered that the recommendations within this report should be implemented and this would be secured through a condition.

In conclusion, on balance, the proposal is considered to be acceptable on tree and ecological grounds.

Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

The site includes five tennis courts. The associated pedestrian access point is located towards the southern boundary of the site on St Andrew's Road. No parking is provided onsite.

The site is located within a one hour Control Parking Zone (CPZ) operational from Monday to Friday 11am to midday.

Parking Provision:

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with Policy DM17, this application would need to include off-street parking for 12 to 16 vehicles would need to be provided for the proposed residential development.

Consideration has been given to the site being location within walking distance of town centre and local amenities; site being located within a CPZ. Also taking into consideration the PTAL rating of the site of 2 would require parking provision of between 15.2 parking spaces to conform with the parking standards as set out in the Policy DM17. Therefore, the provision of 12 parking spaces will result in a shortfall in parking provision by approximately 3 parking spaces.

Parking Beat Survey:

In order to gauge the existing level of on street parking (and the availability of parking spaces) that takes place during the day in the vicinity of the site, a parking beat survey was undertaken by the applicant, London NW Properties Ltd, across six weeks in April, May and June 2018. The survey recorded two beat counts at 10:00 am and 22:00 pm.

The survey indicated that the average parking stress was 33%. Therefore, there is parking capacity on street in the vicinity of the proposed development to accommodate the potential

overspill parking and the reduction in on street parking due to the provision of the new crossovers for the proposed development.

Cycle Parking Provision:

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the residential aspect of the development would require the provision of 18 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings).

It is proposed that two Sheffield stands will be provided per residential unit providing a total of four cycle parking spaces per residential unit in accordance with the adopted and emerging London Plan standards.

The cycle parking provision in absence of any cycle parking standard for the proposed leisure use, has been assessed based on a 20% mode share target for a maximum demand for 18 users. Four cycle parking spaces are to be provided, which acceptable on highway grounds.

Vehicular Access to Residential Parking Spaces:

It proposed that the access to the proposed residential dwellings is to be taken from Portsdown Avenue and St Andrew's Road. Four crossovers will be constructed on Portsdown Avenue to provide vehicular access to units 1 to 4 and four crossovers will be constructed on St Andrew's Road to provide vehicular access to units 5 to 8. Each crossover will be no longer than 4.8 m in width to comply with London Borough of Barnet requirements.

The applicant is advised that the maximum width of a crossover allowed from public highway is 4.8m.

Trip Assessment:

The Transport Assessment submitted with the planning application included a trip assessment based on industry standard TRICS Database which indicated a trip generation assessment for the existing and the proposed development.

It is anticipated that the proposed development with tennis courts and MUGA will provide facilities to cover a wide range of sports for the local catchment area.

The proposal therefore differs from the previous club arrangement which had a reported catchment of 75% outside the local NW11 postcode, which suggests a greater potential of club members travelling by private vehicle.

Therefore, the proposed development for two publicly accessible tennis courts and one MUGA are expected to result in a more sustainable travel patterns by comparison, given the typically local catchment.

Refuse Collection and Servicing:

Servicing for the tennis courts will continue as per the existing on-street refuse collection arrangements.

It is proposed that the provision for the storage of domestic waste be provided on Portsdown Avenue and St Andrews Road and bins will be brought to the kerbside on refuse collection days.

Highways officers advise the applicant that the refuse bin shall be brought within 10 metres of the public highway on the day of collection; an informative would be added to this effect

Conclusion

It is therefore considered that the proposal would be acceptable on Highways grounds subject to conditions.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

5.4 Response to Public Consultation

The planning related comments received have been addressed in the report above. The following are provided in response to other comments received:

- The site is a tennis facility, however not designated as Green Belt.

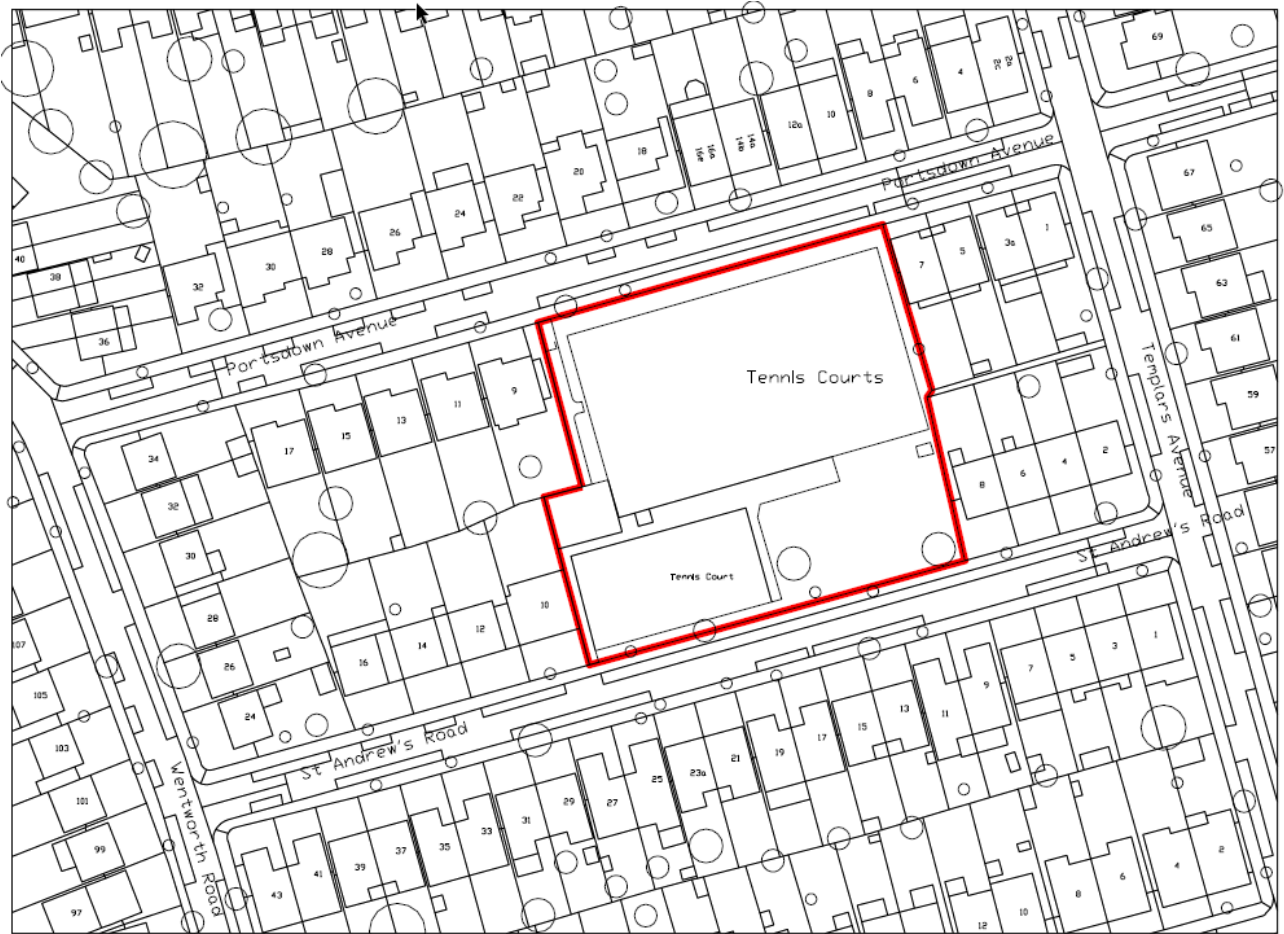
- The proposal is considered to be a minor development and therefore it does not meet the requirement to provide affordable housing;
- The site is not defined as an area with of special nature conservation;
- The agent has confirmed that the curtilage/ ownership of the site is correct as outlined in the site location plan in red;
- There is no protection on the site to require consultation with Historic England.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location Menorah Primary School 1 - 3 The Drive London NW11 9SP

Reference: 18/0216/S73 Received: 11th January 2018
Accepted: 11th January 2018

Ward: Golders Green Expiry 8th March 2018

AGENDA ITEM 11

Applicant: Menorah Primary School

Proposal: Variation of condition 3 (Limited activities) and condition 4 (Day/time restriction) pursuant to planning permission C01178A dated 7/12/1967 for "re-erection of the existing Menorah Primary School on extended site". Variation include to allow religious and social events on Sabbath days between the hours of 8.30am and 10.30pm [ADDITION OF NOISE IMPACT ASSESSMENT]

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 proposed variation to conditions 3 and 4 of planning permission reference C01178A would, by reason of the increased comings and goings and intensification of use, result in an increase in noise and disturbance, to the detriment of the residential amenities of occupiers of the neighbouring properties.

The application is therefore found unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.15 and the guidance set out in Barnet's Sustainable Design and Construction SPD (2016).

Informative(s):

- 1 The plans and documents accompanying this application are:

Planning Statement by E.M. Pick Planning
Document entitled 'Proposed Noise Management Plan'
Noise Impact Assessment Report reference 13879-NIA-01-RevA by clements
acoustics dated 02 August 2018
Shaded Plan showing areas proposed for use
Copy of Shabbat times
Site Location Plan
Email from E M Pick Planning dated 29 October 2018
Email from Kenny Macleod of clement acoustics dated 30 October 2018
Block plan
Application form

Officer's Assessment

This application is recommended for refusal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission.

This would allow the local authority to assess the effect of the development on the area on a trial basis. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought.

On the 09 February 2018 Councillor Thompstone called the application into committee if Planning Officers were recommending refusal. The planning reason for the referral was: "The potential impact of this further use on the parking within the area means the parking and traffic consideration bears greater scrutiny."

1. Site Description

The application site is currently occupied by Menorah Primary School, a primary school located in the ward of Golders Green.

The site is not located within a designated conservation area and there are no statutory or locally listed buildings on site. There are no Tree Preservation Orders on the site.

The school building is located on the junction of The Drive and Woodstock Avenue. The playground is located on the junction of The Drive and Montpelier Rise.

The main entrance to the school building is on The Drive (to the east). There are also entrances to the playground along the eastern boundary on The Drive.

The school building directly abuts residential properties to the west (on Woodstock Avenue and Montpelier Rise).

The site abuts the public highway on the northern, eastern and southern boundaries. Opposite are residential properties on Woodstock Avenue and The Drive.

Some off-street parking is provided, which is accessed from The Drive. Although parking spaces are not demarcated, at the time of the Planning Officer's site visit, three cars were parked.

The boundaries are formed by a mixture of close boarded timber fencing and/or wire fencing.

2. Site History

In summary, the school was granted planning permission under planning application reference C01178A, dated 07 December 1967.

Under planning application reference C01178L, dated 01 November 1978, the school was granted consent for the 'Continued use of premises for Sunday classes between 9.30 a.m. and 12.30 p.m.' There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Under planning reference C01178R, dated 12 June 1995, the school was granted consent for the 'Use of premises on two Sunday afternoons per calendar year'. This was for school fetes on two Sundays per calendar year. There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Permissions were granted on a temporary basis for the use of the premises for religious classes on Sunday morning under application reference C01178G (dated 18 December 1974, for a limited period only expiring 25 December 1975) and application reference C01178J (dated 22 September 1976, for a limited period only expiring 29 September 1977).

Planning application reference C01178U, dated 10 December 1997 granted temporary consent to enable activities to take place until 11:00 pm (as opposed to 10:30 pm as the original consent of C01178A stated). The consent expired on 10 June 1999 after which date the original condition took effect (i.e. 10:30 pm). It was limited to ten occasions per term and not at all on any Saturday, Sunday and Bank Holidays. It was restricted to extra-curricular activities only.

Planning application reference C01178AC/03, dated 25 September 2003, refused planning permission for the variation of conditions 3 and 4 of planning permission reference C01178A, dated 07/12/1967, to enable activities to take place until 11:00 pm. This would have allowed extra-curricular activities to take place until 11:00 pm, potentially on any day of the week.

The reason for refusal read:

"The proposed variation would, by reason of increased comings and goings and intensification of usage, result in an increase in noise and disturbance to the detriment of the amenities of neighbouring occupiers and the residential character, contrary to policies T1.1, L5.2 and E6.1 of the Barnet Adopted Unitary Development Plan (Adopted 1991) and D2, L24, L27, CS1, CS5 and Env12 of the Revised Deposit Draft Unitary Development Plan (March 2001)."

3. Proposal

The applicant seeks consent for the variation of condition 3 (Limited activities) and condition 4 (Day/time restriction) pursuant to planning permission reference C01178A dated 7/12/1967 for the "re-erection of the existing Menorah Primary School on extended site".

The variation would allow religious and social events on the Sabbath between the hours of 8.30am and 10.30pm.

The agent representing the applicant has clarified that events would finish by the end of Sabbath on Saturdays i.e. in the winter earlier, and the summer later. The latest time for the end of Sabbath would be 10:30pm. This is notwithstanding events occurring on Friday evenings.

4. Public Consultation

A site notice was erected 18 January 2018.

Consultation letters were sent to 109 neighbouring properties.

66 responses have been received, comprising 48 letters of objection, 15 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

- The school is in close proximity to residential dwellings. Allowing social events etc at times when local residents should be able to enjoy some peace and quiet would be a gross injustice and cause considerable noise and disturbance. This is why when considered approximately 10 years ago the council reached the same decision, and it remains true today.

- Noise will arise from, amongst other things: people coming and going, a large amount of people singing, clapping etc, children playing in the playground, the fact the hall was build that windows and doors are directly onto the playground and close to windows of No. 2 Montpelier Rise.

- The School is already being used on Sundays on a regular basis, in contradiction of Condition 4, causing noise, traffic, parking problems, and disturbance on the weekend day of Sunday. To add the other weekend day, Saturday, as well would be reprehensible and appalling, showing no consideration for the entitlements of the neighbours who already have to endure many inconveniences and nuisances during the week from the school.

- Not all of the community are of this faith and should also be considered.

- Noise already arises from the use of the School on a Sunday and it's only the children having normal day at school.

- 150 people is a misrepresentation when there is an estimated Jewish population of 20,000 within 15 minutes' walk of the site

- There are plenty of other spacious venues with ample parking where events can be hosted with minimal impact to the neighbours.

- The council has rejected such applications from the school in the past. Nothing has changed.

- Saturday is the one day in the week when the school is quiet, we want to continue enjoying peaceful Saturdays and after school hours.

- The school is clearly in violation of current planning dated 2005 which allows for a maximum of 410 pupils (C01178AD/05) [based on Ofsted Reports]. It may be prudent for the School to relocate rather than further prejudice the neighbourhood. Noise and traffic will increase as school expands.

- The events would be permitted till 10.30pm which is several hours after the Sabbath ends during winter, meaning increased traffic and parking issues when events finish.

- There are several facilities that could accommodate such events so there is no need for the school to be turned into a source of additional noise and disturbance.

- Parking problems, traffic, road rage and aggression is stressful for residents

- London Borough of Barnet did not consult residents

- The proposed use after 5.00pm on Saturdays is: (a) irrelevant for Sabbaths in the winter and (b) unnecessary for Sabbath activities in the summer - functions at this times would be rare. The intention appears to be to use the premises on Saturday evenings in the winter. I object to this on the grounds of the huge pressure on parking that this would imply, and because of the noise that would no doubt be generated from the hall and associated with large number of people coming to and leaving the hall. This is a residential area not designed for this sort of activity. Usage up to 5.00pm would not give me a problem

- Usage up to 5.00 pm acceptable

- The benefit of allowing this application would not outweigh the detrimental impact on residents living nearby

- The nature of Orthodox Jewish events is for people to pop in for a few minutes, throughout an event. Thus, there would be in and out traffic causing sustained noise the whole evening. Saturday evenings in the winter functions will be able to include Music. The beginning of the road is considered the best parking place for attendees at the school this result in increased noise from hooting and shouting loudly from their cars, as happens on parent's evenings etc.
- There are orthodox Jewish halls with the same capacity in the area
- Have previously put in support for this however need to add that the permission should run till 6pm only
- Concern it could be extended further if permitted
- The time extension until 10:30 pm will provide a period of time after the sabbath to hold more events which would create noise and traffic
- Numbers of attendees unrealistic
- Unlikely that those third party users who will rent the hall for events will adhere to conditions/restrictions.
- Nothing is stopping people from coming before the Sabbath and parking their cars and leaving them there until after the Sabbath which will leave local residents without parking which is already compromised by the school.
- We have already experienced when planning was violated and the school was used on the Sabbath day and we could not sleep all afternoon from noise coming out of the hall (singing, banging etc.) This was under controlled conditions being used by the school, not by third party
- Disagreements with the finding of the noise assessment - does not include the gathering of people outside and questioning of the timings of the recordings undertaken, noise measurements should be taken from neighbouring residential properties
- The school is a voluntary aided school receiving grants from the government and council. This is a commercial enterprise.
- Sabbath is the only time when I can actually rest undisturbed.
- There is no promise that Hall is rented to non Sabbath observers therefore loud music and large quantities of people are high probability
- Concerns of pollution and rubbish
- Increased risk of crime
- Devalue property prices
- Those who have submitted comments of support live further away from the School

The letters of support received can be summarised as follows:

- The predominant number of those in support stated that it would be a benefit to the local community, many of whom are associated with the school, and that given the times requested are during the Jewish Sabbath period, this would avoid any issues of traffic outside or (loud) music being played, which is disallowed on the Sabbath.
- It's a pleasure to hear children playing outside rather than looking at electronic screens. The information provided intends to keep noise levels to a minimum. We hear loud amplified music from rooms/houses/cars along this street at all times of the day and night which I find very disturbing. Parents/carers together with a security personnel will keep the noise of the children down. The noise assessment provided was taken on school days in the summer when noise levels would have been at their highest.

The representations received can be summarised as follows:

- Most who provided general comment raised concerns with noise and parking

- While there may be a need for more facilities for various social events I do not believe that there is a requirement for them to last that late. I would suggest that the social events be allowed but only till say 13:00 hours.
- The opening until 10:30 pm has been allowed for a long time and does not seem to cause trouble. The agreement to allow extended opening hours must include a rider stating that people should leave quickly and quietly after 10:30 pm to show consideration for local residents
- Please clarify the meaning of "Sabbath days". Does it mean only on Saturdays or also special Jewish days when the school is normally closed?
- Many dinners/receptions go on beyond 10:30pm. I suggest it should be between the hours of 8:30 am - 11:30pm. 11:30 pm would not impact detrimentally on local residents
- The 'Proposed Noise Management Plan' is not part of the actual application.
- No comparable halls are located in residential areas- they are located on main roads or just a few metres away from it on a side road
- While we respect the views of those residents who feel that there is a need for more function Halls, this certainly needs to be balanced against the adverse affect and considerable disturbance this will cause to many neighbouring residents if it is located at the Menorah Primary School which is surrounded on all sides by a very dense residential population.
- We think that the figure of 150 mentioned in the Planning Statement is a significant underestimation with the number of participants likely to be, on many occasions, at least double that figure and more.
- Could only support the application if it is strictly limited to the hours of Sabbath with an additional period at its conclusion of one hour to enable caterers to clear the hall and on the condition that the school do not submit any further planning application to vary the conditions

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5
- Relevant Development Management Policies: DM01, DM04

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. Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed variation constitutes a minor material amendment
- Whether harm would be caused to the living conditions and amenities of neighbouring residents

5.3 Assessment of proposals

The Planning Practice Guidance states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Planning permission was granted under application reference C01178A, dated 07 December 1967, for the rebuilding of the school, subject to conditions.

Condition 3 of this consent stated: "That the use of the premises shall be limited to those activities which are directly associated with the functioning of the school as such."

Condition 4 of this consent stated: "That no activities shall take place on any Saturday, Sunday or Bank Holiday or any other day except between the hours of 08:30 am and 10:30 pm."

The reasons for the conditions were to protect the amenities of adjoining occupiers (condition 3) and to ensure that the amenities of residential locality are not prejudiced by noise at times normally available for recreation or rest (condition 4).

Since the original consent, the school has been permitted to use the premises on Sundays between the hours of 9.30 a.m. and 12.30 p.m. for Sunday classes. It has also been permitted two Sunday afternoons per calendar year to hold fetes.

This application currently under consideration proposes the variation of conditions 3 and 4 of the planning permission reference C01178A, dated 07/12/1967, to enable religious and social events to take place on Sabbath days; between the hours of 8.30am and 10.30pm.

The Sabbath is commonly defined as a day of religious observance and abstinence from work, kept by those of Jewish faith, from Friday evening (sunset) to Saturday evening (sunset).

The agent representing the applicant has clarified that events would finish by the end of Sabbath on Saturdays i.e. in the winter earlier, and the summer later.

The Planning Statement submitted states that the parts of the school proposed for this purpose would be the school hall, the kitchen and the sanitary facilities. This is shown on the shaded plan submitted by the applicant.

It states that the entrance would be through the school playground, leading into the hall.

The Planning Statement states that no music or amplification would be played. The document also states that the use of vehicles on the Sabbath is forbidden, and therefore it is anticipated that visitors would be pedestrians only.

The applicant has also submitted a 'Proposed Noise Management Plan' and 'Noise Impact Assessment' by Clement Acoustics (Report 13879-NIA-01-RevA) dated 02 August 2018.

The documents state that up to 150 people could attend.

An Environmental Health officer has assessed the application and accompanying documents. They have concluded that the application cannot be supported by the local planning authority.

Their comments on the Acoustic Report by Clement Acoustics are as follows:

1. BS4142:2014 is useful as an indicative guide but cannot be used to assess noise levels from "people" in a planning situation. Section 1.3 f of BS 4142 states that, amongst

other things, the standard is not intended to be applied to the rating and assessment of sound from people.

2. The report bases the reduction of noise on the distance to one metre to the nearest façade whereas the rear garden of No. 2 Montpelier Rose will be affected continually throughout the day on Saturday from noise impact due to it being very close to the hall. This will directly impact on the neighbouring residents' use of their garden and so have a negative impact on their amenity throughout summer months when they may want to use their garden. As is seen from the background noise readings, the ambient background noise level is quite quiet.

3. There are no scale diagrams of the openable doors/ windows in the side of the hall facing the garden which would give a good indication of the noise outbreak; nor is there any assessment of any barriers between the garden and school hall. If there are openable windows and doors then it would be likely with the large numbers congregating in the room that they would want to fully open the windows and doors during the hot months at the same time as the neighbours wish to open their windows and the noise reduction of 15dBA (from a "partially open" window would not apply); thus increasing the noise impact. It is hard to enforce keeping windows and doors partially open as is assumed within the report. This is not considered within the report.

4. If there is any singing then this would result in higher noise levels and impact. This is not considered.

5. The sounds of people talking, as well as coming and going, in a residential road at 10:30 pm is not considered in the report.

6. The noise monitoring position should be explained - it is closer to the main traffic on road by 20m compared to the garden at the neighbouring residential. The background noise in this corner surrounded by hard acoustic surfaces may be noisier too. I would have advised on placing the meter closer to 2 Montpelier or explained by methodology.

The applicants acoustic consultant has responded accordingly:

"1. BS4142 is as robust as we can be. Otherwise, we'd be looking at WHO/BS8233, which is less robust

2. We do not deny that some noise of talking may be heard from neighbouring gardens. However, this is an established urban area with no proposed activities taking place during unsocial hours.

We have undertaken a further assessment to the closest residential gardens, which are approximately 10m from the facade of the school hall. This results in an external noise level of 43dB(A), in line with the criteria specified in BS8233 for external amenity areas, even when the school hall windows are assumed to be partially open.

3. The possibility of open windows has been assessed in the report. However, mechanical ventilation already exists and will be used. Opening windows prevents the effective use of air conditioning, so there is no concern, even in hot weather. The calculated levels shown in our assessment are therefore very worst case, and in reality noise breakout levels will be significantly lower.

4. We are advised that there will not be any prayer sessions, so no singing or music will occur.

5. We have pointed out that no cars will be used, owing to religious constraints. We have considered that people may be talking when leaving at 10.30pm, but we have concluded that this would be low impact.

It is noted that entry points to the building are more screened and / or distant from sensitive receptors. Additionally, entry points are on the front facade, which is already busy with vehicular traffic and pedestrians."

The agent confirmed in an email dated 29 October 2018, that:

"The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used."

In response to all of the above the Environmental Health officer has stated that for the British standards and European guidelines: BS4142:2014 and BS:8233:2014 and WHO guidelines on noise, none of these are truly able to represent the noise impact from people.

The additional impact of opening the school to large numbers of people on Saturdays removes the only day for rest and respite for the neighbouring residents. Standards often average out noise impacts over time periods thus removing the impact of single events such as raised voices which are most likely to cause disturbance. This is particularly given the hours of use that have been requested (8:30 am to 10:30pm). Deliveries before and after the event will also have a noise impact. This has not been assessed by the applicant.

To have a trial period with a restricted number of events in one year is more appropriate as this will give the local authority, and neighbouring residents, the opportunity to establish whether the events are, in fact, a nuisance or not.

"Discouraging" children and adults from going outside and preventing windows from being opened, as proposed by the applicant, is unenforceable from a planning perspective. It is also unreasonable to expect this in the warmer months. No evidence has been provided to demonstrate that the mechanical ventilation in the hall would be adequate, especially in the summer months.

Even if events finish at the end of Sabbath on Saturdays as the agent has stated, in the summer months where the Sabbath finishes later is the time of year where neighbours are more likely to have their windows and doors open and will be using their gardens. This is where harm from noise would arise most.

A condition restricting hour of use to Sabbath times would not be precise, as the start and end of Sabbath varies throughout the year. It would therefore not meet the 6 tests for conditions, set out in Paragraph 206 the National Planning Policy Framework (2018) which requires conditions to be precise.

In conclusion, the proposed variation would increase noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of

surrounding residents. It is considered that the proposed variations are of a scale and nature that results in a development which is substantially different from the one which has been approved.

The application is therefore recommended for refusal, in accordance with Policy DM04 of Barnet's Development Management Policies Document (2012); London Plan Policy 7.15 and the guidance set out in Section 2.14 of Barnet's Sustainable Design and Construction SPD (2016) about noise quality.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses (such as residential) will not normally be permitted.

London Plan Policy 7.15 states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development.

The local planning authority are satisfied that conditions 3 and 4 applied to the original consent in 1967 (reference C01178A) meet the 6 tests for conditions set out in Paragraph 206 the National Planning Policy Framework (2018). They should therefore should remain imposed.

5.4 Response to Public Consultation

The majority of objections related to noise and disturbance, and concerns with impact on the highways and parking.

The objections regarding noise and disturbance have been noted and addressed in the main report.

The objections regarding highways have been carefully considered. The applicant has stated that the school would be used in the hours of sabbath, whereby use of the car is forbidden. This is accepted by the local authority.

The proposal currently under consideration is different from the application previously refused (reference C01178AC/03, dated 25 September 2003). The previous application proposed to allow extra-curricular activities to take place until 11:00 pm, potentially on any day of the week. The current application under consideration proposes to allow extra-curricular activities to take place on Friday evenings and Saturdays.

If the conditions for the hours of use of the school on a Sunday are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have queried that there is a period of time in the winter months, between the end of Sabbath and 10:30pm, which could potentially allow the use of cars, as well as music. The agent has clarified in writing that: "The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used." Notwithstanding this, Officers are of the position that the proposal remains unacceptable, as explained in the main report.

If the conditions for the number of students at the school are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have raised concern that they have not been consulted. Under this particular application, the local planning authority have advertised the application on the website, have erected a site notice and have sent notification letters to those properties which directly abut the site. Statutory publicity requirements have therefore been met.

Objectors have raised concern that the 'Proposed noise management plan' is not part of the application and is not 'legally binding' and thus not enforceable. The 'Proposed noise management plan' does form part of the application and in the event of an approval would have to be complied with.

Objectors have raised concern with the methodology of the submitted noise report. The noise report would have been done to get a base or background reading to establish what the lowest level of noise was in the surrounding; therefore, the quieter the better for the local residents as it would better reflect the quieter days and evenings. The Environmental Health department always ask for the quietest times to be done so as to give a worst case scenario.

Any further applications at the school would be assessed on their own merits.

It is not considered the proposal would increase crime or risk of crime.

Impact on property prices is not a material planning consideration.

It is not considered the increase in pollution would constitute a reason for refusal in this particular instance.

Rubbish and refuse could be adequately addressed through conditions in the event of an approval.

Comments of support:

The comments of support are noted.

General comment:

Those who submitted a general comment (neither objection or support) suggested amendments to the hours of use. The application has been assessed on the hours proposed by the applicant.

The definition of 'Sabbath' has been addressed in the main report.

In the event of an approval, the 'Proposed Noise Management Plan' would be included within the conditions of the consent. The implications of this is, if the hours of use were not abided by, it would be a planning enforcement matter.

The local authority could not prevent or stop the applicant from submitting any further planning applications.

Residents have queried the number of people in attendance at these events. The application has been based on the information provided by the applicant.

6. Equality and Diversity Issues- Equalities Act 2010 and other material considerations

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Tackle prejudice, and
 - (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed development on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The proposal, if approved, would provide a place to hold social and religious events for those under a protected characteristic. This is the potential equality impact of the proposal.

Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer on those of a protected characteristic.

No justification or evidence has been provided by the applicant of why the needs of persons who share a relevant protected characteristic cannot be met at an alternative site.

In this particular instance, Officers consider that the benefits to the applicant and users (within a protected characteristic) would not outweigh the harm to the residential amenities of the neighbouring occupiers as a result of the proposal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought, which officers conclude is harmful to neighbouring residents.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed variation is of a scale and nature which results in a development that is substantially different from the one that was originally approved. Furthermore, the proposed variation would result in an increase in noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of surrounding residents.



Location Britannia House 958 - 964 High Road London N12 9RY

Reference: 18/5483/FUL

Received: 10th September 2018

Accepted: 17th September 2018

Ward: Woodhouse

Expiry 12th November 2018

Applicant: Avi Dodi

Proposal: Creation of additional floor at 7th floor level to provide two x 2B/3B self contained units, each with private outdoor amenity space. Alterations to fenestration and cladding of existing building

AGENDA ITEM 12

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Highways (traffic order) £2,022.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.
4. Monitoring of the Agreement £100.00
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of

the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 359/PL/405, 359/PL/408, 359/PL/409, 359/PL/410, 359/PL/411, 359/PL/400, 359/PL/406,

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 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).

4 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

6 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.

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

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

Reason

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

8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

9 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 installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

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

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

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

11 Other than those areas named as 'terrace or balcony' on drawing 359/PL/406 Rev I, the roof of the building shall be used for maintenance and access only and not 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).

12 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 6% 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.

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

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

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

14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/01/2019, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

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.

Officer's Assessment

1. Site Description

The subject site is Britannia House, primarily a seven storey building, dating from the mid-1960s, on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the principal frontage and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side but the north side is primarily residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located within a conservation area. There are no protected trees on or adjacent to the application site.

2. Site History

Reference: 17/1608/PNO

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Refused

Decision Date: 7 Apr 2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (30 Units)

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

Reference: 16/6697/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved following legal agreement

Decision Date: 15.08.2017

Description: Creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit

Reference: 16/2568/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused and Appeal dismissed

Decision Date: 25/05/2017

Description: Creation of additional floor above top floor level (7th floor) of existing building to provide 2 No self-contained flats

Reference: 17/5201/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 28.03.2018

Description: The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading.

Reference: 18/2499/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 06.07.2018

Description: Construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading.

3. Proposal

The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading. Flat 31 would be a 2B/3P unit of 65sqm and Flat 32 would be a 2B/3P unit of 61sqm. The additional floor would be 2.8 metres high following removal of the existing structures.

The proposal is essentially a further resubmission of the previous application (ref 18//FUL). This was refused at committee in March 2018 because of the inadequate provision of private outdoor amenity space and lack of a legal undertaking to enable an amendment to the Traffic Regulations Order. This amended scheme seeks to overcome the reasons for refusal.

The reasons:

1. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD, policy CS9 of the Adopted Barnet Core Strategy 2012 and the Planning Obligations SPD.

4. Public Consultation

Consultation letters were sent to 286 neighbouring properties. A site notice was posted on the 27.09.2018. 4 responses have been received, comprising 4 letters of objection, including one from the Finchley Society.

The objections received can be summarised as follows:

- Over development
- loss of sunlight
- increased rubbish
- parking pressures
- an ugly addition, not sympathetic
- noise from building work
- overlooking
- where will the existing communication equipment go

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016).

North Finchley Town Centre Framework (adopted February 2018)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- 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 the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

The principle of residential use at this site

Britannia House has a recent history of applications where approval for residential use has been consented, and this includes an approval in 2016 for an additional floor to provide a single flat (at the seventh storey). The principle of the use has therefore been established and its appropriateness should be assessed under 'standards' below. The North Finchley Town Centre Framework (adopted February 2018) recognises that the area to the north of North Finchley Town Centre is suitable for further residential use and already seeing a transition to residential development through piecemeal residential development and conversions from permitted development rights.

Impact on the character of the area

The principle of an additional set back storey has already been established under planning reference 16/6697/FUL. The Inspector acknowledged this in the statement regarding ref 16/2568/FUL because the amended scheme 16/6697/FUL had been granted planning permission.

It is accepted that Britannia House is already the tallest building within the immediate area. The proposed new floor would be slightly wider than that approved in 2016, extending a further 2 metres north and a further 1 metre south. The floor will be set back between 1.8 metres and 1 metre from the front (High Road) elevation.

The North Finchley Town Centre Framework (adopted February 2018) recognises that North Finchley is an appropriate location for tall buildings although the height and form should respect the character of the existing surrounding context.

The cladding system and the aluminium framed double glazed windows to the additional floor will match those to be installed in the lower floors. This will give a coherency to the block and improve its appearance. It is not considered that the additional floor which will be set back will be over dominant or over bearing within the streetscape and oblique views from either the High Road or Britannia Road.

Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. The proposed development is setback to all elevations. There would be no material loss of daylight or sunlight or an increase in the sense of enclosure to

existing residential occupiers of Britannia Road or the High Road. The roof terraces have been altered in their usable surface area to ensure that there will be no overlooking to adjacent property and the privacy of neighbours will be protected.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The proposal will provide two x two bedroom/3 person flats. They will have internal floor areas of 61sqm and 65sqm respectively, and therefore accord with policy standards. The habitable room areas and dimensions also accord with policy standards.

Minimum Ceiling Height: The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal for the full site area.

External Design Standards: Policy requirement for external private open space for a two bedroom flat with three habitable rooms is 15sqm. The proposal would provide an outdoor private area of 17.5sqm for Flat 31 and 16sqm for Flat 32. The previous scheme presented to committee showed both units with an area of 15 sqm of private outdoor space, although these were relatively narrow. The present scheme has amended the layout to ensure the areas comply with amenity policy and will provide better quality space but without compromising on the internal standards of the flats.

Both residential units will have outlook to front and rear and will therefore be provided with natural through-ventilation. The units will have good outlook and aspect. Daylight and sunlight levels received by the two units will also be acceptable. Privacy between the two units will be secured by obscure glass screening.

The alterations made to this most recent proposal for the additional floor now ensure that the scheme accords with Barnet's sustainable design standards, addresses the amenity reason for refusal and the scheme will provide an acceptable standard of residential accommodation.

Highway and parking matters

Taking into consideration that the site is located within a town centre location close to local amenities, the site has a Public Transport Accessibility (PTAL) of 3 which considered as medium accessibility, the site is within an All Day Controlled Parking Zone which operates from Monday to Saturday 9am to 5pm and Payment parking is in operation on roads in the vicinity of the site, this is acceptable.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,022 is to be required under S106 Agreement.

Cycle Parking: Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards. This can be secured by condition.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The

applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

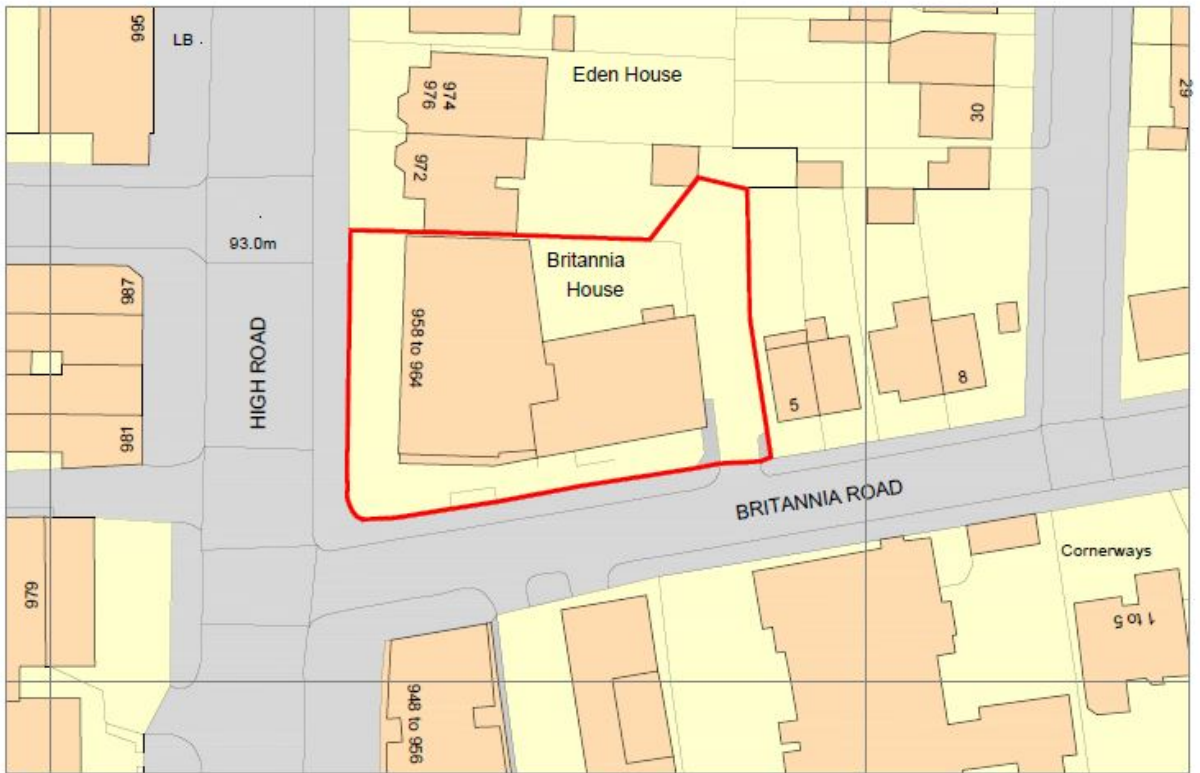
The objections and concerns from residents have been considered within the evaluation above

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval and legal agreement.



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- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is a tennis club located on The Avenue in Finchley Church End.

The club is accessed via a pedestrian walkway located just off Sylvan Avenue.

2. Site History

Reference: 16/6509/FUL

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 30 June 2017

Description: The installation of floodlighting to one existing tennis court [AMENDED DESCRIPTION]

Reference: 16/0006/RCU

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 April 2016

Description: Installation of 12 floodlights to existing tennis courts (retrospective application)

Reference: F/04562/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Refused

Decision Date: 02 February 2015

Description: Submission of details of Condition 4 (Photometric Certificate) pursuant to planning permission F/00532/12 dated 12.11.2012

Reference: F/02582/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 10 June 2014

Description: Submission of details for condition 3 (Levels) pursuant to planning permission F/004535/13 dated 26/03/2013.

Reference: F/00435/13

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 March 2013

Description: Variation of condition 1 (Plans) and condition 4 (Fencing) for "Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site" pursuant to planning permission F/01866/12 dated 10/7/12. Variation include layout and fencing details.

Reference: F/00532/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 12 November 2012

Description: Installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/01866/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 10 July 2012

Description: Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/04857/11

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 26 January 2012

Description: Submission of details for condition 3 (Materials) pursuant to planning permission F/04618/09 dated 16/2/10.

Reference: F/04618/09

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 16 February 2010

Description: Erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts.

3. Proposal

The applicant seeks to vary condition 3 (Floodlight hours of use) pursuant to planning permission 16/0006/RCU dated 14/04/2016 for 'Installation of 12 floodlights to existing tennis courts (retrospective application)'.

The applicant proposes to extend the hours of use of floodlights from 21:00pm to 22:00pm on weekday evenings.

The applicant states in an email dated 26 October 2018 that during the summer months, league matches can go on until 21:30-21:50 pm latest. The reason for the extension of the lighting times under this application is to complete the league matches in the darker months where there may be time over-runs.

4. Public Consultation

A site notice was erected 16 August 2016.

Consultation letters were sent to 50 neighbouring properties.

5 responses have been received, comprising 6 signatures of objection.

The objections received can be summarised as follows:

- The club has no direct vehicular access. This results in a great many vehicle turning movements in Sylvan Avenue, which is a quiet residential cul-de-sac. There is sometimes obstructive parking.
- The level of activity is, at times, already unsuitable for this location. A particular problem is that users are sometimes noisy when leaving in the late evening, with raised voices and slamming of car doors.
- Other residents have also reiterated concerns with parking and noise levels from comings and goings

- We have noticed a high volume of rubbish generated sometimes which exceeds the capacity of the clubs one wheelie bin, leading to surplus rubbish being left on the road which is totally unacceptable.
- Residents from No. 2 to 20 Sylvan Avenue were not consulted by the local planning authority.
- The tennis club have previously ignored planning conditions restricting hours of use, and exceeded these times

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01

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 DM04 states that development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

Supplementary Planning Documents

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:

- Whether the variation would represent a 'minor material amendment'
- Whether harm would be caused to the amenities of neighbouring occupiers

5.3 Assessment of proposals

Preliminary matters:

The Planning Practice Guidance states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Assessment:

The site, as existing, is served by three main tennis courts, as well as a smaller, junior tennis court.

Currently floodlighting serves all three main courts; two courts (western court and centre court) which were consented floodlighting under planning reference 16/0006/RCU, dated 14 April 2016, and the third court (eastern) was consented floodlighting under planning reference 16/6509/FUL, dated 30 June 2017.

The planning application 16/0006/RCU, dated 14 April 2016 granted consent for floodlighting on the two courts (western and centre court, courts 1 and 2), subject to conditions.

Condition 3 of this consent read: "The floodlights hereby permitted shall not be in use before 9:00 or after 21:00 between Monday to Friday and before 9:00 or after 20:00 on Saturday and Sundays."

The reason for this condition was to safeguard the amenities of occupiers of adjoining residential properties.

The applicant seeks to vary these times.

Originally the applicant requested that the hours be extended to 22:00 pm between Monday to Friday and 21:00 pm on Saturdays and Sundays.

The Environmental Health officer at the local authority raised concern to the extension of time on weekends. As such, the applicant has agreed to seek consent for an extension to 22:00pm between Monday and Friday only. The operation times will remain the same as consented on the weekends (i.e. until 20:00pm.)

Therefore the main consideration of this application is whether an extension of hours of use of courts 1 and 2 by one hour on weekdays, until 22:00pm, would cause unacceptable harm to the amenities of adjoining residents.

Impact of lighting:

The applicant has stated in an email dated 25 October 2018 that:

"I confirm that the lighting was installed in accordance with the specification contained in the consented scheme. I can also confirm that our installed lighting illuminance test which was submitted in support of our scheme for the third court indicated that the actual lux levels realised were in fact lower than those specified."

It is also noted that the application for the third court (reference 16/6509/FUL, dated 30 June 2017) included the designed and actual scheme for courts 1 and 2, which was found acceptable by the local authority.

Impact of coming and goings, and noise and disturbance:

The purpose of the proposed extension of hours of use for the floodlighting is to complete league matches.

The applicant has stated in an email dated 26 October 2018 that in the main there are no spectators at the league matches and there are never any children. On occasions the club may have the odd coach or non-playing team captain come to spectate. The winter league comprises 8 players on two courts. This is contrasted to summer league where there are 12 players on three courts.

The applicant advises that the format of the fixture is that the play is followed by a match supper that is hosted in the club house. This therefore results in a staggered departure from the club as some players leave after the food and others stay to clear up.

The extension to the hours of use of the floodlighting would therefore not alter the number of players at the club; it would only enable the club to complete all matches in the evening. The departure times and rates would therefore remain consistent with the summer months.

For these reasons it is not considered that the additional hour would cause an undue level of noise and disturbance to neighbouring residents.

Furthermore, the Environmental Health officer has confirmed there is no history of residents complaints arising from the use of the site.

Notwithstanding the above the applicant has agreed in writing to commit to increasing awareness with members and users about reducing noise when leaving the club in the evenings.

Impact on highways:

It is noted that the Controlled Parking Zone on Sylvan Avenue and Lichfield Grove operates Monday to Friday 14.00pm to 15.00 pm. Apart from these times parking is not restricted during the remainder of the day, or evening.

Site observations by the planning officer on Monday 29 October 2018 between the times of 18:30 pm and 18:45 pm (before a league match) showed available parking in the bays and yellow lines on Sylvan Avenue and Lichfield Grove.

As abovementioned there is no increase in number of players in the winter months compared to summer months. The additional hour of floodlighting would therefore not result in an unacceptable impact on the local highways network or parking.

Impact on protected species:

The application site does not fall within a Site of Metropolitan or Local Importance for Nature Conservation, a Site of Specific Interest or a local nature reserve.

It is noted that under the original permission (reference 16/0006/RCU dated 14/04/2016) matters were raised with bats at Avenue House, which is approximately 100 metres from the application site. However, it is not considered an additional one hour of floodlighting would give rise to demonstrable harm to biodiversity and protected species considering the existing circumstances.

Summary:

In conclusion, the scale and nature of the proposed variation would not result in a development that is substantially different from the one which has been approved.

The local planning authority are satisfied an extension of hours of use by one hour on the weekday evenings, until 22:00pm, on courts 1 and 2 only, would not cause undue harm to the amenities of neighbouring residents.

5.4 Response to Public Consultation

- The club has no direct vehicular access. This results in a great many vehicle turning movements in Sylvan Avenue, which is a quiet residential cul-de-sac. There is sometimes obstructive parking. The level of activity is, at times, already unsuitable for this location. A particular problem is that users are sometimes noisy when leaving in the late evening, with raised voices and slamming of car doors.

Obstructive parking is not something which can be controlled by the local planning authority or through planning conditions.

In regards to noise, as assessed above, the use of the floodlighting does not represent an increase of users/players compared to the summer months. The extension of the use of the floodlights for an additional hour would therefore not result in undue noise and disturbance.

The applicant has agreed in writing to commit to increasing awareness with members and users about reducing noise when leaving the club in the evenings.

- We have also noticed a high volume of rubbish generated sometimes which exceeds the capacity of the clubs one wheelie bin, leading to surplus rubbish being left on the road which is totally unacceptable.

On a site visit the Planning Officer observed an area dedicated to refuse within the site, next to the clubhouse. No dumping or surplus rubbish outside the site (related to the club) was observed at the time of the site visit.

If in the event this does happen, residents are recommended to contact the Council's waste collection service at csi@barnet.gov.uk or 020 8359 5051.

Considering the proposal is for extended hours of use for floodlighting, it is not considered that conditions regarding refuse is relevant to the development being permitted. It would therefore not meet the 6 tests for planning conditions set out in Paragraph 206 of the National Planning Policy Framework (2012).

- Residents from No. 2 to 20 Sylvan Avenue were not consulted.

Those residential properties which directly abut the site have been consulted via neighbour notification letter as part of this application.

For this type of development, the statutory publicity requirements are: website and a site notice or neighbour notification letter.

Under this particular application, the local planning authority have advertised the application on the website, have erected a site notice and have sent notification letters to those properties which are directly abutting the site. Statutory publicity requirements have therefore been met.

- The tennis club have previously ignored the conditions restricting hours of use, and exceeded these times

Any non-compliance with conditions would represent a breach of planning control.

In the event that the applicant breaches planning conditions, residents are advised to contact the Planning Enforcement department on 020 8359 3000 or planning.enforcement@barnet.gov.uk

There is no record of previous enforcement investigations into a breach of hours of use conditions at this club.

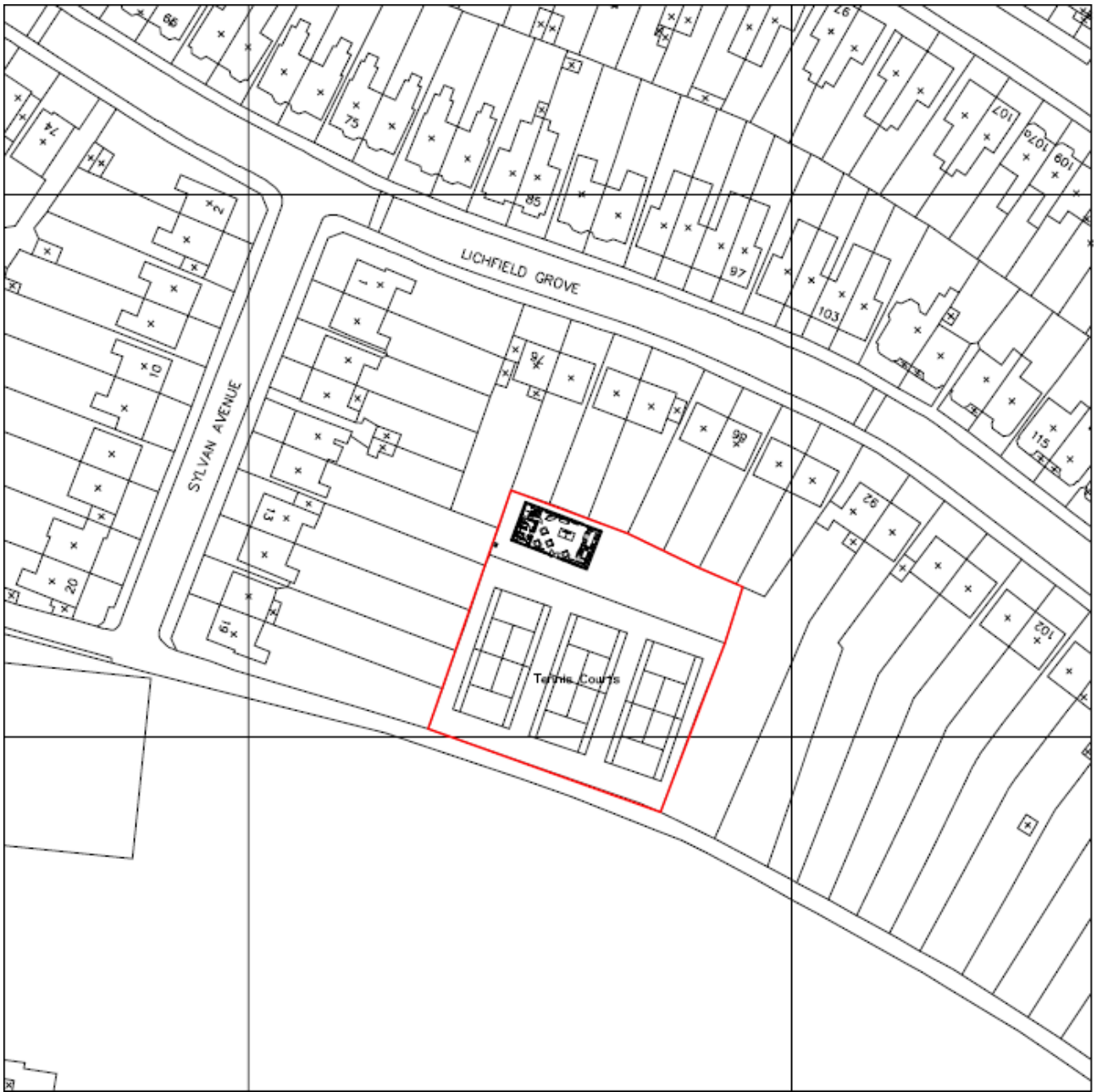
6. Equality and Diversity Issues

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 scale and nature of the proposed variation would not result in a development that is substantially different from the one which has been approved.

The local planning authority are satisfied an extension of hours of use by one hour on the weekday evenings, until 22:00pm, on courts 1 and 2 only, would not cause undue harm to the amenities of neighbouring residents.



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Location 7 Holders Hill Crescent London NW4 1NE

Reference: 18/2029/HSE

Received: 30th March 2018

Accepted: 4th April 2018

Ward: Finchley Church End

Expiry 30th May 2018

Applicant: Mr Jayson Jayeraiah

Proposal: Single storey side and rear extension. (Retrospective Application)

AGENDA ITEM 14

Recommendation: Approve subject to conditions

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

2018/HC/01A (site plan)
2018/HC/02A
2018/HC/03A
2018/HC/04B
2018/HC/05A
2018/HC/06A
2018/HC/07C

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 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).

- 3 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 4 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 at any time in the side elevation(s), of the extension(s) hereby approved, facing 5 or 9 Holders Hill Crescent.

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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

The application has been referred to committee by Councillor Greenspan so that Members can consider whether there is any loss of light to the neighbouring property.

The application was withdrawn from the agenda of the September meeting of this committee so that updated plans could be sought. Members did carry out a site visit.

1. Site Description

The application site contains a semi-detached dwellinghouse, located on Holders Hill Crescent, which is a predominantly residential area. The property is not located within a conservation area, and is not listed.

The property has implemented the roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation which has a certificate of lawful development ref: 15/06146/192

Properties step down in ground level towards the rear of the site.

The current application was submitted following an enforcement investigation. a single storey side and rear extension, incorporating the merger of a pre-existing garage into a larger development without planning permission.

It is worth noting the garage received a certificate of lawful development ref: demolition of existing garage and erection of new single storey outbuilding.

The original plans submitted with the application did not included the roof extension. Amended plans have been submitted to reflect this.

2. Site History

Reference: 16/1153/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 17 March 2016

Description: Demolition of existing garage and erection of new single storey outbuilding

Reference: 15/06146/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 16 October 2015

Description: Roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation

Reference: 15/07758/PNH

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Prior Approval Not Required

Decision Date: 25 January 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres

3. Proposal

The application seeks permission to retain a single storey side and rear extension, which was constructed following two separate applications, one for a rear extension under the larger home application ref: 15/07758/PNH - Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres. The other application was a certificate of lawful development ref: 16/1153/192 - Demolition of existing garage and erection of new single storey outbuilding.

The built rear extension has a depth of 6 metres across the full width of the property, with a maximum height of 3.2 m to a flat roof.

The outbuilding links to the rear extension which is not as approved. The dimensions of the outbuilding as approved was 11 metres in length, 2.6 metres in width and 2.5 metres in height with a flat roof and was shown to be used as a boiler room, Gym and Garden store.

The outbuilding as built has a height of 3.5 metres to the front elevation with a dummy pitched roof, 3.2 metres to a flat roof and drops to 2.3 metres towards the rear with a width of 4.9 metres.

The outbuilding therefore has as an additional height of 1m to the front, 0.7 metres to the side where it adjoins the garage at no. 5 and an additional width of 2 metres. This is due to the outbuilding adjoining the rear extension.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. One response of objection has been received and can be summarised as follows:

- Overlooking
- Loss of light
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally
- Plans for the retrospective planning application are not completely accurate
- Impact on amenity

Consultation has been carried out on the amended plans. Any comments received will be reported at the meeting.

The applicant has also submitted a response to the comment online as well as his own comments for the application which can be summarised below:

- The development as built is in line with others on the street
- The development has added prominence to amenity
- Neighbouring property has a similar development
- Overlooking from neighbouring development as they have clear patio doors facing application site

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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.

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 the character and appearance of the existing building, the street scene and the wider locality

Amended plans have been submitted to show site as existing including the roof extensions built as 'permitted development'.

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

Single storey side and rear extension

It is noted that the property has previously applied for a prior notification application as mentioned above which was 'not required', as no objections were received and therefore the applicant could lawfully build a 6 metre deep extension to the rear. A separate application was submitted for the demolition of existing garage and erection of new single storey outbuilding. The depth of the outbuilding has remained the same. However the main change within this application is the width of the outbuilding which has extended up to a further 2 metres from what was approved. The extension as built still maintains a substantial distance of 3.9 metres from the boundary with no. 9 Holders Hill Crescent.

The area is characterised by similar rear extension. No. 9 holders Hill has a similar extension approved ref: C17050A/07 for Demolition of conservatory and garage and erection of single storey rear extensions.

The application has been assessed including the existing roof extensions, and cumulatively the development as built is considered to be acceptable and is not considered to cause harm to the character and appearance of the existing building, the street scene and the wider locality

Impact on amenities of neighbouring occupiers

It is imperative that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The outbuilding as built has an increased height compared to the approved but has kept the same depth along the boundary with no. 5 Holders Hill Crescent. The increase in height is not considered to cause harm to this neighbouring property as the outbuilding is built alongside the garage at no. 5, and the outbuilding reduces in height to 2.5m as previously approved where it extends beyond the garage.

The outbuilding has been built to the same height as the rear extension. The outbuilding structure has a door and a window which faces the south elevation. Due to the change in levels at the site the outbuilding extension incorporates a staircase to give access to this structure. The top step is raised to 0.8 metres from the ground level. As this is only to allow access and not a terrace where activities such as sitting out could take place it is considered this would not give rise to overlooking into the garden of the neighbouring property at no.9 Holders Hill Crescent. Regarding occupiers of the attached property, no.9 no undue impact is considered to arise from the outbuilding extension due to its siting some 3.9 metres away from the common boundary with this property. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor an increased sense of enclosure or overbearing appearance which is harmful to occupiers of this neighbouring property.

The rear extension is in keeping with the prior notification application as detailed above.

The proposal including the roof extensions are therefore considered to have adequate impact regard to the amenities of neighbouring occupiers and to comply with DM01.

5.4 Response to Public Consultation

- Overlooking -addressed within report
- Loss of light - addressed within report
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally

Conversion of property into separate homes would require a planning application. A condition has been attached to the application to ensure the use of the outbuilding remains ancillary to the main house.

- Plans for the retrospective planning application are not completely accurate - following a site visit, the use is ancillary to the main house and a condition is attached to ensure this.

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 this proposal would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring

occupiers. This application is therefore recommended for APPROVAL, subject to conditions.



Location Carmelite Friars 63 East End Road London N2 0SE

Reference: 18/4221/FUL

Received: 6th July 2018

AGENDA ITEM 15

Accepted: 18th July 2018

Ward: East Finchley

Expiry 17th October 2018

Applicant: Re-creo Carmelite Friars Ltd

Proposal: Demolition of 2no two-storey building wings of an existing grade II listed building. Erection of 1no two-storey and 1no single storey extensions (replacement wings) to side elevations of the existing building following removal of existing first floor extension to North elevation to provide conversion of existing listed building (and new wings). Including 5 no single family dwellinghouses and 2 no self-contained flats. Erection of a two-storey block comprising of 7no single family dwellinghouses to the West of existing grade II listed building. Erection of 1no single storey family dwellinghouse to North East of existing grade II listed building. Associated alterations to fenestration Associated alterations to hard and soft landscaping. Provision of amenity space, car parking, cycle storage and refuse and recycling storage. Reduction of rear boundary wall to a height of 1.3m

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. (c) Affordable Housing

The provision within the development for a commuted payment of £70,284 to contribute to the provision of providing affordable housing within the London Borough of Barnet.

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

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

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

Existing Drawings:

Location Plan; AL.00.02 Existing Site Plan (Rev A);

Proposed Drawings:

AL.00.02 (Rev. C) Proposed Site Plan; AL.05.01 (Rev. C) Proposed Ground Floor Plan; AL.05.02 (Rev. C) Proposed First Floor Plan; AL.05.04 (Rev. C) Proposed Roof Floor Plan; AL.05.05 (Rev A) Proposed Basement Floor Plan; AL.06.01 (Rev. C) Elevations; AL.06.02 (Rev. C) Elevations - External; AL.06.03 Elevations - Terrace Houses; SK.00.01 (Rev. B) Tree Survey Plan; SK.05 (Rev A) Refuse Plan; SK.07 (Rev A) Parking Layout; SK.12.1 (Rev. B) Part M Compliance (Terrace Houses); SK.12.2 (Rev A) Part M Compliance (Western Houses); Visualisations;

Listed Building Existing Drawings:

AL.00.02 (Rev A) Existing Site Plan; AL.01.01 (Rev A) Existing Site - Ground Floor Plan; AL.01.02 (Rev A) Existing Site - First Floor Plan; SK.00.01 (Rev A) Existing Ground Floor Plan; SK.00.02 (Rev A) Existing First Floor Plan; SK.00.03 (Rev A) Existing Basement Floor Plan; SK.00.04 (Rev A) Existing Section A; SK.00.05 (Rev A) Existing Section B; SK.00.06 (Rev C) Existing Section C; SK.00.07 (Rev A) Existing Section D; SK.00.08 (Rev A) Existing Section E; SK.00.09 (Rev A) Existing Section F; SK.00.10 (Rev A) Existing South Elevation; SK.00.11 (Rev A) Existing North Elevation; SK.00.12 (Rev A) Existing East Elevation; SK.00.13 (Rev A) Existing West Elevation;

Listed Building Proposed Drawings:

SK.00.01 (Rev. B) Proposed Ground Floor Plan; SK.00.02 (Rev. B) Proposed First Floor Plan; SK.00.03 (Rev. B) Proposed Basement Floor Plan; SK.00.10 (Rev. B) Proposed South Elevation; SK.00.11 (Rev. B) Proposed North Elevation; SK.00.12 (Rev. B) Proposed East Elevation; SK.00.13 (Rev. B) Proposed West Elevation; SK.01.04 (Rev A) Proposed Section A; SK.01.05 (Rev A) Proposed Section B; SK.01.06 (Rev A) Proposed Section C; SK.01.07 (Rev A) Proposed Section D; SK.01.08 (Rev A) Proposed Section E; SK.01.09 (Rev A) Proposed Section F;

Supporting Documents:

Design and Access Statement by Re-Creo; Planning Statement by Union4Planning; Heritage Statement; Cornice, Skirting and Chimneypiece Schedule; Window Schedule Rev B; Doors Schedule Rev B; Listed Building Schedule of Works Rev B; Transport Statement by Motion; Construction Management Plan; Arboricultural Report by ACS Trees ref ha/aiams3/eastendrd dated 11th July 2018; Sustainability Report by SGA Consulting Ltd

Ref J1422 Rev P3; Daylight and Sunlight Assessment by Cundall Ref SY-001 Rev B; Noise Survey by Pace consult ref PC-18-0118-RP1; Drainage Strategy Report by SGA Consulting Ltd Ref J1422 Rev P2; Structural Engineer's Initial Report on the implementation of SUDS by Hardman Structural Engineers.

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

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

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

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

b) The details to be provided shall include sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing.

c) The development shall thereafter be implemented in accordance with the materials as approved under this condition. The approved sample panels shall be retained on site until the work is completed and has been approved.

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), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

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

5 The flat roofs of the Terrace Houses, the flats on the western extension and houses 12 and 13 hereby approved 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).

6 a) No construction works on the flats on the western extension and houses 12 and 13 shall take place until details of the proposed green roofs for these buildings have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall 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. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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.

7 Before the development hereby permitted is first occupied, the box hedge to be erected along proposed houses 10, 11, 13 and 14 and Flat 1 as indicated on Drawing no. AL.05.01 Rev C shall be planted before first occupation or the use is commenced, shall not be higher than 1.2m and shall be retained as such thereafter.

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

8 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. AL.05.01 Rev C 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) and the Sustainable Design and Construction SPD (Adopted October 2016).

9 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for the access gates and appearance and materials for boundary treatment, including fences 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 and DM06 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.

10 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 at any time in the side elevation of House 7 facing Juliana Close; rear elevations of Houses 1 to 7 (Terrace Houses) facing Ethan Drive; and front and side elevation of House 13 facing Houses 10 and 14.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties and future occupiers of the development in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

11 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, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

12 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 dust, noise and vibration pollution.

The Statement shall be informed by the findings of the Assessment of the Air Quality Impact of construction.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

13 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/>

Reasons: In the interests of good air quality with regard to policies 5.3 and 7.14 of the London Plan (2016).

14 Before development commences, an air quality neutral assessment report and an assessment of the air quality impact of construction shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved 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.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved measures 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 2016.

15 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance 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 (2016).

16 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 October 2016) and 7.15 of the London Plan 2016.

17 The level of noise emitted from the mechanical plant associated 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.

18 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 October 2016) and 5.21 of the London Plan 2016.

19 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

20 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 and

telecommunications) 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 2016).

21 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 2016.

22 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 21 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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 2016.

23 a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced 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 October 2016).

24 The development hereby approved shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Structural Engineer's Initial Report on the implementation of SUDS report prepared by Hardman Structural Engineers (ref: 2977) dated 02.10.2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and NPPG.

Reason: To ensure that the development manages surface water in accordance with the NPPF, 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, National Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

25 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 including Listed Building and wider area and to ensure that the buildings are constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 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.

26 No vehicle access other than for the purposes emergency purposes shall park in front of the Grade II listed building.

Reason: To safeguard the character and visual amenities of the listed building and its setting, 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

and DM06 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.

27 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. SK.07 Rev. A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the Council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

28 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

29 Prior to occupation of the development, electric vehicle charging points (EVCPs) in accordance with Drawing No. SK.07 Rev. A submitted with the planning application shall be installed on the development site. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy 6.13 of the London Plan (2016).

30 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 to the approved building 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.

31 Prior to commencement of the development details of the vehicular sight line to the either side of the proposed site access on Juliana Close shall be submitted to and approved in writing by the Local Planning Authority. The access thereafter is to be constructed in accordance with the approved details and be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

33 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. 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 and to ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

34 Construction access to the site shall access be from East End Road only, unless otherwise agreed in writing with the Local Highways Authority.

Reason: In the interests of highway safety and to ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

35 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development. Any proposal for the adoption of land would need to be progressed under S38 of the Highways Act.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority 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.

36 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

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 that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

37 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 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.

38 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 35% 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 (2016) and the 2016 Mayors Housing SPG.

39 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.

40 Confirmation that the Emergency access arrangement has been agreed and approved by the Emergency Services shall be submitted to the Local PLanning Authority prior to occupation.

Reason: In the interests of highway safety and to ensure that the proposed development does not prejudice the amenities of occupiers of future occupiers in accordance with Policies CS9, CS13, CS14 of the Core Strategy (adopted September 2012), Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

RECOMMENDATION III:

1 That if an agreement has not been completed by 15/02/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4221/FUL under delegated powers for the following reasons:

The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning

application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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

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

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

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

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

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 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The scheme must comply with Section B5 Approved Document B in relation to access and facilities for fire fighters.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o 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.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o 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.
 - o As the application is for major developments a copy of an asbestos survey would need to be provided.

o As the application is for major developments a confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

- 7 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007) 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014) 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 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.

- 8 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 35dB(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.

- 9 With regards to noise levels 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 sensitive premises and the nature of these premises e.g.: offices, housing flats or storage.

- 10 As part of the Sustainable Drainage condition, the applicant must provide proof that Thames Water will accept surface water and foul discharges at the agreed maximum discharge rate. In addition, the applicant should provide proof that the Adopting Authority agrees to take on responsibility for the long-term operation and maintenance of the proposed SuDS.

- 11 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 12 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

- 13 Parking spaces shall be 4.8m by 2.4m with a 6m manoeuvring space fronting the parking spaces.
- 14 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 15 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 16 Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.
- 17 The proposed access from Juliana Close is likely to affect the visibility splay. Information will need to be submitted with the planning application indicating the provision of visibility splays in accordance with Manual for Streets. The existing hedge to the right of the proposed access is likely to cause visibility obstruction and therefore measures will need to be in place to ensure that the obstruction is mitigated.
- 18 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any

damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 19 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 20 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. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. 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.
- 21 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 22 The applicant is advised that East End Road is a Traffic Sensitive Road between 08:00 to 09:30 hrs and from 16:30 to 18:30 hrs Monday to Friday and a bus route. Therefore, measures need to be in place to ensure that vehicles do not reverse out of the site on to East End Road.

Any demolition or construction activities undertaken as part of the proposed development should not obstruct the operation of the buses and any operation affecting the buses would need to be discussed and agreed with TfL Buses prior to commencement of any works affecting the operation of the bus service.

Deliveries during the construction period should be avoided during this time and careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

Officer's Assessment

1. Site Description

The application site known as Carmelite Friars (no.63 East End Road) located on the north-eastern side of East End Road within the East Finchley Ward. The site covers an area of approximately 0.4 hectares.

The building is not in a Conservation Area, however the Villa is a Grade II Listed Building (Historic England Reference 1078841). known as Villa at the Convent of the Good Shephard; the structures and boundary treatments are also considered to be protected. The building was listed in February 1975. Historic England describes the building as:

"Early C19 Villa incorporated into later convent buildings. Two storeys five bays, yellow brick; central stuccoed doric porch with fluted columns; stucco band under first floor windows; a stucco moulded cornice and parapet; sash windows gauged yellow brick flat arches"

The buildings and land on the site are the last remnants of the former Convent which historically incorporated an extensive complex of ecclesiastical, administrative and residential structures situated over a significantly larger site. The majority of these structures have since been demolished, and at present the site is comprised of the early 19th century Villa, and two later additions (wings). The more recent buildings date to the late 19th Century and 20th Century and are one- to two-storeys in height, comprising a mix of traditional brick and rendered facades.

The main house was constructed in 1817 as a substantial two-storey Regency villa. In 1864, the Sisters of the Good Shepherd purchased East End House and constructed a substantial complex of buildings to the west and north of the Villa to serve as a reformatory for former female prisoners. The original Regency Villa was completely consumed within a sizeable Victorian institutional building and severed from its original context of landscaped gardens and sizable plot. After a fire in 1972, most of the buildings were demolished, with the exception of the original Regency Villa and the later low-quality extensions to it.

The site sits behind a substantial brick wall and there are views of the building from the single entrance onto the site, from East End Road. It is understood that the southern part of the wall along East End Road is original, whereas the remaining wall wrapping around the rest of the Site comprises later additions.

There is a group Tree Preservation Order (TRE/FI/26/G4 and TRE/FI/26/T5) at the front of the site, abutting the boundary with the pavement.

Opposite the site, lie the East Finchley Cemetery (St Marylebone Cemetery) and the Chandos Tennis Club, a modern tennis facility with both indoor and outdoor tennis facilities.

To the east lies no. 1 Thomas More Way; this building is a redevelopment of a former Convent building. The building has a Charles Rennie Mackintosh aesthetic, and is comprised of a mixture of Class D1 and B1(a) office uses.

To the west lies a recently approved residential development on Ethan Drive, which is comprised of 8 residential units. This scheme was granted permission at appeal (planning reference F/00172/14).

To the north and west the site abuts Juliana Close and Thomas More Way respectively.

The site has a PTAL level of 1b.

At the time of writing, the site has been vacant, however was previously occupied by the Friars as accommodation and administration offices; the lawful use has not been confirmed however the supporting information would indicate that the site has an element of Use Class C2 (Residential institution).

2. Site History

None relevant.

3. Proposal

Planning permission is sought for the demolition of the 2no existing two-storey building wings either side of the existing grade II listed building and the single storey towards the front. The existing wing (service wing) to the north east of the Villa would be retained. The proposal would involve the redevelopment of the site to include the following additions:

- Erection of a two-storey side extension, replacing the removed modern wing, to the west of the Villa and connected by a light weight glass connecting wing. This extension would accommodate two flats (one at ground and one at first floor), and a two storey three bedroom house towards the rear (House 14).
- Erection of a single storey side extension, replacing the removed modern wing, to the southeast o of the main Villa and connected to the service wing to be retained. This extension would accommodate a single storey 2 bed house (House 12). This house would be accessed via Thomas More Way.
- Erection of a detached building to the north-eastern corner of the site (north east of the Villa, adjacent to Thomas More Way and Juliana Close junction) to accommodate a 2bedroom house (House 13).
- Erection of a two-storey block comprising of 7no single family dwellinghouses to the west of existing Grade II Listed building. These dwellings would be arranged in a staggered layout. The terrace houses (houses 1 -7) would benefit from private gardens.

In addition, the main Villa would be converted into two dwellings (Houses 9 and 10). Both houses would be 3 bedroom dwellings, including accommodation at basement level. The service wing would accommodate a two storey dwelling (House 11).

There would be associated alterations to the existing fenestration of the main Villa. In addition, the proposal would include associated alterations to hard and soft landscaping, including the increase in the grassed area at the front. The development would include the provision of amenity space in the form of communal gardens (to the rear of the Villa and at the front of the site on the enlarged grassed area), and cycle and refuse storage located in purpose built stores around the buildings.

The proposal also seeks the reduction of the rear boundary wall to a height of 1.3m.

In regard to parking, the proposal would include off-street parking spaces around the site totalling 19 spaces. At the front there would be 10 parking spaces; 4 parking spaces would be located on the eastern boundary from two new crossover points; 5 parking spaces would be located at the rear and accessed from the new vehicular entrance off Juliana Close. The

proposal seeks to move the parking away from the main area of development and to provide a car-free setting.

The unit mix would be as follows:

Western Terrace/ Block

- 1 x 2 bed (3 occupiers) two storey house (House 1)- floor area of 97.3sqm;
- 5 x 2 bed (3 occupiers) two storey houses (Houses 2 to 6) - floor area of 90.6sqm;
- 1 x 3 bed (6 occupiers) two storey house (House 7) - floor area of 191.6sqm;

Villa and side wings

- 1 x 2 bed (3 occupiers) two storey house (House 11)- floor area of 85.4sqm;
- 1 x 2 bed (4 occupiers) single storey house (House 12)- floor area of 76.4sqm;
- 1 x 2 bed (3 occupiers) single storey flats (Flat 1)- floor area of 71.4sqm;
- 1 x 2 bed (4 occupiers) single storey flats (Flat 2) - floor area of 75.9sqm;
- 1 x 3 bed (6 occupiers) two storey house (House 14)- floor area of 103.2sqm;
- 2 x 3 bed (6 occupiers) three storey houses (Houses 9 and 10); - floor areas of 240sqm and 187.1sqm respectively;

Standalone single storey eastern building

- 1 x 2 bed (4 occupiers) single storey house (House 13)- floor area of 80.1sqm.

The proposal would include 4 x 3 bed units and 11 x 2 bed units; the total provision would be 13 houses and 2 flats.

The side extension connecting to the west of the Villa, would have splayed design, with a width of 5.7m at the front, and a width of 7.4 m at the rear, and a total length of 23.9m. The windows to the side would be angled to prevent direct overlooking to the Terrace dwellings. The glass extension connecting to the Villa would have a height of 4.4m, and the main extension accommodating the houses to the west would be a height of 6.5m. This extension would retain a gap of 8.2m to the rear boundary adjacent to Juliana Close.

The eastern single storey extension would project approximately 7.8m beyond the front elevation of the listed building and have a maximum width of 8.3m. The extension would have a flat roof with a height of 3.45m. it would be set between 3.9m and 5.5m from the boundary with Thomas More Way.

The single storey detached dwelling to the northeast would be narrower to the south than the north and run parallel to the site boundary, retaining a gap of 0.7m to the boundary with the road. The building would have a width of between 10m and 4.6m, and length of 12.25m. The building would have a height of 3.45m. This building would be set at a distance of between 15.6m and 16.5m from the proposed western extension to Villa, and 9.1m from the rear of the original service wing.

The staggered western terrace accommodating the 7 houses, would be angled towards the northeast; this has been a design choice to prevent overlooking between the neighbour and proposed units. Houses 1-6 would have a maximum length of 15.2m and width of 3.8m; House 1 has a protruding wing towards East End Road to prevent a blank elevation and to add a visual interest which would project a further 1.4m towards East End Road. Houses 1-6 would be recessed at the rear at first floor level by 2m.

House 7 would have a width of 9.5m and maximum length of 15.1m. At first floor level, the building would be recessed by 2.2m from the boundary with 1-2 Juliana Close, and the

length of the building would be reduced by 4.7m nearest the boundary to the north and set in 2m from the ground floor rear elevation on the other side. The single storey wing of this house would have a partially hipped roof with an eaves height of 3m and maximum height of 3.8m.

Houses 1-7 would have a flat roof with a maximum height of 6.6m.

During the course of the application, Houses 2-6 were amended to remove the second floor accommodation as advised by planning officers.

4. Public Consultation

Consultation letters were sent to 311 neighbouring properties.

7 responses have been received, comprising 6 letters of objection, and 1 letters of comment.

The objections received can be summarised as follows:

- Increase traffic congestion on East End Road;
- Worsen the already poor condition of road surfaces and pavements;
- Design of gates serving parking for houses 11, 12, 13 needs clarification as no mentioned of land adjoining Thomas More Estate, managed by Optivo;
- Impact during construction, extra traffic and parking will affect surrounding properties;
- Thomas More Way belongs to the Council, however the Closes belong to Optivo Housing Association (Helen Close, Dunstan Close, St Mary's Green, Juliana Close and Clare Close), development would increase congestion;
- Limiting access from East End Road would make development tolerable;
- Noise / air pollution during construction;
- Archaeological condition should be added;
- Retention of internal stained glass (whose significance is mentioned in the Heritage Statement);
- Greater impact on local amenities and infrastructure;
- Demolition and Alterations to a Grade 11 Listed Building, is not even an option and should not even be for consideration;
- Noise from future users (potentially families) during the day and night'

The representations received can be summarised as follows:

- No objection to the new houses from Optivo representative however would like reassurances on the following:
 - a) Access during construction relating to use of Thomas More Way (under private ownership),
 - b) That residents will be able to access Thomas More Way during school travel times,
 - c) That residents are informed of any disruption to access in advance
 - d) Access for recycling and emergency vehicles are maintained,
 - e) Any damage to Optivo properties would be covered and reimbursed;
 - f) When the gate and car park access are designed, that consideration be made concerning parking on Thomas More way and potential blind spots.

Historic England were consulted, and have written to say that they have no comments to make on this application.

The Council's Heritage officer, Highways team, Environmental Health team, Arboriculturalist and Drainage consultant were consulted and provided comments, detailed in the relevant sections below.

A site notice was erected and press notice published on the 26th July 2018.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM14, DM16, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Planning Obligations (2013)

Affordable Housing SPD (2007)

Residential Design Guidance (2016)

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:

- Principle of development including whether the dwelling density and change from existing use represents an acceptable use of the land;
- Whether harm would be caused to the character and appearance of the Listed Building, the setting the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to the protects trees on site and biodiversity;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport;
- The provision of affordable housing;
- Drainage;
- Accessibility and sustainability.

5.3 Assessment of proposals

Principle of Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

It is understood that the proposal is currently vacant, however the previous use had an element of C2 use with offices. Notwithstanding this, it is understood that the lawful use included residential.

The principle of residential use would reflect the uses on the surrounding sites and there is no objection in this regard.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has a

PTAL of 1a which is considered to be low, and is considered to fall within a suburban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 35-75 units per hectare (150-200 hr/ha). Taking the site area as 0.4ha the proposal for 15 houses would equate to a density of 37.50 units per hectare (182.50 habitable room per ha) which complies with the London Plan density matrix.

Density however is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and the medium priority is 3 bedroom units. The unit mix includes mainly 2 bed units and 4 x 3 bedroom units. As part of the amendments, the three bedroom units on the western terrace were removed to overcome concerns about bulk and massing (discussed below). It is considered that whilst it would be ideal to have more larger family units, it is acknowledged that given the historic sensitivity of the site and the constraints of the site, in particular the impact on neighbouring occupiers, this was not possible. Therefore, on balance, the unit mix is considered to be appropriate.

It is therefore considered that the principle of development and proposed density is appropriate.

Impact on the character of the area and setting of listed building

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The Council's Principal Heritage officer has been in frequent discussions with the applicant and the applicant's Heritage Consultant. The Heritage officer has provided comments for the current application which are included in this section, in addition to the associated Listed Building Consent.

It is considered that the quantum of development has been reduced and on balance is considered appropriate, both in regard to the setting of the listed building and the impact on the listed building itself.

Given that the existing extensions (later additions to the original listed building) currently engulf the Grade II Listed building and are proposed to be removed, it is considered that the two proposed single storey houses (houses 12 and 13) are considered acceptable. House 13 would be single storey in height and would allow greater views of the listed building from the rear than the current form. Similarly, House 12 would be in a more sympathetic position on the site than the structure it would replace. The previously submitted glazed flat-roofed entrance feature proposed on house 12 linked to the original archway has been removed and replaced with solid roof which is appropriate.

Both elements would be single storey in height therefore limiting their dominance and would not detract from the views towards the listed building.

The two storey side western wing although connected to the main Villa, would be attached by a light weight structure so as not to dominate or detract from the presence of the listed building. Its width would be relatively modest in contrast to the sprawling existing extension that dominates the views from the entrance of East End Road. Whilst this extension is deeper towards the rear, than the existing element, due to its uniformity in height and contemporary form reads as a secondary feature to the listed building. On balance, it is considered that the proposed extension results a better setting of the listed building.

Amendments have been received in regards to the two storey terrace. The removal of the second floor storey to this block of houses as shown in the revised documents has made a significant improvement to the scheme as a whole by reducing the building's height and bulk and therefore lessening its visual impact in longer views. In addition, it allows this structure to read as subservient to the Listed Building by this sitting lower than the main villa. Overall, the bulk and massing of the new development is considered to be appropriate in the context of the listed building and surrounding building, and an improvement on the existing buildings adjoining the main Villa.

A condition has been added requiring details of the proposed materials, however the design is considered to be attractive, complimentary to the listed building. Given the sensitivity of the site the materials selected, including the choice of facing bricks, will be very important. Presently, the light-coloured brick shown on the perspective drawings is in a stark contrast to the London Stock brick of the main building; a closer match should be sought however this would be secured via the condition.

The concept of the scheme is to limit vehicles parking in front of the dwellings and to locate parking on the periphery of the site. The spacing between the listed building and the terrace is intended to be car-free so as to create a high quality setting; this would be secured through landscaping which is conditioned. Car parking provision has been improved by removing it from the frontage to the listed building; a condition has been added to prevent parking at the front of the listed building. There existing grassed area would be increase and the level of overall hardstanding would be reduced. Upon entering the site from East End Road, this would provide soften and an improved setting which is considered to be acceptable.

The proposed entrances at the rear from Juliana Close and Thomas More Way are considered to be appropriate and necessary for the viability of the development (to provide off-street parking).

The proposed plans indicate modest refuse and recycling stores located in relevantly discrete locations. It has been requested that details of these are submitted as part of a condition. Details of bin storage should be provided to ensure they are of appropriate size, but appear on the plans to be well designed and integrated within the development itself. Similarly, the cycle stores would be secured by a condition to ensure that the siting of these elements do not detract from the setting of the new buildings or of the listed building.

It is considered that there are significant public benefits in the redevelopment of the site to bring the listed building back into an appropriate use. The proposed development would have an acceptable impact on the character of the area and the heritage value of the listed building and its setting.

Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

The separation distances in reference to overlooking are met in terms of siting of windows both to neighbouring occupiers and within the development itself. It is noted however the gardens of the proposed development, like those on Ethan Drive are relatively modest. In terms of the visual impact therefore, it was considered to be justified to request that the third storey of the terrace houses to be removed from the original submission as it appeared overly dominant on the gardens of neighbouring properties. The amendments including removal of the top storey altogether and lowering of the parapet, removal of second floor windows and amenity area have addressed the overbearing impact previously identified. The terrace would now site at a lower level than Ethan Drive and as such is not considered to dominate or enclose the neighbouring gardens.

In terms of the other proposed dwellings within the development, given the relationship to other buildings and surrounding roads, the dwellings would not result in unacceptable impact

to neighbouring occupiers in terms of loss of light, outlook, privacy. In addition, it is not considered that the proposed residential use would have an unacceptable impact on surrounding properties.

As part of the supporting documentation, a Daylight and Sunlight Assessment was provided to consider the impact of the development on no. 1 and 2 Julianna Close. It confirms that due to the distance and height of the proposed terrace of houses to the west (particular House 7), there would not be unacceptable loss of light to the occupiers of these properties. Properties on Ethan Drive were also assessed and were considered that these would be unlikely to be affected in terms of loss of light due to the distances between the buildings. It is not considered that the proposed development would result to unacceptable loss of light to these occupiers.

Overall, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential occupiers.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan are set as follows:

- 2 bedroom 3 person unit (two storeys) requires a minimum of 70sqm;
- 2 bedroom 4 person unit (single storey) requires a minimum of 70sqm;
- 2 bedroom 4 person unit (two storey) requires a minimum of 79sqm;
- 3 bedroom 5 person unit (two storey) requires a minimum of 93sqm;
- 3 bedroom 5 person unit (three storey) requires a minimum of 99sqm;
- 3 bedroom 6 person unit (two storey) requires a minimum of 102sqm.

The units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for single and double rooms (respectively).

All proposed residential development should provide suitable outlook and daylight to all habitable rooms of future units whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". All habitable rooms to most units would benefit from suitable outlook and light; the units are all dual aspect.

It is accepted that given the close siting of House 13 to the common boundary, the eastern windows serving one of the bedrooms would mainly look on the boundary wall, albeit this is

relatively low level. In addition, some of the living room windows would also front the boundary wall, although there would also be windows to the north and west, overlooking the communal garden. On balance, the outlook of these windows, particular to the bedroom is not considered to be wholly unacceptable given the height of the boundary and the benefit to the outlook in other directions to this unit.

With regards to the dwellings within the main Villa, there would be one habitable room per dwelling (secondary living area) at basement level. These rooms would receive light from two lightwells. It is considered that whilst the outlook and light to these rooms would be limited, these are secondary living areas, and both dwellings would benefit from other habitable rooms at ground floor and above with better outlook. Therefore on balance, the light, outlook and light to these houses would be acceptable.

A Daylight and Sunlight Assessment was provided which also assessed the amount of light for three of the residential units (House 7 due to its large ground kitchen; ground floor kitchen of House 4 due to its siting and modest size; and one of the bedrooms to the flat due to its siting). The rooms would all meet the relevant BRE standards and therefore would be afforded with adequate light.

In terms of the light to the communal gardens of the site, these would generally be well lit and 92% if the areas would receive more than 2 hours of sunlight on the 21st of March (as per BRE guidance). It is therefore considered that the gardens would receive adequate daylight and sunlight, creating suitable amenity spaces for the future occupiers in this regard.

In respect to mutual overlooking between the proposed units, windows have been angled or positioned to as to prevent mutual overlooking. Officers are satisfied that there would be no direct overlooking between future occupiers. There is a distance of less than 21m between House 13 and House 14, however the positioning is such that it is not considered that there would be direct overlooking. It is therefore considered that there would not be unacceptable levels of overlooking between future units. A condition has been added to prevent the addition of windows to some elevations to mitigate mutual overlooking.

In accordance with the Mayors Housing SPG, outdoor amenity space should be provided for all units. Barnet's Sustainable Design and Construction SPD requires 5 square metres per habitable room of amenity space to be provided for flats. In addition, for houses, the SPD requires provision of 40sqm for houses with 4 habitable rooms, 55sqm for houses with 5 habitable, and 70sqm for houses with 6 habitable rooms. Rooms larger than 20 square metre are counted as 2 habitable rooms. The terrace houses would benefit from private gardens which would meet the relevant standards

The development around the Villa would share a communal courtyard to the north and the grassed area at the front of the site, which would also be increased in size. On balance, given the large grassed area at the front in particular, it is considered that there would be adequate amenity areas within the site. There would be small private area for Houses 11, 12, 13, and 14 and a condition has been added to ensure that box hedging does not compromise the outlook or privacy of these units, without detracting from the setting of heritage asset.

Environmental Health officers have commented on the proposal and consider that the amenities for future occupiers would be appropriate subject to some conditions. A noise report has been submitted, however this does not identify the potential resultant noise levels (after mitigation has been installed); therefore a condition requiring an update noise report has been requested.

The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

Impact on Trees and Ecology

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The Council's Trees team have been consulted and have reviewed the submitted information including the applicant's Arboricultural Report.

As detailed above, there is a group Tree Preservation Order at the front of the site on the existing grassed area.

The development retains the protected trees (shown as T1 to T8 on applicants' plan) in the front garden and provides for a greater area of grass. This area will be fenced out of the development and will not be impacted. The access to the site is proposed to remain the same, therefore there appears to be no impact on T1 lime tree. The removal of the hard surface to return to soft landscape and increase the size of the grassed area would be a net benefit.

Within the root protection area of T8 (applicants plan) a small building will be demolished and re-built, on the same footprint. The impact of this work should be acceptable as the existing building will have constrained root growth. The applicant needs to provide a detailed method statement for the demolition and construction of this work which should include a level of monitoring; this would be secured via a condition.

Trees 10, 11 and 12 will be removed to accommodate all other aspects of the development, the impact on visual tree amenity can be mitigated by the planting of replacement trees. The loss of trees 10 and 12 is acceptable due to their poor condition, however suitable replacements should be proposed and submitted as part of the landscaping condition. Tree T11, a Category B Birch is still shown to be removed due to the proximity to House 14. This is an attractive tree which is visible from the rear of the site from Juliana Close, and should ideally be retained or replaced by a tree of similar size and quality. Details of the replacement planting would be secured through a condition.

Tree T9, a Norway Maple, is indicated on the tree information as being retained, however in the works schedule as being removed. In the short term, the retention of this is an acceptable approach, long term the short gardens would not benefit from a maple tree

capable of growing to 30m high. New plantings in rear gardens should be provided to replace this tree once it has outgrown the location. Clarification of this would need to be included in the supporting information for the landscaping. Consideration should be given however to the proposed planting along the boundary, particularly to the west so as the trees do not overshadow neighbouring gardens or the amenity space of the proposed units themselves.

The following tree works are proposed which are deemed acceptable:

- 1) Fell trees 10,11 Low Y Moderate to low quality trees; readily replaceable reason for development.
- 2) Reduce elongated limbs NE 1-2m (Sp2.1); Crown clean (Sp3) T8; the reason is for the general tree maintenance.
- 3) Crown clean (Sp3) Crown thin 20% (Sp5); Remove basal epicormic shoots to 3m; the reason is for general tree maintenance.

Tree T8, the large Cedar, will not be affected by the proposal directly. Concern was previously raised about post development pressure on this tree for pruning/removal due to the proximity of House 12. Whilst these concerns are acknowledged, officers have considered that there would be an element of "buyer-beware" in the sale of House 12. Therefore, on balance, the proximity of this tree to this property is not considered to result in a high probability of future pressures on this tree.

No detailed landscape plan has been produced to support this application. Where trees are being planted within and close to hard landscape, strata-cells must be used to provide high quality rooting areas. Recommendations have been made for replacement trees; again this would be secured through a suitably worded condition.

Tree officers concluded that there are no significant arboricultural reasons to object to this application. Sufficient information has been provided to fully assess the impact of the application on specially protected trees. With a high-quality landscape scheme with extra heavy nursery stock plantings the loss of trees will be readily mitigated and the site enhanced with new plantings. Therefore, this application is in accordance with local planning policy DM01.

An ecological survey has not been submitted with the application, it is not considered this information at this stage would hinder development given the proposed works. A condition requiring an ecology strategy to be submitted and approved by the Local Planning Authority prior to commencement has been attached to assess the potential for any bats with the main building.

In conclusion, on balance, the proposal is considered to be acceptable on tree and ecological grounds.

Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

The site benefits from a PTAL 1a, which is considered to be as a poor accessibility rating. The site does not fall within a Controlled Parking Zone.

19 parking spaces are being provided for the proposed development including 2 disabled parking spaces and 4 spaces with electrical Vehicle Charging Points.

Motion were appointed by the applicant as Transport Consultants and have prepared the Transport Statement submitted as part of the planning submission.

Parking Assessment:

Parking provision for the proposed residential development assessed in accordance with the Parking Standards as set out in the Barnet Local Plan Development Management. Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In accordance with Policy DM17, this scheme would need provide off-street parking in the range of 15 to 22.5 parking spaces. Taking into consideration the PTAL rating for the site of 1b, the proposed development would require parking provision at the higher end of the parking provision range. 19 parking spaces including 2 disabled parking space are being provided on site which is in accordance with the parking standards as set out in Policy DM17.

Cycle Parking Provision

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the residential aspect of the development would require cycle parking for 30 bikes. Cycle parking spaces are being provided in accordance with the London Plan Cycle Parking Standards; a condition will be applied to this effect to ensure that cycle parking complies with the relevant standards and to require details of the cycle stores.

Electrical Vehicle charging Points (EVCPs)

4 EVCPs are also being provided in accordance with the London Plan Parking Standards. A condition will be applied to this effect to ensure that these are implemented in accordance with the approved plan.

Works during construction

To overcome objections raised by neighbours, the applicant has submitted a Demolition and Construction Management Plan which has been reviewed by the Council's Highways team. Highways officers consider that the general details are considered to be acceptable, however further information would be required to ensure that there is not an unacceptable impact on local highways during construction. The CMP submitted needs to include a routing plan for construction traffic. It has therefore been recommended that an updated Demolition and Construction Management and Logistics Plan is submitted via a conditions application to prevent unacceptable disturbance to neighbouring occupiers or highways; the recommended condition has been attached.

In addition, considering the public objection to the proposal relating to construction traffic the following condition, it has also been requested by Highways officers that a condition is attached preventing construction vehicles from East End Road to prevent congestion on side roads.

Vehicular Access

It is proposed that vehicular access to the proposed development will continue via the existing driveway off East End Road. An additional entrance will be created to the north of the development, via Juliana Close which is a private road therefore any access from a private road would be subject to an approval from the land owner; however, this is not a planning consideration. In terms of the planning merits, the new vehicular access from the rear is acceptable.

Two new crossovers are proposed from Thomas More Way to allow access to the parking forecourts in the frontage of the site. The applicant is advised that the maximum width of crossover allowed by the Council of the public highway is 4.8m.

Trip Assessment

The consultants undertook trip analysis for the proposed development based on industry standard TRICS database.

The analysis as indicated that the proposed development is likely to generate 6 two way vehicular trips were assessed during the AM Peak (08:00 to 09:00) and 6 two way vehicular trips during the PM Peak (17:00 to 18:00) and around 54 vehicle movements daily.

The vehicle trips associated with the proposed development are unlikely to have any adverse impact on the surrounding public highway network due its low trip generation.

Delivery and Servicing Arrangements

Delivery/Refuse collection is proposed via Thomas More Way / Juliana Close and via the internal road within the development.

The applicant has confirmed that the refuse collection arrangements will comply with recommended maximum carry distances, as outlined within Manual for Streets. The maximum carry distance for residents to carry their refuse is up to 30 metres distance from their dwelling and waste collection vehicles should be able to get within 15 metres of the area where the bins are stored.

It is proposed that the refuse vehicle will reverse into the internal road of the proposed development from Juliana Close before exiting in forward gears via the same route. Other service vehicles, for example home deliveries, would undertake the same manoeuvre.

However, the applicant is advised that the Council's Refuse Collection Services require the refuse collection vehicles to get to within 10m of the collection point. Any alternative arrangement proposed would need to be agreed with the Refuse Collection Services to ensure that they are able to provide the required services.

As the refuse vehicle is expected to enter the site, then the access road serving the development shall be constructed to the Council's Adoptable Standards and the applicant will be expected to sign a Waiver Liability to ensure that the Council's is not responsible for the potential damage to the access road as a result of the refuse vehicles accessing the site. Details of the refuse and recycling management would be required by way of a condition.

Emergency Access to the site

No information has been submitted with regards to the emergency Access Arrangements. Information will need to be provided to confirm that the Emergency access arrangement is agreed and approved by the Emergency Services. This will be conditioned accordingly.

Conclusion

The proposal is considered to be acceptable on highways grounds subject to recommended conditions and informatives.

Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development (Policy 3.3).
- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to family housing provision

It identifies that negotiations should take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. It also makes it clear that affordable housing should normally be provided on site and off-site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptional accept the provision of off-site affordable housing or a commuted payment instead of such provision.

As the proposed scheme would involve more than 10 residential units, the development would be subject to affordable housing provision.

This scheme is able to deliver a commuted payment of £70,284 in lieu of provision of off-site at another location. The independent assessment of the viability report specifies this modest provision is justified (although this is at the higher range of the recommended viability) given various factors including CIL contributions and works to listed building.

This contribution would be secured through a section 106 Agreement.

Therefore, in this instance the proposed contribution to affordable housing is considered to be acceptable and compliant with the objectives of planning policies. As set out in earlier sections of this report the mix of affordable dwellings proposed is considered to be acceptable.

Drainage

National standards for SUDs¹⁵ require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

The site has not been identified as being located in an area with a high probability of flooding (Flood zone 1). The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance. In accordance with Table 3 of the Planning and Practice Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1.

A review of the EA's surface water flood map indicates that the development site is at very low risk of surface water flooding.

The development must be designed to provide suitable Sustainable Urban Drainage solutions, in accordance with the Sustainable Design and Construction SPD. The Council's Drainage consultant has reviewed the submitted information including a SUDS report, and confirmed that there is no objection in principle to the proposed development.

The application document demonstrates that surface water from the proposed development can be managed through the use of attenuation tank restricting surface water discharge to greenfield run off rate; however technical details have not been provided. Additional information relating to the design of sustainable drainage systems should be provided and this would be secured via an attached pre-commencement condition.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with these Policies. In addition, 10% of the units would be wheelchair adaptable in accordance with M4(3).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will

take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the comments raised by objectors have generally been assessed in the assessment above. Comments relating to land ownership are not material considerations in the determination of the planning application.

It is not considered that an Archaeological condition is required. The site is not in an area identified as being of Special Archaeological Interest and Historic England have not requested a condition.

Comments relating to the protection of the stained glass window have been dealt with as part of the Listed Building Consent.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Location Carmelite Friars 63 East End Road London N2 0SE

Reference: 18/4222/LBC

Received: 6th July 2018

AGENDA ITEM 16

Accepted: 18th July 2018

Ward: East Finchley

Expiry 12th September 2018

Applicant: Re-creo Carmelite Friars Ltd

Proposal: Demolition of 2no two-storey building wings of an existing grade II listed building. Erection of 1no two-storey and 1no single storey extensions (replacement wings) to side elevations of the existing building to provide conversion of existing listed building (and new wings) to 5 no single family dwellinghouses and 2 no self-contained flats. External alterations: Removal of an existing first floor extension to North elevation. Replacement windows to existing building including new crown glass glazing. Excavation of external ground to basement level to provide new lightwell and replacement doors. All new brickwork to match existing. Replacement pipework with cast iron version. New external paintwork and damp repair and proofing. Internal alterations to existing listed building; new internal wall structure to all existing levels, including new plastering and new timber doors. Installation of new kitchens (ground floor and first floor levels) formation of new bathrooms, wc's, and bedrooms. New skirting and staircases to all levels. Associated alterations to hard and soft landscaping. Reduction of rear boundary wall to a height of 1.3m.

Recommendation: Approve subject to conditions

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

Existing Drawings:

Location Plan; AL.00.02 Existing Site Plan (Rev A);

Proposed Drawings:

AL.00.02 (Rev. C) Proposed Site Plan; AL.05.01 (Rev. C) Proposed Ground Floor Plan; AL.05.02 (Rev. C) Proposed First Floor Plan; AL.05.04 (Rev. C) Proposed Roof

Floor Plan; AL.05.05 (Rev A) Proposed Basement Floor Plan; AL.06.01 (Rev. C) Elevations; AL.06.02 (Rev. C) Elevations - External; AL.06.03 Elevations - Terrace Houses; SK.00.01 (Rev. B) Tree Survey Plan; SK.05 (Rev A) Refuse Plan; SK.07 (Rev A) Parking Layout; SK.12.1 (Rev. B) Part M Compliance (Terrace Houses); SK.12.2 (Rev A) Part M Compliance (Western Houses); Visualisations;

Listed Building Existing Drawings:

AL.00.02 (Rev A) Existing Site Plan; AL.01.01 (Rev A) Existing Site - Ground Floor Plan; AL.01.02 (Rev A) Existing Site - First Floor Plan; SK.00.01 (Rev A) Existing Ground Floor Plan; SK.00.02 (Rev A) Existing First Floor Plan; SK.00.03 (Rev A) Existing Basement Floor Plan; SK.00.04 (Rev A) Existing Section A; SK.00.05 (Rev A) Existing Section B; SK.00.06 (Rev C) Existing Section C; SK.00.07 (Rev A) Existing Section D; SK.00.08 (Rev A) Existing Section E; SK.00.09 (Rev A) Existing Section F; SK.00.10 (Rev A) Existing South Elevation; SK.00.11 (Rev A) Existing North Elevation; SK.00.12 (Rev A) Existing East Elevation; SK.00.13 (Rev A) Existing West Elevation;

Listed Building Proposed Drawings:

SK.00.01 (Rev. B) Proposed Ground Floor Plan; SK.00.02 (Rev. B) Proposed First Floor Plan; SK.00.03 (Rev. B) Proposed Basement Floor Plan; SK.00.10 (Rev. B) Proposed South Elevation; SK.00.11 (Rev. B) Proposed North Elevation; SK.00.12 (Rev. B) Proposed East Elevation; SK.00.13 (Rev. B) Proposed West Elevation; SK.01.04 (Rev A) Proposed Section A; SK.01.05 (Rev A) Proposed Section B; SK.01.06 (Rev A) Proposed Section C; SK.01.07 (Rev A) Proposed Section D; SK.01.08 (Rev A) Proposed Section E; SK.01.09 (Rev A) Proposed Section F;

Supporting Documents:

Design and Access Statement by Re-Creo; Planning Statement by Union4Planning; Heritage Statement; Cornice, Skirting and Chimneypiece Schedule; Window Schedule Rev B; Doors Schedule Rev B; Listed Building Schedule of Works Rev B; Transport Statement by Motion; Construction Management Plan; Arboricultural Report by ACS Trees ref ha/aiams3/eastendrd dated 11th July 2018; Sustainability Report by SGA Consulting Ltd Ref J1422 Rev P3; Daylight and Sunlight Assessment by Cundall Ref SY-001 Rev B; Noise Survey by Pace consult ref PC-18-0118-RP1; Drainage Strategy Report by SGA Consulting Ltd Ref J1422 Rev P2; Structural Engineer's Initial Report on the implementation of SUDS by Hardman Structural Engineers.

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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

b) The details to be provided shall include sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing.

c) The development shall thereafter be implemented in accordance with the materials as approved under this condition. The approved sample panels shall be retained on site until the work is completed and has been approved.

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), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Prior to the commencement of the development, a Method Statement shall be submitted to and approved by the Local Planning Authority to demonstrate how the internal features (as identified in the hereby approved documents and plans) are to be protected against accidental loss or damage during the building work and no such elements may be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with the prior approval of the Local Planning Authority.

(Such elements include timber panelling, plasterwork, fireplaces and staircases, decorative ceilings and cornices, cupboards, architraves, skirtings, dado's, picture rails, doors, decorative tiling to first floor bathroom, flagstone floors, etc).

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 5 Details including drawings at an appropriate scale unless otherwise specified shall be submitted to and approved in writing by the Local Planning Authority of the following proposed features prior to the relevant works commencing:

- a) Details of the proposed voussoir arches at 1:10 scale;
- b) Details shall be provided of all new skirtings, architraves and cornices;
- c) Details shall be provided of all new chimneypieces;
- d) Details shall be provided of all new external vents, flues or ducts for air intake extract, or ventilation;
- e) Details shall be provided of all proposed boundary treatment, including gates, fences and walls;
- f) Details shall be provided of the means of upgrading existing internal doors to meet fire safety requirements;
- g) Details shall be provided of the means of introducing acoustic insulation for those existing doorways where doors are being kept fixed shut;
- h) Details shall be provided of all new interior lighting, with the avoidance of recessed ceiling lights in principal rooms and common areas;
- i) Details shall be provided of all new staircases;
- j) Details shall be provided of all new interior joinery.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies

DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 6 The position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt including communications and information technology servicing), shall be specified in advance of any work being carried out, and the prior approval of the Council as local planning authority shall be obtained wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. All relevant works shall be carried out in accordance with such approval.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 7 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 8 Details including drawings at 1:20 scale (or any other appropriate scale as agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority of the proposed/ new windows and doors prior to the relevant works commencing.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 9 The following shall be made available for inspection and approval by the Local Planning Authority prior to such works proceeding prior to such works proceeding:

- a) A sample area of render removed from the east flank of the service wing;
- b) A sample area of any proposed repair to the pointing of brickwork shall be provided on an inconspicuous section of the wall.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 10 No cleaning of masonry, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local planning authority before the

work is begun and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 11 The historic stained glass window from the western part of the main building shall be retained and relocated to the arched gateway fronting the pedestrian entrance from East End Road.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 12 Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local planning authority notified immediately. Provision shall be made for the retention proper recording, as required by the Council.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 13 No new plumbing, pipes, soilstacks, flues, vents, ductwork, new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 14 The existing stone steps to the basement on the western side of the building shall be carefully removed, retained and re-used for the new staircase between the ground floor and basement.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 15 All new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 16 All new partitions shall be scribed around the existing ornamental mouldings.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 known as Carmelite Friars (no.63 East End Road) located on the north-eastern side of East End Road within the East Finchley Ward. The site covers an area of approximately 0.4 hectares.

The building is not in a Conservation Area, however the Villa is a Grade II Listed Building (Historic England Reference 1078841). known as Villa at the Convent of the Good Shephard; the structures and boundary treatments are also considered to be protected. The building was listed in February 1975. Historic England describes the building as:

"Early C19 Villa incorporated into later convent buildings. Two storeys five bays, yellow brick; central stuccoed doric porch with fluted columns; stucco band under first floor windows; a stucco moulded cornice and parapet; sash windows gauged yellow brick flat arches"

The buildings and land on the site are the last remnants of the former Convent which historically incorporated an extensive complex of ecclesiastical, administrative and residential structures situated over a significantly larger site. The majority of these structures have since been demolished, and at present the site is comprised of the early 19th century Villa, and two later additions (wings). The more recent buildings date to the late 19th Century and 20th Century and are one- to two-storeys in height, comprising a mix of traditional brick and rendered facades.

The main house was constructed in 1817 as a substantial two-storey Regency villa. In 1864, the Sisters of the Good Shepherd purchased East End House and constructed a substantial complex of buildings to the west and north of the Villa to serve as a reformatory for former female prisoners. The original Regency Villa was completely consumed within a sizeable Victorian institutional building and severed from its original context of landscaped gardens and sizable plot. After a fire in 1972, most of the buildings were demolished, with the exception of the original Regency Villa and the later low-quality extensions to it.

The site sits behind a substantial brick wall and there are views of the building from the single entrance onto the site, from East End Road. It is understood that the southern part of the wall along East End Road is original, whereas the remaining wall wrapping around the rest of the Site comprises later additions.

There is a group Tree Preservation Order (TRE/FI/26/G4 and TRE/FI/26/T5) at the front of the site, abutting the boundary with the pavement.

Opposite the site, lie the East Finchley Cemetery (St Marylebone Cemetery) and the Chandos Tennis Club, a modern tennis facility with both indoor and outdoor tennis facilities.

To the east lies no. 1 Thomas More Way; this building is a redevelopment of a former Convent building. The building has a Charles Rennie Mackintosh aesthetic, and is comprised of a mixture of Class D1 and B1(a) office uses.

To the west lies a recently approved residential development on Ethan Drive, which is comprised of 8 residential units. This scheme was granted permission at appeal (planning reference F/00172/14).

To the north and west the site abuts Juliana Close and Thomas More Way respectively.

The site has a PTAL level of 1b.

At the time of writing, the site has been vacant, however was previously occupied by the Friars as accommodation and administration offices; the lawful use has not been confirmed however the supporting information would indicate that the site has an element of Use Class C2 (Residential institution).

2. Site History

None relevant.

3. Proposal

The application is for the demolition of the 2no existing two-storey building wings either side of the existing grade II listed building and the single storey towards the front. The existing wing (service wing) to the north east of the Villa would be retained. The proposal is part of an overall redevelopment of the site, which would the following additions/ works:

- Erection of a two-storey side extension, replacing the removed modern wing, to the west of the Villa and connected by a light weight glass connecting wing. This extension would accommodate two flats (one at ground and one at first floor), and a two storey three bedroom house towards the rear (House 14).
- Erection of a single storey side extension, replacing the removed modern wing, to the southeast o of the main Villa and connected to the service wing to be retained. This extension would accommodate a single storey 2 bed house (House 12). This house would be accessed via Thomas More Way.
- Erection of a detached building to the north-eastern corner of the site (north east of the Villa, adjacent to Thomas More Way and Juliana Close junction) to accommodate a 2bedroom house (House 13).
- Erection of a two-storey block comprising of 7no single family dwellinghouses to the west of existing Grade II Listed building. These dwellings would be arranged in a staggered layout The terrace houses (houses 1 -7) would benefit from private gardens.

In addition, the main Villa would be converted into two dwellings (Houses 9 and 10). Both houses would be 3 bedroom dwellings, including accommodation at basement level. The service wing would accommodate a two storey dwelling (House 11).

In terms of the listed building, the following works are proposed:

- Re-instatement of the original Regency villa to residential use but as three dwellings;
- Repair, restoration and re-instatement of architectural detailing to the interior and exterior of the original Regency villa;
- Revealing, restoration and re-instatement of the elevations of the original service wing;
- Removal of low quality late 19th century and 20th century extensions to the original Regency villa and replacement with contemporary extensions as detailed above;
- Restoration of the surviving remnant of a gothic red brick archway and tiled path to the covered walkway to the east of the site.

4. Public Consultation

No consultations necessary for Listed Building application.

A site notice was erected and press notice published on the 26th July 2018.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM06

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Policy DM06 seeks to protect all heritage assets in line with their significance. Development proposals involving listed buildings must preserve or enhance the historic and architectural interest of the building(s).

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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 this Grade II Listed Building and setting of the listed building;
- Whether the additional buildings proposed would provide an appropriate setting for the listed building.

5.3 Assessment of proposals

Context

The former convent building was Grade II listed in 1975. It is described in the list entry as: Early C19 Villa incorporated into later convent buildings. Two storeys five bays, yellow brick; central stuccoed doric porch with fluted columns; stucco band under first floor windows; a stucco moulded cornice and parapet; sash windows gauged yellow brick flat arches.

The site is in close proximity to the northern boundary of the Hampstead Garden Suburb Conservation Area. To the south is East Finchley Cemetery, a Grade II* listed Historic Park and Garden, within which there are a number of listed buildings, including the Gate Lodge, Entrance Gates, Piers and Railings (Grade II Listed). These designated heritage assets are within the site's wider setting.

The former convent has been vacant for a number of years.

The main part of the original listed villa is of high significance. The service wing is part of the original construction, although internally it has been altered. The internal features of interest within the listed building include the main staircase, a number of fireplaces, doors - both internal and external, sash windows, decorative joinery and plasterwork.

There are a number of extensions to the main building, dating from the late 19th century to the late 20th century. Their significance varies according to their date and degree of alteration, both internally and externally.

The 1883 red brick archway to the east of the site including the floor tiling to covered walkway has significance as does the late C19th boundary wall to East End Road.

Whether harm would be caused to the character and appearance of this Grade II Listed Building and its setting

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, at sections 16(2), 66(1) and 72(1) a council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant Listed Building Consent. This requirement is reiterated at 7.3.2 of the supporting text to Policy DM06 of the adopted Local Plan.

Paragraphs 195 of the NPPF requires Local Planning Authorities to refuse applications which cause substantial harm to a heritage asset unless the harm is outweighed by the positive benefits of the scheme or there are demonstrable public benefits. Paragraph 196 stipulates that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In determining the proposal against the setting, interest and value of the listed building a determination as to whether the proposal results in substantial harm or less than substantial harm to the heritage asset in accordance with the NPPF is required. It is considered in this circumstance that the provision of new residential units is a sufficient public benefit and there is less than substantial harm to the heritage asset.

The key existing building at the site is the Grade II listed Villa. The proposal would ensure the retention of this building and the preservation of its key features. External interventions would be minimal and in keeping with the historic interest and character of the building.

It is proposed that the main part of the original villa is subdivided vertically into two dwellings of similar size, one accessed from the main front door and the other from the rear door. Both doors will be retained.

Proposed internal alternations have been subject to detailed consideration by the Council's Principal Conservation Officer, who has discussed these in detail with the applicant's Heritage Consultant.

The existing plan form has necessitated relatively minimal alteration to achieve the subdivision beyond partitioning to the central hallway off the main staircase to form a new party wall, a new staircase within an existing hallway and adjustments to the position of door openings including fixing shut some existing doors. It is also proposed to replace the door to the existing rear lightwell with a pair of glazed doors and create a second lightwell with a pair of glazed doors on the rear elevation. This is in order to increase the level of natural light within the basement.

A number of extensions to the main building are proposed to be removed and replaced with contemporary designs. The later extensions had been subject to some alteration and were not considered to have the same significance as the main part of the building. The replacement designs have undergone revision, including re-siting and reduction in scale. They are now considered to be acceptable.

Modern window openings and air bricks are proposed to be removed and the brickwork infilled to match. Non original windows will be replaced with designs to match the original windows.

Re-pointing of the historic mortar is proposed to replicate the original lime mix. It should be noted that different types of pointing exist on the front and rear of the building, although this

has aged and is now less obvious. Consequently the front façade is proposed to be tuck pointed to match the existing and the rear and side facades will have penny struck pointing also to match the existing.

All original doors, windows, decorative plasterwork and joinery will be retained and repaired. Modern doors, windows and joinery will be replaced with examples that exactly match the original. Details will be required by condition.

The red brick archway to the east of the site and the original tiling to the 1883 covered walkway has is significant as a reminder of the site's history as a Victorian reformatory school and will be retained. The restoration of the archway and the path to the covered walkway will enhance this significance.

The previously submitted glazed flat-roofed entrance feature proposed on house 12 linked to the original archway has been removed and replaced with solid roof which is appropriate.

The low level connecting wing of the west extension to the Villa is considered to be sympathetic.

It is considered that the reinstatement of the Villa as the main building on the site, the removal of the historic 'ad-hoc' additions some of which currently dominate the views towards the listed building and replacement with contemporary and subservient buildings that allow greater views of the listed building is considered to be appropriate.

Whether the additional buildings proposed would provide an appropriate setting for the listed building

The proposal would require the demolition of later additions to the listed building and erection of two separate buildings (a modest detached building to the north east and a two storey terrace to accommodate 7no houses to the west). It is considered that the quantum of development has been reduced and on balance is considered appropriate, both in regard to the setting of the listed building and the impact on the listed building itself.

The contemporary design of the two storey terrace of seven houses proposed to the west of the site, is considered acceptable. The removal of the second floor storey to this block of houses as shown in the revised documents has made a significant improvement to the scheme as a whole by reducing the building's height and bulk and therefore lessening its visual impact in longer views. In addition, it allows this structure to read as subservient to the Listed Building.

As mentioned above, the replacement side extensions are considered to be appropriate, particularly given that these would replace additions which are not considered to be of significant heritage importance.

Given the sensitivity of the site the materials selected, including the choice of facing bricks, will be very important. Presently, the light-coloured brick shown on the perspective drawings is in a stark contrast to the London Stock brick of the main building; a closer match should be sought however this would be secured via the condition.

The proposal would also include the enlargement of the large grassed area at the front of the listed building. This would enhance the setting of the listed building; as part of the full application a recommendation has been made to restrict parking at the front of the listed building.

The overall impacts of the proposal are considered to be sympathetic in design terms to the site and its surroundings, and will provide an appropriate setting for and development within the curtilage of the listed building at the site.

5.4 Response to Public Consultation

N/A

Historic England were consulted, and have written to say that they have no comments to make on this application.

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 proposed development would have an acceptable impact on the character and appearance of the Grade II Listed building. The proposed change of use would bring demonstrable public benefits, including finding a long term viable use for the building. It is therefore recommended consent is granted subject to conditions.



Location **The Bobath Centre 250 East End Road London N2 8AU**

Reference: **18/4547/FUL**

Received: 23rd July 2018

AGENDA ITEM 17

Accepted: 6th August 2018

Ward: East Finchley

Expiry 1st October 2018

Applicant: .

Proposal: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Recommendation: Approve subject to conditions

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

- Existing Location Plan (0001 GA Rev. A)
- Existing Site Plan (0002 GA Rev. A)
- Existing Ground Floor Plan (0010 GA Rev. A)
- Existing First Floor Plan (0011 GA Rev. A)
- Existing Roof Plan (0012 GA Rev. A)
- Existing Section AA (0030 GA Rev. B)
- Existing Section BB (0031 GA Rev. B)
- Existing Section CC (0032 GA Rev. B)
- Existing Section DD (0033 GA Rev. A)
- Existing Section EE (0034 GA Rev. B)
- Existing Section FF (0035 GA Rev. B)
- Existing North Elevation (0040-GA Rev. B)
- Existing South Elevation (0041-GA Rev. B)
- Existing East Elevation (0042-GA Rev. B)
- Existing West Elevation (0043-GA Rev. B)

- Proposed Site Location Plan (0100-GA Rev. E)
- Proposed Site Plan (0101-GA Rev. E)
- Proposed Vehicular Swept Paths. Large Refuse Vehicle (0106-GA Rev. B)
- Proposed Vehicular Swept Paths. Large Refuse Vehicle (0107 -GA Rev. B)
- Proposed Vehicular Swept Paths. Box Van (0108-GA Rev. B)
- Proposed Vehicular Swept Paths. Box Van (0109-GA Rev. B)

- Proposed Ground Floor Plan (0220 GA Rev. C)
- Proposed First Floor Plan (0221 GA Rev. C)
- Proposed Roof Plan (0222 GA Rev. C)
- Proposed Ground Floor Plan (0223 GA Rev. C)
- Proposed First Floor Plan (0224 GA Rev. C)
- Proposed Roof Plan (0225 GA Rev. C)
- Proposed Landscape Plan (0226 GA Rev. A)

- Proposed Section AA (0300 GA Rev. D)
- Proposed Section BB (0301 GA Rev. C)
- Proposed Section CC (0302 GA Rev. C)
- Proposed Section DD (0303 GA Rev. C)
- Proposed Section EE (0304 GA Rev. A)
- Proposed Section FF (0305 GA Rev. B)

- Proposed North Elevation (0400 GA Rev. B)
- Proposed South Elevation (0401 GA Rev. D)
- Proposed East Elevation (0402 GA Rev. B)
- Proposed West Elevation (0403 GA Rev. D)
- Proposed Long East and West Elevation (0404 GA Rev. D)
- Proposed North and South Elevation (0405 GA Rev. A)
- Proposed Western Elevation (0406 GA Rev. A)

- Demolition: Ground Floor Plan (0800 GA Rev. F)
- Demolition: First Floor Plan (0801 GA Rev. F)
- Demolition: Roof Plan (0802 GA Rev. F)
- Demolition: Ground Floor Plan (0803 GA Rev. F)
- Demolition: First Floor Plan (0804 GA Rev. D)
- Demolition: Roof Plan (0805 GA Rev. D)

- Proposed Roof Plan with Existing Chimney and Rooflight Locations (9225 SK)
- Proposed Section D-D and E-E Showing Existing and Proposed Levels (9304 SK)

- Transport Assessment (TTP Consulting - July 2018)
- Arboricultural Impact Assessment (Landmark Trees - Ref:SAV/BBC/AIA/01d - 24 July 2018)

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

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

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any

other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

4 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

5 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of acoustic fencing to be erected along the eastern site boundary have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by 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 enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

7 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

8 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.

9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 0220 GA Rev. C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

10 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

12 a) The site shall not be brought into use or first occupied until details of all means of enclosure, including fences, gates and walls 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).

13 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 6.00 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).

14 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

15 The position, type and method of installation of all new and relocated services and related fixtures (including communications and information technology servicing), shall be specified in advance of any related work being carried out, and the prior approval of the Council as local planning authority shall be obtained wherever these installations are to be visible, or where ducts or other methods of concealment are

proposed. All relevant works shall be carried out in accordance with such approval.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 16 A sample test area of render shall be removed from the rear elevation and made available for inspection and approval, to assess potential damage to the exposed brickwork, prior to such works proceeding on a wider scale. In the event that such works cannot be achieved without damage to the brickwork, the removed render shall be reinstated and made good to match the existing.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 17 No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 18 Sample panels of all new facing brickwork for the new buildings, showing the proposed brick types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local planning authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed and has been approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 19 Prior to their installation, details of all new windows and doors shall be provided at a scale of 1:20 and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 20 Prior to their installation, details of all new rooflights shall be provided at a scale of 1:10 and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 21 Any new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 22 Prior to their instalment, details of all new external vents, flues or ducts for air intake extract, heating or ventilation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

- 6 The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.
- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 8 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officer's Assessment

1. Site Description

The application site is located on the southern side of East End Road, close to the junction with High Road in the East Finchley Ward and adjacent to the boundary of the East Finchley Town Centre. This affords the site with a good level of accessibility as evidenced by its PTAL rating of 4.

At the front of the site there is a part single, part two-storey Grade II listed building that originates from circa 1840s. The listed building has been added to and extended over the years.

The listed building is connected at the rear to a part single-storey, part two-storey extension. The buildings have recently been in use by the Bobath Centre, a national charity which offers treatment to children with cerebral palsy. The lawful Use Class for the application site is D1.

The site has two front access points to either side of the listed building. Behind the buildings is a hard-surfaced area used for car parking. A small group of trees are sited along the top of the western boundary. All other trees are outside the application site.

The area surrounding the application site is mixed, with residential dwellings at two and three storey scales located immediately to the east, south and west, and community and retail uses to the north.

The site is located within Flood Zone 1 and an Area of Special Archaeological Significance. No trees subject to a Tree Preservation Order (TPO) are located within the curtilage of the site.

2. Site History

Reference: 18/4548/LBC

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Description: Partial demolition of existing buildings, including rear extensions and link building and removal of external ramps and other additions. Construction of new extensions to the rear and west of the retained existing buildings and creation of external playground. Internal works of repair, maintenance and restoration to listed buildings. Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping

Decision: Pending Consideration

Decision Date: No Decision Made.

Reference: F/02282/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Reference: F/02083/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Reference: C04913X/04

Address: Bradbury House 250 East End Road London N2 8AU

Description: Replacement of two ground floor windows and door to match existing

Decision: Approved subject to conditions

Decision Date: 15 September 2004

Reference: C04913W

Address: Bobath Centre, 246-250, East End Road, N2

Description: Conversion of school building into treatment centre. Internal and external alterations. Single storey rear addition. Rebuilding of parts of existing building, alterations to roof. Formation of car parking area.

Decision: Withdrawn

Decision Date: 12 March 1997

Reference: C04913M

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of prefabricated two storey classroom (Renewal of permission)

Decision: Refused

Decision Date: 29 June 1988

Reference: C04913

Address: Holy Trinity School East End Road N2

Description: the change of use from education purposes to offices

Decision: Pending Consideration

Decision Date: 03 July 1986

Reference: C04913L

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of prefabricated two storey classroom

Decision: Approved subject to conditions

Decision Date: 27 February 1985

Reference: C04913J

Address: Pardes House School, 246-250, East End Road, N2

Description: Alterations and extension of air raid shelter to form a classroom and toilet

Decision: Withdrawn

Decision Date: 28 August 1983

Reference: C04913K

Address: Pardes House School, 246-250, East End Road, N2

Description: Alterations and extension of air raid shelter to form a classroom and toilet (L.B.C.)

Decision: Withdrawn

Decision Date: 26 August 1983

Reference: C04913H

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of building for use as a temporary classroom.

Decision: Approved subject to conditions

Decision Date: 28 October 1982

Reference: C04913F

Address: Pardes House School, 246-250, East End Road, N2

Description: Erection of single-storey link building between two existing buildings, widening of existing vehicular access, provision of new vehicular access, erection of three pairs of 2m high mesh gates and construction of access drive at front

Decision: Approved subject to conditions

Decision Date: 19 August 1982

Reference: C04913G

Address: Pardes House School, 246-250, East End Road, N2

Description: Erection of single-storey link building between two existing buildings

Decision: Approved subject to conditions

Decision Date: 19 May 1982

Reference: C04913E

Address: Pardes House School, 246-250, East End Road, N2

Description: Construction of vehicular access and 2 boiler houses at rear. Provision of hardstanding for car parking.

Decision: Approved subject to conditions

Decision Date: 14 February 1979

Reference: C04913D

Address: Holy Trinity School East End Road N2

Description: Change of use for educational purposes, synagogue, community centre and ancillary purposes, including demolition of one internal wall in this listed building.

Decision: Approved subject to condition

Decision Date: 30 August 1977

Reference: C04913C

Address: Holy Trinity School East End Road N2

Description: Installation of temporary student accommodation at rear of college buildings and change of use of east wing to student hostel accommodation.

Decision: Refused

Decision Date: 15 December 1975

Reference: C04913A

Address: Holy Trinity School East End Road N2

Description: Change of use to a community centre

Decision: Approved subject to conditions

Decision Date: 26 May 1975

3. Proposal

- Partial demolition of non-original buildings including rear extensions and link building;
- Removal of external ramps;
- Construction of extensions to the south and west of the retained existing building and a link building between the retained buildings;
- Creation of external playground;
- Internal works of repair, maintenance and restoration to the listed buildings;
- Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.

4. Public Consultation

Consultation letters were sent to 275 neighbouring properties. 16 public responses were received comprising 1 letter of representation and 15 letters of objection. These can be summarised as follows:

Representation:

Finchley Society:

- The retention of a D1 use could mean any use included in that class order.
- The plan as drawn has no provision for preparing or storing food for the children which is essential if providing full day nursery care.
- The area identified as play area for the children is too small if the children are to be encouraged to enjoy active play to keep them fit and healthy.
- The storage area shown for scooters/pushchairs is very small.
- The staff area is too small for 26 staff.
- The amount of usable floor space has been reduced considerably therefore there is concern that the current plan is not feasible.
- Plan does not show what will be used to the rear of the site.
- If permission is to be granted a condition requiring the whole site to be used for D1 use should be applied.
- The nursery should have an active travel plan to discourage car use and facilitate walking and public transport use.
- If the waste bins are located at the front of the site then a refuse lorry will not enter the site but will wait in the road.

Objections:

- Will result in increased traffic congestion on East End Road, especially at peak hours. Most people attending the nursery will do so at the time traffic is heaviest.
- Will result in pressures on local parking provision.
- Increased air pollution which is detrimental to school children.
- The outdoor playground will create noise disturbance to neighbouring business and private dwellings.
- Increased noise, dust and wider disruptions.
- Mature trees to the front of the site are in danger of being felled.
- There is no need for a nursery.
- A Health Centre or Adult Education Centre would be a better use.
- New traffic control measures should be introduced to improve access and protect pedestrian safety.
- A GP Surgery is more of a need than a new nursery.
- No demand assessment provided to understand who will be using the nursery, the number and ages of the children attending, opening hours etc.
- There is no evidence within the Traffic Assessment submitted about actual current traffic patterns in the area surrounding the site, or assessment about the potential implications of these patterns under different scenarios.
- Entrance / exit to the site is close to Deanery Close, a 100-space car park and a zebra crossing. This will cause significant traffic congestion.
- Lack of detail about staffing level and the types and availability of staff required to work at the nursery.
- No assessment has been provided to assess air pollution on the surgery both internally and on the playground given the proximity of a busy road.

- Concern about construction working hours and how long works will take.

Statutory Consultees:

Heritage:

The Council's Heritage Officer has extensively reviewed the alterations and extensions proposed to the Listed Building and has recommended approval subject to conditions.

Highways:

The Council's Highways Officer has reviewed the proposed development in relation to its highways impacts, including site access, parking and trip generation and has recommended it for approval subject to conditions.

Arboriculturalist:

The Council's Arboriculturalist has reviewed the proposed plans and deemed its impact on site and adjacent trees as acceptable subject to conditions.

Historic England:

Historic England reviewed the plans and made no objection, stating they are satisfied for the Local Planning Authority to access the internal and external alterations in line with National and Local Policy.

Greater London Archaeological Advisory Service (GLAAS):

GLAAS are satisfied with the proposal subject to a condition relating to a written scheme of historic building investigation (WSI).

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.

The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM17.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the wider streetscene and the Grade II Listed Building and its setting;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Impact on highways;

5.3 Assessment of proposals

Principle of development

As outlined in the planning history section above, the application site has been in Class D1 use for over 40 years. Indeed, educational uses on the site stretch back to the site's conception as the Holy Trinity School in 1848. The site is currently in use by The Bobath Centre, a national charity dedicated to supporting children and families living with cerebral palsy and similar neurological conditions. The support provided includes physio, occupational and speech therapy. However, the existing building no longer meets their requirements and they are therefore relocating to alternative premises.

This application seeks the retention of the site's existing Class D1 use for the purposes of operating a nursery. However, in order to adapt the application site to provide a more suitable modern environment for the nursery, a series of internal and external alterations are proposed. These include, the part demolition of non-original extensions, the erection of new extensions to the southern and western elevations and a linking structure between the two retained buildings, the creation of an external playground, and internal works of repair, maintenance and restoration to the Grade II Listed Building. The proposals will result in a marginal loss of community use floorspace, with the existing floorspace comprising of 1,330m² and the proposed floorspace 1,022m²; a net loss of 308m² (equating to approximately 23% reduction).

Both the existing community use and the proposed nursery are classified as D1 uses and therefore this application does not involve a change of use. Furthermore, it complies with Policy DM13 given it does not result in the loss of a community or educational use. Therefore, this application is not required to assess the principle of a nursery use on site, given the nursery could occupy the application site without the need for planning permission. There are no restrictions in terms of what D1 uses can operate on the site. Therefore, the nursery could effectively operate from the site immediately. This application is primarily to assess the acceptability of the proposed internal and external alterations from a character perspective (including its impact on a Grade II Listed Building and its setting) and the impact on the residential amenity of neighbouring occupiers. This report will assess highways considerations in relation to site access and neighbouring residential amenity. Again, as this application does not involve a change of use, and given the nursery could operate at the site without the need for planning permission, this application does not require the provision of a travel plan to justify its use as a nursery.

In summary, given this application does involve a change of use, there is no objection to the use of the site for the purposes of operating a nursery.

Character and appearance

All proposed development is expected to maintain and respect the character and appearance of its setting in line with Policy DM01 which states:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Furthermore, The Bobath Centre is a Grade II Listed Building (List Entry Number: 1188626 (Bobath Centre) and List Entry Number: 1078842 (East Annexe to Bobath Centre)) and is located in an area of Special Archaeological Significance. Therefore, any proposed alterations are required to comply with Policy DM06 which states:

a. All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

c. Proposals involving or affecting Barnet's heritage assets should demonstrate the following:

- the significance of the heritage asset
- the impact of the proposal on the significance of the heritage asset
- the impact of the proposal on the setting of the heritage asset
- how the significance and/or setting of a heritage asset can be better revealed
- the opportunities to mitigate or adapt to climate change
- how the benefits outweigh any harm caused to the heritage asset.

d. There will be a presumption in favour of retaining all 1,600 Locally Listed Buildings in Barnet and any buildings which makes a positive contribution to the character or appearance of the 16 Conservation Areas.

e. Archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

It should be noted that an accompanying Listed Building Consent application for the proposed works has also been submitted.

The proposed alterations include:

- The demolition of a former air raid shelter located along the western boundary of the site;
- The demolition of a non-original link building and extensions to the rear of the site. These extensions were added to the original building during the 1980/90s;
- A new linking element between the listed buildings, which will provide a new entrance from the front of the site as well as a north-south central axis to the building;
- Extension to the rear of the Bobath Centre to provide new floorspace comprising classroom areas and a secondary entrance; and
- Extension to the west of the Bobath Centre to provide additional classroom space.

Regarding the elements of the building proposed for demolition, these are considered of little architectural merit or significance. Removing these elements and introducing more appropriate design interventions represents an opportunity to improve the visual appearance and significance of the Listed Building. No objection regarding the proposed demolition was made by the Council's Heritage Officer.

The proposed external alterations have been the subject of extensive consultation with the Council's Heritage Officer who is satisfied that the resulting design is acceptable in view of the character and appearance of the application site, the streetscene and the Grade II Listed Building and its setting. The new link building with a glazed frontage facing onto East End Road, provides a clean and neutral appearance which better frames and links the two listed buildings on either side. The extension along the western elevation has been designed to match the form and material finish of the adjoining listed building. This includes matching brick, coping stones and timber framed windows. The façade of the proposed extension includes a slight set-back and set-down from the flank wall of the original building to ensure a degree of visual subordination between new and old. This part of the building will be visible from East End Road and Deanery Close and therefore the proposed extension was designed to provide visual consistency and continuity, instead of a more contemporary design which may appear jarring at a prominent corner location of the site.

The proposed extension to the rear of the site has been designed to better respect the scale and architectural form of the original building. This includes a twin pitched gable-ended roof form and matching brick cladding to reflect the form and appearance of the adjacent building to the east. The height of the extension has been set-down marginally from the adjacent building to the east (adjoining the same proposed linking structure) to again ensure a level of subordination between the original and newer structures. A more contemporary twist on the proposed fenestration has been included, but this is considered acceptable and again provides a restrained and sensitive distinction between the original building and the modern additions. A rear wall of matching brick projects from the new southern extension and wraps around up to the western elevation. This provides enclosure to the playground proposed to the rear of the Listed Building. The wall has been sensitively designed to seamlessly integrate with both the original building and modern additions. The height has been designed to provide suitable enclosure and privacy to the playground, whilst not overwhelming or obscuring the Listed Building when viewed from Deanery Close.

Works have been proposed to remove the white render cladding from the rear of the building to expose the original red brick underneath and provide a more uniform and coherent visual appearance across the site. A condition will be attached to any permission ensuring that should it be identified that removing the white render causes damage to the original brick, the render will be re-applied and made good. This is to ensure the visual integrity of the Listed Building is maintained.

The applicant has provided details of the internal alterations proposed including the removal of non-original walls and an internal ramp leading down to the external playground area. The original doors and fittings will be salvaged and retained. It has been made clear on the proposed plans that anything not noted on the plans for demolition will be expected to be retained, with its removal subject to a separate Listed Building Consent. The Council's Heritage Officer has reviewed the proposed internal works and is satisfied that they are acceptable and would not cause harm to character, appearance and integrity of the Listed Building.

A pre-commencement condition has been proposed regarding a written scheme of historic building investigation (WSI) to protect the architectural significance of the site.

The Council's Arboriculturalist has reviewed the proposed plans and is satisfied that they would have an acceptable impact on site trees. A Tree Protection and Soft Landscaping Plan will be secured via condition. No trees are proposed to be felled.

It is considered that the proposed external alterations would have a positive impact on the character and appearance of the application site, the wider streetscene and the Listed Building and its setting. Their scale is subordinate and complimentary to the original building and their form reflects many of the building's original design features. Where more contemporary materials and design elements have been proposed, including a glazed linking building and the fenestration applied to the southern extension, these are considered to respect the visual integrity of the Listed Building and provide a restrained and appropriate contrast between the old and new. Based on this assessment, it is considered that the proposed external and internal alterations comply with Policies DM01 and DM06 and are therefore recommended for approval.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is not considered that the proposed external alterations would detrimentally impact the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight and privacy given their significant set-back from adjacent residential dwellings. The link building and southern extension are not visible to the adjacent dwelling at no.252 East End Road and are 50m from Chalice Court on Deanery Close. The proposed single-storey western extension is 20m from the adjacent property at no.242 East End Road. It should also be noted that the proposed works result in a significant reduction in the existing building's footprint and visual bulk across the site.

Public comments have been raised about the potential noise and disturbance experienced by neighbouring residential occupiers due to vehicular traffic moving through the site and the creation of an external playground. However, regarding traffic related noise, it must be noted that the proposed development only provides four parking spaces to the rear of the site, given the southern portion of the site will not be accessible to vehicular traffic. This a material reduction from the current onsite parking provision of 35 spaces. Swept path analysis has been provided by the applicant to demonstrate that access along the eastern boundary of the site is viable for service vehicles, whilst also providing scope to include acoustic fencing to soften the impact on the neighbouring property at no.252 East End Road from any associated noise and disturbance. It is noted that vehicles can already access the site immediately adjacent to no.252 and park directly up against its flank wall. Therefore, considering the site's current vehicular movement and access arrangements, in addition to the provision of acoustic fencing along the eastern side boundary to be secured via condition, it is deemed that the proposed development will have an acceptable impact on the residential amenity of neighbouring occupiers, with any associated noise and disturbance from vehicular activity mitigated to an appropriate level.

Regarding the external playground, it is considered that its impact on the residential amenity of neighbouring occupiers is acceptable. It would be located 35m from Chalice Court located on Deanery Close and 25m from the site boundary with no.242 East End Road. It is considered that given the distance from adjacent residential buildings and the daytime hours the playground is likely to be used, any associated noise resulting from the playground use would not have a significantly detrimental impact on residential amenity of neighbouring occupiers. Again, it is acknowledged that this application is not for a change of use and that a nursery, including use of its external grounds could occur without the need for planning permission. Therefore, reference to the playground is more to demonstrate that the impact of its use on neighbouring amenity is acceptable irrespective of whether this application is required to assess it. Indeed, it is considered that the reduction in the size and capacity of the building, and the number of onsite parking spaces in comparison to the existing building, would have an improved impact on neighbouring amenity.

In summary, it is considered that the proposed external alterations would have an acceptable impact on neighbouring residential amenity by way of outlook, daylight / sunlight, privacy, and noise and disturbance associated with the creation of a new access route through the site along the eastern site boundary. Consequently, it is deemed that this application would comply with Policy DM01 and is therefore recommended for approval.

Highways

A Transport Statement has been submitted as part of this application, which has been reviewed by the Council's Highways Officer who is satisfied that the proposed development is acceptable on highways grounds.

Existing Situation:

There are two existing vehicle access points at the Bobath Centre which are located at the northeast and northwest of the site. Currently the northeast access point leads to an area of hardstanding where there are 4 marked bays, whilst the area of hardstanding accessed from the northwest vehicular access leads to an area of hardstanding with 35 marked bays, including 2 disabled. There is currently no vehicle link across the site between the two points of access.

The site is located in close proximity to a town centre with a Public Transport Accessibility Level (PTAL) rating of 4, which is considered as good. The site is within a Controlled Parking Zone 'M'. Along the site frontage on East End Road this is in operation Monday through Friday, 2pm - 3pm. Parking bays located further east of the site boundary are subject to controlled parking between the hours of 8.30am and 6.30pm (Monday through Friday). Parking along Deanery Close is privately controlled.

Proposal:

The proposal is to the removal of existing hardstanding and creation of new access road, car parking and site wide landscaping to provide a nursery use for 170 children and 26 staff. There are no specific parking standards set out within the London Plan (2016) for a nursery use. Four parking spaces and one disabled space are proposed for drop-off and pick-up purposes.

It is proposed that both access points on East End Road are to be retained and the onsite building works will create a one-way loop around the site. This will allow a refuse vehicle to enter and exit the site in forward gear, as well as facilitate convenient drop-off activity. The zig zag road markings along the site frontage will be retained.

It is proposed that scooter / buggy stores will be provided to encourage parents to continue their journey to work, whilst a total of 4 short stay Sheffield stands and 4 individual cycle lockers will be introduced.

Pedestrian access into the nursery is to be provided from a new dedicated gate at the centre of the site frontage, with the access route free of traffic movements.

It is proposed that the majority of drop-off / pick-up activity will occur as part of a linked trip to and from work with the remainder of trips associated with parents dropping children off and returning home. The Transport Statement provided has reviewed the 2011 'method of journey to work' census data 'The Super Output Area - Lower Layer [Barnet 029D]' in which the site is located. The census data shows that 63% of resident's journeys to work are made using public transport, whilst 8% are made by foot or bicycle, and 25% by car.

The Transport Statement has assumed that parents would arrive and depart within the same hour that they drop-off and collect their child. The consultants have assessed the potential vehicular trip generation based on the survey previously undertaken for West Hampstead Nursery, which suggested that the highest number of vehicle trips at the Bobath Centre will be during the 8am-9am period, with 19 arrivals and 19 departures. This equates to an additional vehicle arriving and departing every 3 minutes, which is not considered to be material and which is unlikely to have any additional adverse impact on public highway.

Therefore, taking into consideration the following, it is considered that the proposed development would be acceptable on highways grounds.

- The site is located within walking distance of Town Centre location;
- The Public Transport Accessibility Level (PTAL) for the site is 4 which is considered as good;
- The site is within a Control Parking Zone (CPZ);
- The site has a current D1 Use Class and the nursery use falls within the same use class.

As outlined above, this application is not for a change of use and therefore the proposed nursery and its associated vehicular movements, could occur without the need for planning permission. Furthermore, the proposed development would reduce site capacity and the number of onsite parking spaces from the existing. The above has been shown to demonstrate that the development is acceptable on highways grounds.

5.4 Response to Public Consultation

Public comments have been received and where appropriate have been addressed in the report above. For the purposes of clarity, please see below:

- The retention of a D1 use could mean any use included in that class order:

This is the case anyway as there are no current restrictions on the type of D1 use that can be accommodated on the site.

- The plan as drawn has no provision for preparing or storing food for the children which is essential if providing full day nursery care:

The nursery can occupy the site without the need for planning permission. Therefore, how the future occupier chooses to use the building internally, is at their discretion and needs to be in line with the relevant standards governing nursery operations.

- The area identified as play area for the children is too small if the children are to be encouraged to enjoy active play to keep them fit and healthy:

The nursery can occupy the site without the need for planning permission. Therefore, the size of the playground is outside of this assessment's scope.

- The storage area shown for scooters/pushchairs is very small:

The nursery can occupy the site without the need for planning permission. Therefore, how the future occupier chooses to use the building internally, is at their discretion and in line with the relevant standards governing nursery operations.

- The staff area is too small for 26 staff:

The nursery can occupy the site without the need for planning permission. Therefore, how the future occupier chooses to use the building internally, is at their discretion and in line with the relevant standards governing nursery operations.

- The amount of usable floor space has been reduced considerably therefore there is concern that the current plan is not feasible:

The nursery can occupy the site without the need for planning permission. Therefore, how the future occupier chooses to use the building internally, is at their discretion and in line with the relevant standards governing nursery operations.

- Plan does not show what will be used to the rear of the site:

A timber fence will be erected to demarcate the northern and southern parts of the site. The southern part of the site will remain as present but will not be accessible to either pedestrians or vehicles.

- If permission is to be granted a condition requiring the whole site to be used for D1 use should be applied:

The whole of the site is classified as a D1 Use and therefore a condition is not necessary.

- The nursery should have an active travel plan to discourage car use and facilitate walking and public transport use:

A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable. This is not a change of use application and therefore the nursery could occupy the site without planning permission.

- If the waste bins are located at the front of the site then a refuse lorry will not enter the site but will wait in the road.

A refuse storage and collection strategy will be secured via condition.

- Will result in increased traffic congestion on East End Road, especially at peak hours. Most people attending the nursery will do so at the time traffic is heaviest:

A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable. This is not a change of use application and therefore the nursery could occupy the site without planning permission.

- Will result in pressures on local parking provision.

A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable.

- Increased air pollution which is detrimental to school children:

The nursery can occupy the site without the need for planning permission

- The outdoor playground will create noise disturbance to neighbouring business and private dwellings:

The nursery can occupy the site without the need for planning permission. However, given the distance of the playground from adjacent residential dwellings, it is not considered a harmful level of noise disturbance would occur.

- Increased noise, dust and wider disruptions:

A Demolition, Construction Method and Logistics Plan will be secured via condition to ensure appropriate mitigation measures are in place during demolition and construction phases.

- Mature trees to the front of the site are in danger of being felled.

The Council's Arboriculturalist has reviewed the proposed plans and considers them acceptable subject to conditions relating to tree protection and landscaping. No trees are proposed to be felled.

- There is no need for a nursery:

The nursery can occupy the site without the need for planning permission. The fact a nursery operator wants to use and invest in the site is a good indication of demand.

- A Health Centre or Adult Education Centre would be a better use:

A nursery has come forward to use the site and this is policy compliant.

- New traffic control measures should be introduced to improve access and protect pedestrian safety:

A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable.

- No demand assessment provided to understand who will be using the nursery, the number and ages of the children attending, opening hours etc:

The nursery can occupy the site without the need for planning permission. A demand assessment is not required.

- There is no evidence within the Traffic Assessment submitted about actual current traffic patterns in the area surrounding the site, or assessment about the potential implications of these patterns under different scenarios.

The nursery can occupy the site without the need for planning permission. A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable.

- Entrance / exit to the site is close to Deanery Close, a 100-space car park and a zebra crossing. This will cause significant traffic congestion.

The nursery can occupy the site without the need for planning permission. A Transport Statement was provided which was reviewed by the Council's Highways Officer and deemed acceptable.

- Lack of detail about staffing level and the types and availability of staff required to work at the nursery:

The nursery can occupy the site without the need for planning permission. These details are therefore not required.

- No assessment has been provided to assess air pollution on the nursery both internally and on the playground given the proximity of a busy road:

The nursery can occupy the site without the need for planning permission. These details are therefore not required.

- Concern about construction working hours and how long works will take.

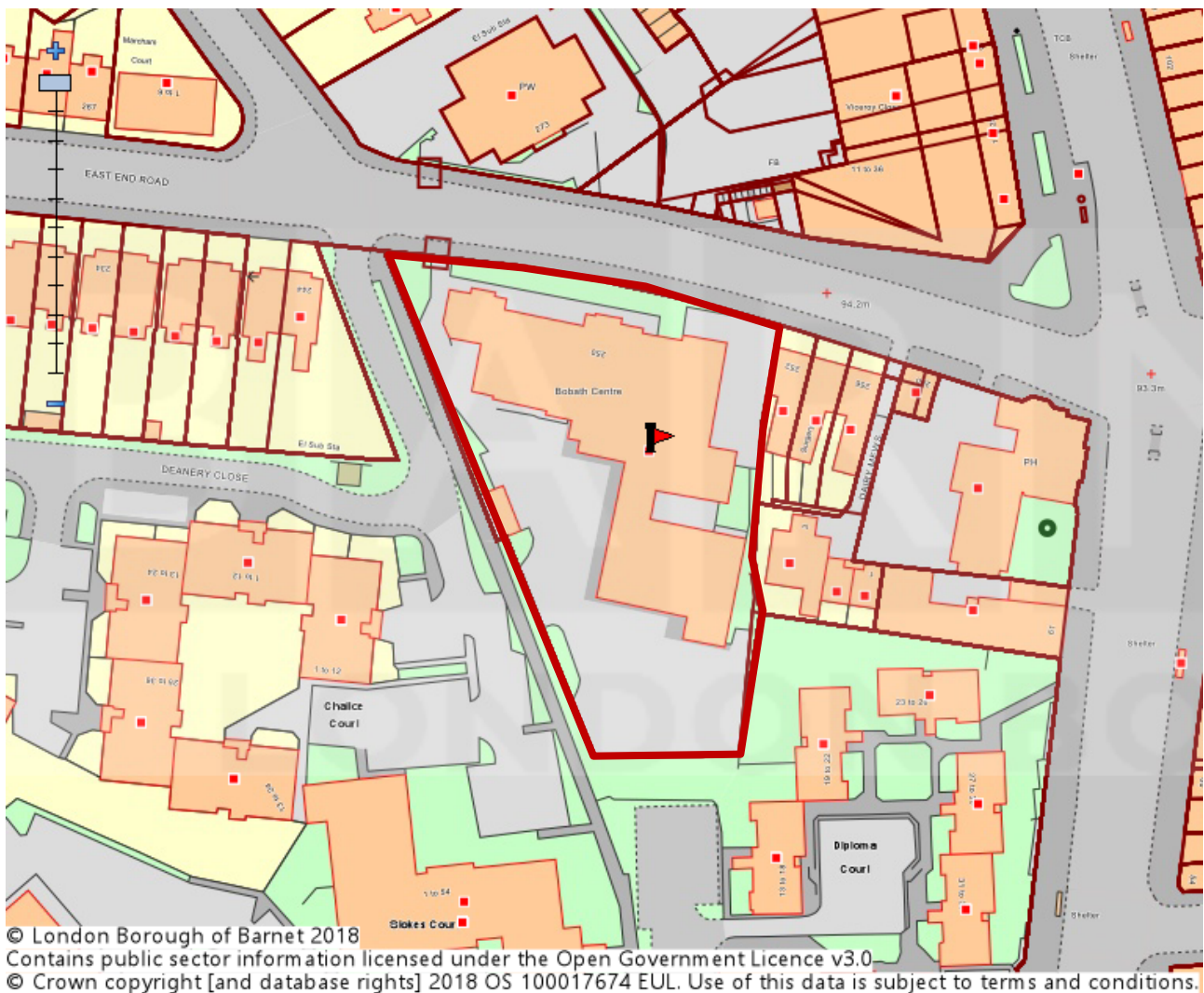
A Construction Working Hours Condition will be attached to any permission. No indication of how long works will take have been provided. This is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development is considered to have an acceptable impact on the character and appearance of the application site, the wider streetscene and the Grade II Listed Building and its setting. Furthermore, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers. Furthermore, the Council's Highways Officer has reviewed the proposed development and is satisfied it is acceptable in view relevant highways considerations. Consequently, this application is recommended for approval.



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- Proposed Ground Floor Plan (0220 GA Rev. C)
- Proposed First Floor Plan (0221 GA Rev. C)
- Proposed Roof Plan (0222 GA Rev. C)
- Proposed Ground Floor Plan (0223 GA Rev. C)
- Proposed First Floor Plan (0224 GA Rev. C)
- Proposed Roof Plan (0225 GA Rev. C)
- Proposed Landscape Plan (0226 GA Rev. A)

- Proposed Section AA (0300 GA Rev. D)
- Proposed Section BB (0301 GA Rev. C)
- Proposed Section CC (0302 GA Rev. C)
- Proposed Section DD (0303 GA Rev. C)
- Proposed Section EE (0304 GA Rev. A)
- Proposed Section FF (0305 GA Rev. B)

- Proposed North Elevation (0400 GA Rev. B)
- Proposed South Elevation (0401 GA Rev. D)
- Proposed East Elevation (0402 GA Rev. B)
- Proposed West Elevation (0403 GA Rev. D)
- Proposed Long East and West Elevation (0404 GA Rev. D)
- Proposed North and South Elevation (0405 GA Rev. A)
- Proposed Western Elevation (0406 GA Rev. A)

- Demolition: Ground Floor Plan (0800 GA Rev. F)
- Demolition: First Floor Plan (0801 GA Rev. F)
- Demolition: Roof Plan (0802 GA Rev. F)
- Demolition: Ground Floor Plan (0803 GA Rev. F)
- Demolition: First Floor Plan (0804 GA Rev. D)
- Demolition: Roof Plan (0805 GA Rev. D)

- Proposed Roof Plan with Existing Chimney and Rooflight Locations (9225 SK)
- Proposed Section D-D and E-E Showing Existing and Proposed Levels (9304 SK)

- Transport Assessment (TTP Consulting - July 2018)
- Arboricultural Impact Assessment (Landmark Trees - Ref:SAV/BBC/AIA/01d - 24 July 2018)

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

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

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

- 3 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the

drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 4 The position, type and method of installation of all new and relocated services and related fixtures (including communications and information technology servicing), shall be specified in advance of any related work being carried out, and the prior approval of the Council as local planning authority shall be obtained wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. All relevant works shall be carried out in accordance with such approval.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 5 A sample test area of render shall be removed from the rear elevation and made available for inspection and approval, to assess potential damage to the exposed brickwork, prior to such works proceeding on a wider scale. In the event that such works cannot be achieved without damage to the brickwork, the removed render shall be reinstated and made good to match the existing.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 6 Sample panels of all new facing brickwork for the new buildings, showing the proposed brick types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local planning authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed and has been approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 7 Prior to their installation, details of all new windows and doors shall be provided at a scale of 1:20 and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 8 Prior to their installation, details of all new rooflights shall be provided at a scale of 1:10 and submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 9 Any new external rainwater goods and soil pipes on the visible elevations shall be of cast iron, painted black.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 10 Prior to their instalment, details of all new external vents, flues or ducts for air intake extract, heating or ventilation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 11 No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 12 Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local planning authority notified immediately. Provision shall be made for the retention proper recording, as required by the Council.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 is located on the southern side of East End Road, close to the junction with High Road in the East Finchley Ward and adjacent to the boundary of the East Finchley Town Centre. This affords the site with a good level of accessibility as evidenced by its PTAL rating of 4.

At the front of the site there is a part single, part two-storey Grade II listed building that originates from circa 1840s. The listed building has been added to and extended over the years. The listed building is connected at the rear to a part single-storey, part two-storey extension. The buildings have recently been in use by the Bobath Centre, a national charity which offers treatment to children with cerebral palsy. The lawful Use Class for the application site is D1.

The site has two front access points to either side of the listed building. Behind the buildings is a hard-surfaced area used for car parking. A small group of trees are sited along the top of the western boundary. All other trees are outside the application site.

The area surrounding the application site is mixed, with residential dwellings at two and three storey scales located immediately to the east, south and west, and community and retail uses to the north.

The site is located within Flood Zone 1 and an Area of Special Archaeological Significance. No trees subject to a Tree Preservation Order (TPO) are located within the curtilage of the site.

2. Site History

Reference: F/02282/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation.

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Reference: F/02083/13

Address: The Bobath Centre, 250 East End Road, London, N2 8AU

Description: Installation of 1x no. Non-illuminated Panel to railings on front elevation

Decision: Approved subject to conditions

Decision Date: 5 August 2013

Reference: C04913X/04

Address: Bradbury House 250 East End Road London N2 8AU

Description: Replacement of two ground floor windows and door to match existing

Decision: Approved subject to conditions

Decision Date: 15 September 2004

Reference: C04913W

Address: Bobath Centre, 246-250, East End Road, N2

Description: Conversion of school building into treatment centre. Internal and external alterations. Single storey rear addition. Rebuilding of parts of existing building, alterations to roof. Formation of car parking area.

Decision: Withdrawn

Decision Date: 12 March 1997

Reference: C04913M

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of prefabricated two storey classroom (Renewal of permission)

Decision: Refused

Decision Date: 29 June 1988

Reference: C04913

Address: Holy Trinity School East End Road N2

Description: the change of use from education purposes to offices

Decision: Pending Consideration

Decision Date: 03 July 1986

Reference: C04913L

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of prefabricated two storey classroom

Decision: Approved subject to conditions

Decision Date: 27 February 1985

Reference: C04913J

Address: Pardes House School, 246-250, East End Road, N2

Description: Alterations and extension of air raid shelter to form a classroom and toilet

Decision: Withdrawn

Decision Date: 28 August 1983

Reference: C04913K

Address: Pardes House School, 246-250, East End Road, N2

Description: Alterations and extension of air raid shelter to form a classroom and toilet (L.B.C.)

Decision: Withdrawn

Decision Date: 26 August 1983

Reference: C04913H

Address: Pardes House School, 246-250, East End Road, N2

Description: Retention of building for use as a temporary classroom.

Decision: Approved subject to conditions

Decision Date: 28 October 1982

Reference: C04913F

Address: Pardes House School, 246-250, East End Road, N2

Description: Erection of single-storey link building between two existing buildings, widening of existing vehicular access, provision of new vehicular access, erection of three pairs of 2m high mesh gates and construction of access drive at front

Decision: Approved subject to conditions

Decision Date: 19 August 1982

Reference: C04913G

Address: Pardes House School, 246-250, East End Road, N2

Description: Erection of single-storey link building between two existing buildings
Decision: Approved subject to conditions
Decision Date: 19 May 1982

Reference: C04913E

Address: Pardes House School, 246-250, East End Road, N2

Description: Construction of vehicular access and 2 boiler houses at rear. Provision of hardstanding for car parking.

Decision: Approved subject to conditions

Decision Date: 14 February 1979

Reference: C04913D

Address: Holy Trinity School East End Road N2

Description: Change of use for educational purposes, synagogue, community centre and ancillary purposes, including demolition of one internal wall in this listed building.

Decision: Approved subject to condition

Decision Date: 30 August 1977

Reference: C04913C

Address: Holy Trinity School East End Road N2

Description: Installation of temporary student accommodation at rear of college buildings and change of use of east wing to student hostel accommodation.

Decision: Refused

Decision Date: 15 December 1975

Reference: C04913A

Address: Holy Trinity School East End Road N2

Description: Change of use to a community centre

Decision: Approved subject to conditions

Decision Date: 26 May 1975

3. Proposal

- Partial demolition of non-original buildings including rear extensions and link building;
- Removal of external ramps;
- Construction of extensions to the south and west of the retained existing building and a link building between the retained buildings;
- Creation of external playground;
- Removal of existing hardstanding and creation of new access road, car parking and site wide landscaping.
- Internal works of repair, maintenance and restoration;
- Removal of internal walls as shown on proposed plans;
- Retention of doors as shown on proposed plans;

4. Public Consultation

No public consultation is necessary for a Listed Building Consent application. However, two public comments have been received comprising two letters of representation. The comments related to the Listed Building are summarised as follows:

- The present inscription 'Bobath Centre' on the facade should be removed and replaced by the historically correct one.

- The air-raid shelter should be retained in some form as it reflects a part of the site's history.

A site notice was erected and press notice published on the 6th August 2018.

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.

The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM17.

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 this Grade II Listed Building and setting of the listed building;

5.3 Assessment of proposals

Context

The Bobath Centre, located at No.250 East End Road, was included on the statutory list of buildings of special architectural or historic interest at Grade II on 9th August 1973. It was formerly listed as Pardes House School and as Holy Trinity Church of England School (List Entry Number: 1188626). The listing notes:

"Former school. Circa 1847, by Anthony Salvin (dated on bellcote). Modest building in a style prophetic of the Arts and Crafts movement. One storey, 3 bay range has slightly projecting centre with high gable terminating in bellcote and short, 2 storey projecting gabled side wings. These have one storey set back outer extensions. Red brick. High pitched roofs of large slates. Two later dormers. End chimneys and one diagonal chimney, an asymmetrical touch, at left angle of centrepiece. Small paned casements or sashes under segmental arches and with sloped tiled sills. In centre 2 tall windows and an unglazed, stone framed light above. Moulded stone copings to gables. In inner angles of wings, 2 square gabled porches, with stone tudor-arched entrances, marked GIRLS and BOYS."

The East Annexe Bobath Centre, also located at No.250 East End Road, was included on the statutory list of buildings of special architectural or historic interest at Grade II on 9th August 1973. It was formerly listed as East Annexe to Pardes House School and as East Annexe to Holy Trinity Church of England School List Entry Number: 1078842). The listing notes:

"After circa 1847, possibly by Anthony Salvin. One storey red brick building similar in style to Pardes House School (qv). Half hipped slated roof end on to road. Three window front with taller central window. Door at left under gabled hood on brackets. Three bay sides divided by stepped buttresses. Minor building, but included for group value."

Whether harm would be caused to the character and appearance of this Grade II Listed Building and setting of the listed building

Under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, at sections 16(2), 66(1) and 72(1) a council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant Listed Building Consent. This requirement is reiterated at 7.3.2 of the supporting text to Policy DM06 of the adopted Local Plan.

Paragraphs 195 of the NPPF requires Local Planning Authorities to refuse applications which cause substantial harm to a heritage asset unless the harm is outweighed by the positive benefits of the scheme or there are demonstrable public benefits. Paragraph 196 stipulates that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In determining the proposal against the setting, interest and value of the listed building, a determination as to whether the proposal results in substantial harm or less than substantial harm to the heritage asset in accordance with the NPPF is required. It is

considered in this circumstance that there is less than substantial harm to the significance of the heritage asset and that the removal of discordant non-original buildings and replacing them with more appropriately designed extensions that will enhance the appearance of the Listed Building and increase its functionality and long-term viability and occupancy, represents a sufficient public benefit.

The proposed external alterations have been the subject of extensive consultation with the Council's Heritage Officer who is satisfied that the resulting design is acceptable in view of the character and appearance of the application site, the streetscene and the Grade II Listed Building and its setting. The new link building with a glazed frontage facing onto East End Road, provides a clean and neutral appearance which better frames and links the two listed buildings on either side. The extension along the western elevation has been designed to match the form and material finish of the adjoining listed building. This includes matching brick, coping stones and timber framed windows. The façade of the proposed extension includes a slight set-back and set-down from the flank wall of the original building to ensure a degree of visual subordination between new and old. This part of the building will be visible from East End Road and Deanery Close and therefore the proposed extension was designed to provide visual consistency and continuity, instead of a more contemporary design which may appear jarring at a prominent corner location of the site.

The proposed extension to the rear of the site has been designed to better respect the scale and architectural form of the original building. This includes a twin pitched gable-ended roof form and matching brick cladding to reflect the form and appearance of the adjacent building to the east. The height of the extension has been set-down marginally from the adjacent building to the east (adjoining the same proposed linking structure) to again ensure a level of subordination between the original and newer structures. A more contemporary twist on the proposed fenestration has been included, but this is considered acceptable and again provides a restrained and sensitive distinction between the original building and the modern additions. A rear wall of matching brick projects from the new southern extension and wraps around up to the western elevation. This provides enclosure to the playground proposed to the rear of the Listed Building. The wall has been sensitively designed to seamlessly integrate with both the original building and modern additions. The height has been designed to provide suitable enclosure and privacy to the playground, whilst not overwhelming or obscuring the Listed Building when viewed from Deanery Close.

Works have been proposed to remove the white render cladding from the rear of the building to expose the original red brick underneath and provide a more uniform and coherent visual appearance across the site. A condition will be attached to any permission ensuring that should it be identified that removing the white render causes damage to the original brick, the render will be re-applied and made good. This is to ensure the visual integrity of the Listed Building is maintained.

The applicant has provided details of the internal alterations proposed including the removal of non-original walls and an internal ramp leading down to the external playground area. The original doors and fittings will be salvaged and retained. It has been made clear on the proposed plans that anything not noted on the plans for demolition will be expected to be retained, with its removal subject to a separate Listed Building Consent. The Council's Heritage Officer has reviewed the proposed internal works and is satisfied that they are acceptable and would not cause harm to character, appearance and integrity of the Listed Building.

5.4 Response to Public Consultation

- The present inscription 'Bobath Centre' on the facade should be removed and replaced by the historically correct one:

Given the applicant could use the site without planning permission, it is considered unreasonable to impose a condition relating to the removal of the current inscription.

- The air-raid shelter should be retained in some form as it reflects a part of the site's history:

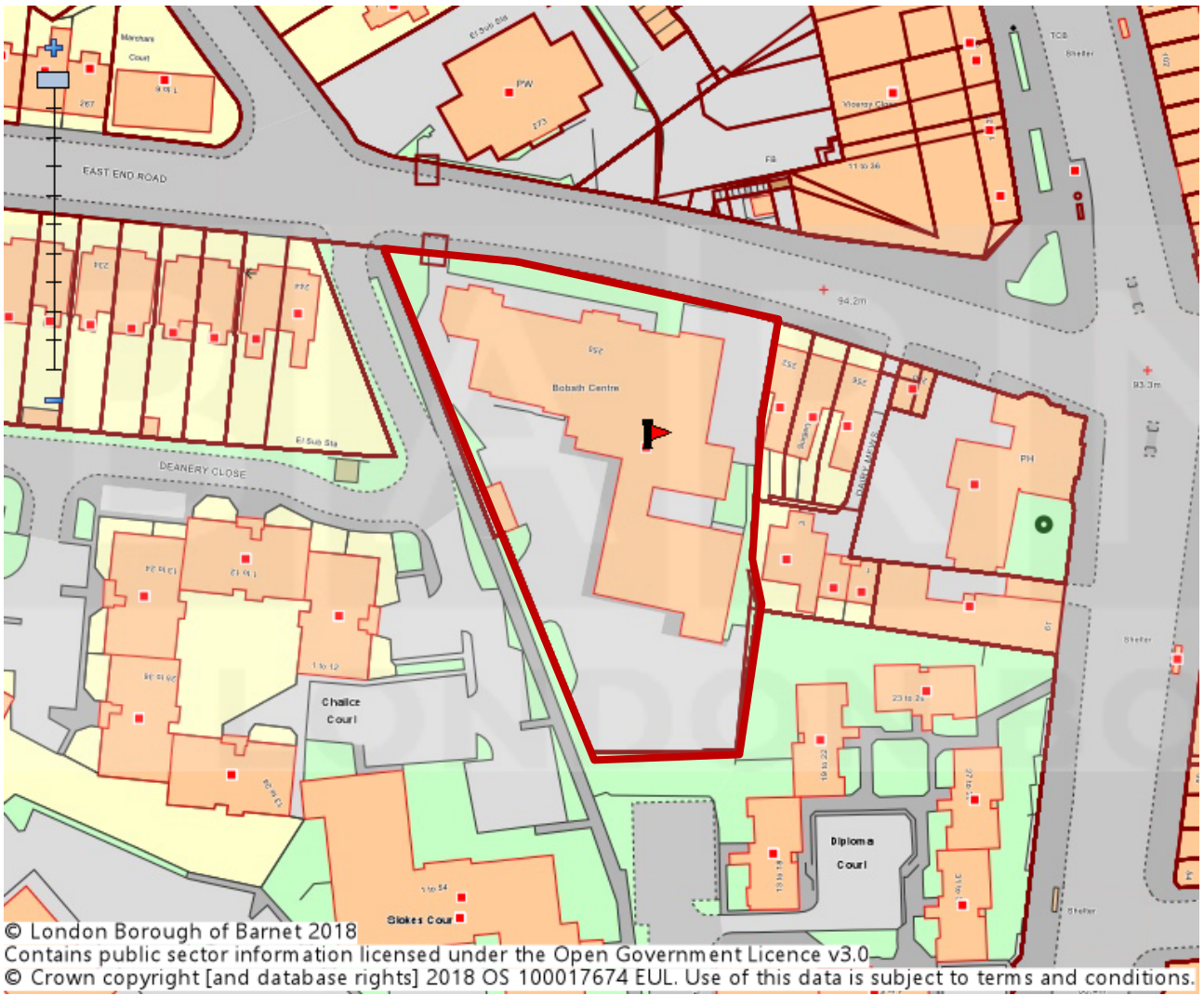
It has been considered that the loss of the air-raid shelter is acceptable given its limited architectural significance.

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 regard to the above therefore, the proposal will have less than substantial harm to the significance of the designated heritage asset and/or its setting. In line with paragraph 134 of the NPPF it is necessary to weigh this against any public benefit. In this instance, the harm to the significance of the designated heritage asset is outweighed by the public benefit identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.



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Location 35 - 37 Ravenscroft Avenue London NW11 8BH

Reference: 18/4993/FUL

Received: 13th August 2018

Accepted: 14th August 2018

Ward: Childs Hill

Expiry 9th October 2018

Applicant: Mr NEIL GOODMAN

Proposal: Conversion of existing 2no. single family dwellinghouses into 8no. self-contained flats with associated amenity space, refuse storage, cycle parking and provision of off-street car parking

AGENDA ITEM 19

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Highways (traffic order) £2,022.00
"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

RECOMMENDATION II:

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

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

Site Location Plan (received 13/08/2018)
Block Plan (received 13/08/2018)
ABC60/4000 (received 13/08/2018)
ABC60/4001 (received 13/08/2018)
ABC60/4002 (received 13/08/2018)
ABC60/4003 (received 13/08/2018)
ABC60/4004 (received 13/08/2018)
ABC60/4005 (received 13/08/2018)
ABC60/5002 (received 13/08/2018)
ABC60/5003 (received 13/08/2018)
ABC60/5004 (received 13/08/2018)
ABC60/5005 (received 13/08/2018)
ABC60/5006 (received 13/08/2018)
ABC60/5008 (received 13/08/2018)
ABC60/5009 (received 13/08/2018)
ABC60/5010 (received 13/08/2018)
ABC60/5011 (received 13/08/2018)
ABC60/5012 Rev B (received 09/10/2018)
ABC60/5013 (received 13/08/2018)

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

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

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

3 a) 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).

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

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

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

5 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6 a) A scheme of hard and soft landscaping to the front forecourt and rear amenity area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

8 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).

9 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.

10 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 6% 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 Polices document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

11 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

12 Prior to the commencement of the development, details of any off-site highway works necessary to facilitate the proposed development, including creation or modification of a vehicular access shall be submitted to and approved in writing by the Local Planning Authority; and the development hereby approved shall not be occupied until the vehicular accesses have been constructed in accordance with the approved details. The applicant will be expected to enter into an agreement under Section 184/278 of the Highways Act with the Highways Authority, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority 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.

13 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

RECOMMENDATION III:

0 That if an agreement has not been completed by 25/01/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4993/FUL under delegated powers for the following reasons:

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site relates to 2no residential dwelling located at No.35 and No.37 Ravenscroft Avenue. The properties are located on the southern end of the road in proximity to the intersection with Beechcroft Avenue.

The properties have been subject to an extended planning and enforcement history related to the construction of unlawful extensions. Recent applications have been assessed by the Local Planning Authority to reinstate the properties back into an acceptable form.

To the north No.35 Ravenscroft Avenue shares a boundary with the neighbouring property at No.33 Ravenscroft Avenue. To the south, No.37 front on Beechcroft Avenue. The rear gardens of No.35 and No.37 face onto the flank wall of No.41 Beechcroft.

The application site falls within close proximity to the Golders Green Town Centre and benefit from a PTAL rating of 4. The application site is located an 8 minute walk of Golders Green Underground Station.

The site does not fall within a conservation area and is not a listed building

2. Site History

Reference: 17/6291/FUL

Address: 35 and 37 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved Subject to Conditions

Decision Date: 30.11.2017

Description: Reinstating of the property into 2no self-contained family houses. Reduction the current roof and first floor rear extension and removal of current out-buildings. Alteration to roof including new pitched roof and 4no roof lights to rear elevation. Creation of two new entrance doors for Joint development at no. 35 & 37 Ravenscroft Avenue

Reference: 15/04256/192

Address: 35 Ravenscroft Avenue, London, NW11 8BH

Decision: Withdrawn

Decision Date: 30 July 2015

Description: Roof extension involving rear dormer window, 1no rooflight to front to facilitate an extension to the existing loft conversion

Reference: 15/04257/HSE

Address: 35 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved subject to conditions

Decision Date: 27 August 2015

Description: Formation of basement with associated lightwells. New dormer window to front roofslope

Reference: 16/2699/FUL

Address: 35 Ravenscroft Avenue, London, NW11 8BH

Decision: Refused

Decision Date: 7 February 2017

Description: Conversion into 2no houses. Retention of rear extension and formation of new pitched roof

Reference: 17/6291/FUL

Address: 35 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved subject to conditions

Decision Date: 30 November 2017

Description: Reinstating of the property into 2no self-contained family houses. Reduction the current roof and first floor rear extension and removal of current out-buildings. Alteration to roof including new pitched roof and 4no roof lights to rear elevation. Creation of two new entrance doors for Joint development at no. 35 & 37 Ravenscroft Avenue

Reference: C02154F/04

Address: 35 Ravenscroft Avenue, London, NW11 8BH

Decision: Refused

Decision Date: 8 March 2005

Description: Creation of a studio flat at first floor level.

Reference: F/05054/14

Address: 37 Ravenscroft Avenue, London, NW11 8BH

Decision: Withdrawn

Decision Date: 4 December 2014

Description: Demolition of existing house and erection of new two storey house including rooms in roof space and basement level.

Reference: F/01872/14

Address: 37 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved subject to conditions

Decision Date: 10 June 2014

Description: Single storey side and rear extension. Formation of basement with front and rear lightwells including insertion of new front dormer window to existing roof.

Reference: F/00079/14

Address: 37 Ravenscroft Avenue, London, NW11 8BH

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Two storey rear extension and alterations to roof involving rear dormer window to facilitate extension to existing loft space., RETURNED

Reference: F/00077/14

Address: 37 Ravenscroft Avenue, London, NW11 8BH

Decision: Withdrawn

Decision Date: 31 March 2014

Description: Two storey side extension, single storey rear extension and new basement level including front and rear lightwells. New front dormer window to extend existing loft.

3. Proposal

The proposal seeks planning permission for the conversion of existing 2no single family dwelling houses into 8no self-contained flats with associated amenity space. Refuse storage, cycle parking and provision of off-street parking.

The proposed subdivision for No.35 Ravenscroft would result as follows:

Flat 1 2 Bed 4 Person 119m2

Flat 2 2 Bed 4 Person 102m2
Flat 3 2 Bed 4 Person 86m2
Flat 4 1 Bed 2 Person 60m2The

The proposed subdivision for No.37 Ravenscroft would result as follows:

Flat 1 2 Bed 4 Person 119m2
Flat 2 2 Bed 4 Person 109m2
Flat 3 2 Bed 4 Person 86m2
Flat 4 1 Bed 2 Person 60m2

Refuse storage will be located along the front elevation facing Ravenscroft Avenue and the side elevation facing Beechcroft Avenue. The proposal would provide for 6 off-street parking spaces of which 4 will be accessed from Ravenscroft Avenue and 2 from Beechcroft Avenue.

4. Public Consultation

Consultation letters were sent to 155 neighbouring properties.

8 Objections have been received and are summarised below:

- Development is ruining the neighbourhood
- Overdevelopment
- Further impact on highways and parking stress
- Parking will become exacerbated
- Overlooking
- Building works have been going on for years
- Inadequate outdoor space
- Outbuildings have not been demolished

The application was further consulted with the following:

Council's Highways Team

No objection to the development subject to conditions and Legal Agreement to amend the traffic order.

Council's Environmental Health Team

No objections to the development subject to conditions

London Fire Brigade

Insufficient information provided in relation to access and facilities for fire fighters, as set out in Section B5 Approved Document B.

During the consultation period, Councillor Peter Zinkin requested that if the application is to be recommended to approval, he would like it to go to committee due to overdevelopment and loss of amenity.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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:

- Principle of development

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

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

- Impact on highways

5.3 Assessment of proposals

Principle of Development

The application seeks planning permission for the conversion of No.35 and No.37 Ravenscroft Avenue into 8no self-contained flats. Each property would be subdivided into 4no flats.

It is acknowledged that the properties benefit from extensive planning and enforcement history. The latest application, with reference 17/6291/FUL, was granted planning permission for the 'Reinstating of the property into 2no self-contained family houses. Reduction to the current roof and first floor rear extension and removal of current out-buildings. Alteration to roof including new pitched roof and 4no roof lights to rear elevation. Creation of two new entrance doors for joint development at no. 35 & 37 Ravenscroft Avenue'

Following different site visits to the application site, it is noted that works have been underway in to restore the properties as single dwelling as per the above approved application.

Policy DM01, of the Development Management Policies (2012), states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate as the loss of a single-family dwelling would change the character of the area.

The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan.

This sets out the character of different parts of the borough and how the character changes over time.

Preamble 2.8.1 to Policy DM01 further states that conversions of existing dwelling into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street, particularly where they are highly accessible. However, even in such locations they can harm the character of area by changing external appearances and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected, and more deliveries.

The local character of Ravenscroft Avenue is comprised of a mixture of single family houses and flatted development. Within the immediate vicinity, the neighbouring properties at No.12, No.18, No.29, and No.33 Ravenscroft Avenue have been converted into self-contained flats. It is further noted that the host properties are also adjacent to the flatted developments at Ravenscroft Court, Berkeley Court, Croft Court and Ayla Court. The latter two are in use as hotels. The local vicinity also benefits from the Ravenscroft Medical Centre which is sites on the corner with Golders Green Road. It is argued that this section of Ravenscroft Avenue benefits from a strong presence of flatted development when compared to the northern end of Ravenscroft Avenue.

It is therefore considered that the principle of converting No.35 and No.37 Ravenscroft Avenue to self-contained flats is considered to remain in-keeping with the established pattern of development and is supported by the Local Planning Authority.

Details of the Proposed Development

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.'

The proposed subdivision of No.35 Ravenscroft Avenue would appear as follows:

Flat 1 2 Bed 4 Person 119m²
Flat 2 2 Bed 4 Person 102m²
Flat 3 2 Bed 4 Person 86m²
Flat 4 1 Bed 2 Person 60m²The

The proposed subdivision of No.37 Ravenscroft Avenue would appear as follows:

Flat 1 2 Bed 4 Person 119m²
Flat 2 2 Bed 4 Person 109m²
Flat 3 2 Bed 4 Person 86m²
Flat 4 1 Bed 2 Person 60m²

The Council's Sustainable Construction and Design (SPD) requires all new development to comply with the space standards as identified in the London Plan (2016). As stated in Table 2.1 of the SPD, the minimum residential space standard for a 2 Bed 4 Person flat should be 70m². It is considered that all two bedroom units will meet and exceed the minimum standard.

With regards to one bedroom flats, the Council's guidance suggests that a minimum of 50m² should be provided. As per above, both one bedroom units will benefit from a GIA of 60m², thus complying with the above requirement.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided".

The proposed units at ground floor and first floor will benefit from adequate levels of fenestration to the front, side, and rear lightwells. It is considered that suitable outlook (mainly over the rear garden and the forecourt) would be provided for the future occupiers of the above mentioned flats.

The basement flats, at No.35 and No.37 Ravenscroft Avenue, would only benefit from lightwells to the front and to the rear of the properties. The basement units would additionally benefit from secondary kitchens positioned laterally along the side walls.

It is acknowledged that the outlook provided for both basement units would not be ideal. Nevertheless, the proposed units would exceed the required space standards by approximately 50m². The proposed bedrooms would be located to the rear and would benefit from generously sized rear lightwells with direct access to private amenity space. On balance, it is considered that the generous size of the units, combined with an acceptable provision of internal and external amenity, will allow for comfortable living spaces and would not materially impact on the amenities of future occupiers to a level which would warrant a reason for refusal.

The 2 x 1 bed units at second floor would benefit from moderate dormers to the front elevation and two roof lights serving the bedrooms to the rear. The second floor flat at No.27 would additionally benefit from a side window facing Beechcroft Avenue.

Whilst officers acknowledge that better outlook could be provided, both units would exceed the required space standards by approximately 10m². As per above, it is considered that the generously sized floor areas, combined with acceptable provisions of internal amenity, will result in comfortable living space which will not feel cramped or confined. It is therefore considered that the second floor units will not materially impact on the living condition of future occupiers to a level which would warrant a reason for refusal.

Part (d) of Policy DM04 (Development Management Policies 2012), states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless mitigation measures can be demonstrated. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Amenity

Table 2.3 within the Sustainable Design and Construction SPD indicated that for flats, outdoor amenity space should be 5m² per habitable room (definition of a habitable room is

set out in the glossary including the maximum size considered before a room is counted as two (20sq.m).

The scheme includes the provision of a communal garden to the rear of No.35 and No.37 Ravenscroft Avenue which would serve the future occupiers of the ground floor, first floor, and second floor flats. The total number of habitable rooms would result in 22 with a required provision of 110m² of outdoor amenity space.

In this instance, the proposed scheme would provide a gross rear amenity area of 119m². It is therefore considered that the scheme would comply with the above requirements and would provide a level of amenity space in compliance to the Council's Sustainable Construction and Design (SPD).

The proposed basement flats would separately benefit from private amenity space. This has been proposed in the form of a lightwell towards the rear elevation of the properties. In line with the Council's required space standards, the 2 x 2 bedroom basement units would have to provide for a total of 20m² of private outdoor amenity each.

The proposed rear lightwells, serving the basement units, will provide 21m² of private amenity space. The lightwells would measure 3 metres in depth and approximately 7 metres in width. Screening would additionally separate the lower ground amenity areas from the communal garden to the rear.

On balance, whilst it is recognised that the amenity space provided will be located at lower ground floor, the provision of outdoor space has been met in line with the Council's requirements. It is also accepted that the site lies within a Town Centre location where occupiers will have access to other facilities.

Taking the above into consideration, the proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Impact on Neighbouring occupiers

The proposed conversion of N.35 and No.37 Ravenscroft does not involve additional extensions. In terms of size, bulk, and massing, it is therefore not considered that the property will harm the visual and residential amenities of neighbouring occupier by appearing further overbearing or visually dominant. It is also noted that no additional windows have been proposed at first floor and second floor. It is therefore not considered that the proposal would result in higher levels of overlooking compared to those currently enjoyed.

Whilst it is accepted that the use of the communal entrance will be increased by virtue of the additional occupiers on the buildings, this would be considered as a transitional impact that is unlikely to cause demonstrable harm towards neighbouring occupiers to warrant a reason for refusal.

Sustainability

In respect of Carbon Dioxide emission reductions, a condition is attached requiring the scheme to achieve a minimum of 6% Carbon Dioxide reductions against Part L of the 2013 Building Regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

With regard to water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan

Highways

Policy CS9 Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and the promotion of more environmentally friendly transport networks. This requires that developments are matched to capacity and promote the delivery of appropriate transport infrastructure.

Parking provision must meet Council's guidelines and the number of spaces must be in compliance with DM Policy Maximum standards. Policy DM17 of the development management policies document states that normally up to 1 space should be provided for 1 bedroom units, 1-1.5 spaces should be provided for 2-3 bedroom units, 1.5-2 spaces for 4 bedroom units.

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The proposal is for the conversion of the existing two storey family dwelling houses into 8 x self-contained units comprising 2 x 1 bed units and 6 x 2 bed units. The scheme would therefore have to provide for 8no off-street parking spaces. In this instance, the scheme will provide for a maximum of 6no off street parking spaces, thus falling short by 2 spaces.

In assessing the parking requirements of the site, the following are taken into consideration:

- The site is located within a town centre location;
- The site is within walking distance of local amenities;
- The application is for a conversion
- The site lies within a PTAL 4 site, which is considered to be good public transport accessibility;
- The site is located within a Controlled Parking Zone (G and H) which is in operation Mon-Sat between 8am-6:30pm and Sundays between 9:30am-6:30pm and (H) in operation Monday-Friday between the hours of 11am-12pm.

It is considered that there is high on-street parking pressure on roads in the local area and it is considered that a further residential development, without the adequate provision of off-street parking, would result in unacceptable additional parking pressure in the vicinity of the site.

It is therefore considered that the proposal would be only considered acceptable subject to a Legal Agreement to amend the Traffic Order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. A Section 106 or Unilateral Undertaking Agreement contribution of £2,0022.00 will be required in order to amend the traffic order.

5.4 Response to Public Consultation

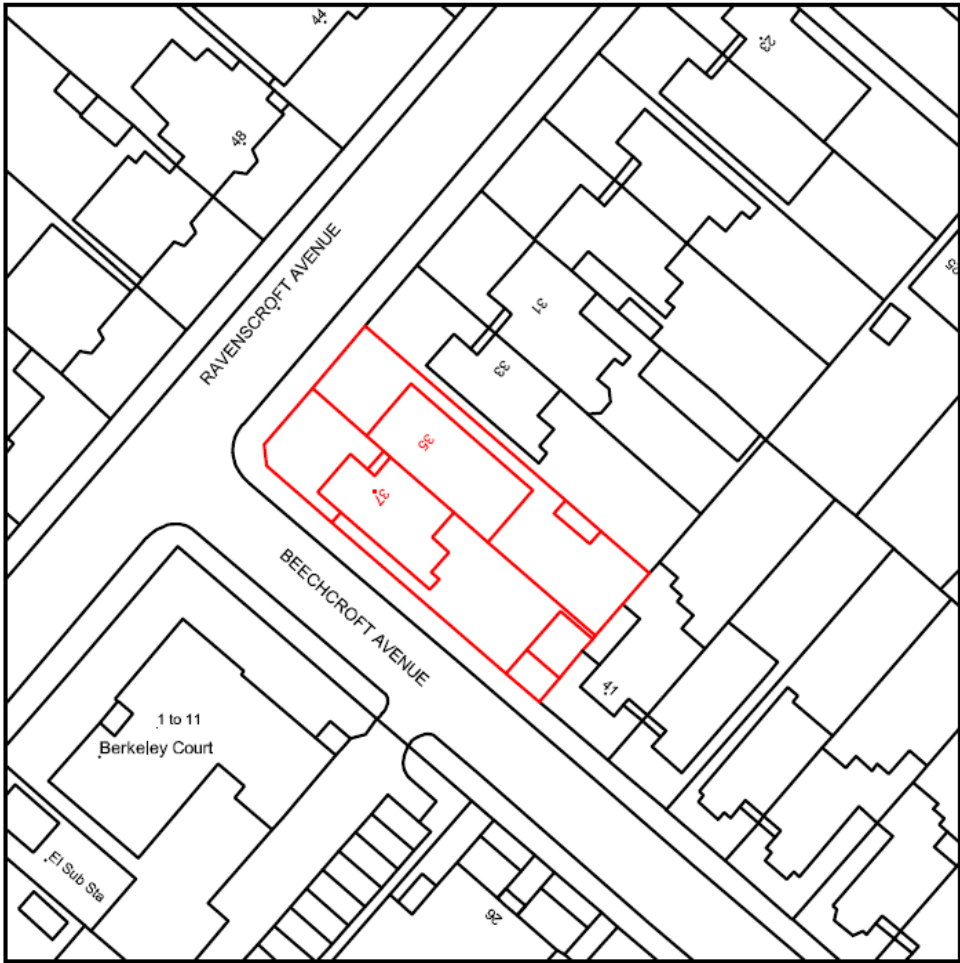
It is considered that all planning considerations have been addressed by the report above.

6. Equality and Diversity Issues

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

7. Conclusion

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.



Location 33 Ranulf Road London NW2 2BS

Reference: 18/3587/HSE

Received: 8th June 2018

Accepted: 11th June 2018

Ward: Childs Hill

Expiry 6th August 2018

Applicant: Christoforou Family

Proposal: Part single, part two-storey rear extension with rear juliette balcony (at first floor level) following demolition of existing single storey rear extension. Part single, part two storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy. Extension to main roof, including raising the ridge height, 3no front dormers and 3no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding (AMENDED PLANS AND DESCRIPTION)

AGENDA ITEM 20

Recommendation: Approve subject to conditions

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

LP-01 00, EX-00 00, EX-01 00, EX-02 00, EX-03 00, EX-04 00, EX-05 00, EX-06 00, EX-07 00, EX-08 00, EX-09 00, PA-10 00, 2018 037 01 Rev.D, 2018 037 02 Rev.D.

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 outlined within the approved plans.

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).

- 5 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 at any time in the side elevations , of the extension hereby approved, facing No.31 and No.35 Ranulf Road.

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).

- 6 a) Before the development hereby permitted is first occupied, details of boundary treatment to be installed to the rear of the property adjacent to the neighbouring occupier at No.31 Ranulf Road shall be submitted to and approved in writing by the Local Planning Authority.

b) The bounday enclosures shall be installed in accordance with the details approved under this condition before first occupation 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).

- 7 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).

Informative(s):

- 1 In accordance with paragraphs 38-58 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.

Officer's Assessment

OFFICER ASSESSMENT

1. Site Description

Ranulf Road is a residential street in the Childs Hill Ward. A number of properties on Ranulf Road have had alterations and the surroundings are predominantly suburban in character. The property is not listed nor in a conservation area.

33 Ranulf Road is a large detached single dwelling house in the Hocroft Estate. The front elevation of the property is two storey with a substantial pitched roof and the rear elevation is also two storeys with an existing single storey rear extension of 5 metres. The property has a side garage neighbouring no. 35 which is set at a lower level in the front elevation in relation to the main dwelling house. This is due to the fall in levels meaning that the houses are positioned on a slight slope. Thus, the dwelling at 31 Ranulf Road is slightly higher than no. 33 and no. 35 is at a slightly lower level.

2. Site History

Reference: 18/4803/HSE

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 28 September 2018

Description: Part single, part two-storey rear extension with rear balcony (at first floor level) following demolition of existing single storey rear extension. Part single, part two storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy. Extension to main roof, including raising the ridge height, 3no front dormers and 3no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding (AMENDED PLANS AND DESCRIPTION)

Reference: F/02021/14

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Approved subject to conditions

Decision Date: 23 June 2014

Description: Variation of condition 1 (plan numbers) Pursuant to planning permission F/04797/11 dated 02/04/2012. Amendments include extending the basement walls to the north and west, changing the staircase and extending the plant room.

Reference: F/03161/12

Address: 33 Ranulf Road, London, NW2 2BS

Decision: Refused

Decision Date: 3 October 2012

Description: Single storey rear extension.

Reference: APP/N5090/D/12/2188900

Decision: Allowed

Decision Date: 15 February 2013

Reference: F/04797/11

Address: 33 Ranulf Road, London, NW2 2BS
Decision: Approved subject to conditions
Decision Date: 3 April 2012
Description: Proposed basement to the existing dwelling house.

Reference: F/01642/09
Address: 33 Ranulf Road, London, NW2 2BS
Decision: Approved subject to conditions
Decision Date: 30 June 2009
Description: First floor side extension.

Reference: C03982H/05
Address: 33 Ranulf Road, London, NW2 2BS
Decision: Refused
Decision Date: 6 June 2005
Description: Single storey rear extension.

Reference: C03982G/04
Address: 33 Ranulf Road, London, NW2 2BS
Decision: Refused
Decision Date: 10 January 2005
Description: Part single, part two-storey rear and side extension.

Reference: C03982F/03
Address: 33 Ranulf Road, London, NW2 2BS
Decision: Approved subject to conditions
Decision Date: 13 June 2003
Description: Single storey rear extension.

Reference: C03982E/03
Address: 33 Ranulf Road, London, NW2 2BS
Decision: Refused
Decision Date: 7 April 2003
Description: Single storey rear extension.

3. Proposal

This application seeks planning permission for a part single, part two-storey rear extension with rear Juliette balcony (at first floor level) following demolition of existing single storey rear extension. First storey side extension including extension to roof following removal of existing side dormer. New front (portico) porch with replacement canopy. Extension to main roof, including 3 no front dormers and 3 no rear dormers following removal of existing front and rear dormers and rear rooflights. Associated alterations to fenestration including double glazing. Alterations to landscaping including new front boundary wall with railing and new hardstanding.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

2 responses have been received, comprised of 2 letters of objection which can be summarised as follows;

- Concerns regarding overdevelopment of the site from the totality of the works and the resultant projection along the boundary with the neighbouring occupier at No.31 Ranulf Road.
- Concerns regarding overshadowing of existing terrace in late afternoon and evening.
- Concerns regarding establishment of new building line if development to be approved.
- Concerns regarding proposed fenestration and the resultant overlooking this may cause over neighbouring properties terrace.
- Concerns regarding proposed flat roof over ground floor element being used as a potential terrace.
- Concerns regarding proposed Juliette balcony to first floor level.
- Concerns regarding demolition of existing boundary treatment and requested conditioning that similar boundary treatment is erected as soon as possible.
- Concerns regarding construction noise and traffic impact on neighbouring occupiers.
- Concerns regarding terracing effect due to proposed side extension.

This application has been called in for consideration by the area planning committee by Councillor Clarke so that residents views may be fully considered.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016 (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.

The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the

Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

Barnet's Local Plan (2012)

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

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context, and ensure protection of the amenities of neighbouring occupiers and the amenities of future occupiers. This will include taking a full account of all neighbouring sites and will suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The applicant seeks permission for the following;

- Part single, part two storey rear extension with a ground floor depth of 8metres from the original rear wall and first floor depth of 3.5 metres, following demolition of existing 5 metre single storey rear extension.
- First floor side extension with a width of 2.8 metres incorporating a hipped roof built above existing ground floor side extension and garage set back 3 metres from the front wall of the property
- Juliette balcony to rear of first floor extension.
- Extension to main roof resulting in a mansard form with 3no proposed dormers to front and 3no proposed dormers to the rear roof slopes with proposed heights of 1.6 metres, 2.1m in width and a depth of 1.2 metres. Increase in ridge height of approximately 0.75m.
- Preplacement front portico with canopy with a height of 3.3m, width of 4.5m and depth of 1.7m
- Associated alterations to fenestration including introduction of double glazing.
- Alterations including a new hard standing and new front boundary wall with railings with a maximum height of 1.4 metres.

The proposed works are considered to be proportionate and appropriate to the existing property. It should be noted that amendments have been requested and received reducing the proposed ground floor and first floor element of the rear extension by 3 and 1.5 metres respectively and setting back the proposed side extension 3 metres from the front wall of the property. This report is assessing the amended scheme.

Ranulf Road is situated within the ward of Childs Hill to the southern part of Finchley Golders Green. The houses along this road are made up of generally large detached properties set back from the road side. Most of the properties along the street benefit from large rear gardens and a significant proportion have also benefited from considerable extensions to the rear and roof.

First floor side extension

Paragraph 14.15 of the Residential Design Guidance SPD states that "Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house...In order to reduce the visual impact of two

storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions)."

A similar proposed first floor side extension to the property had been approved previously under application reference (F/01642/09) however was never constructed. This had a width of 2.6 metres, a subordinate roof and was set back 3 metres from the front elevation of the property.

This current application follows a recently refused application reference (18/4803/HSE) on the site which was refused for the following reasons;

'The proposed part single part two storey rear extension and part single part two storey side extension, by reason of their size, siting and design, would be an incongruous and disproportionate addition to the existing dwelling house and would be out of context with the prevailing character of the streetscene and would introduce development detrimental to the character and appearance of the host property and the streetscene, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).'

'The proposed part single part two storey rear extension, by reason of size, height, siting together with the resulting protrusion along the boundary with the neighbouring occupier would appear dominant, overbearing and visually intrusive when viewed from the adjoining properties at No.31 and No.35 Ranulf Road which would adversely affect the outlook from the property and lead to an increased sense of enclosure and loss of outlook, detrimental to the residential amenity of the neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).'

It is considered that given the side extension is significantly under half the width of the original house, the set back of 3 metres would be sufficient for the resultant development to be subordinate to the existing property. Paragraph 14.16 of the Residential Design Guidance SPD states that "Pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and be set down at least 0.5 metre from the ridge of the main roof." The proposed side extension incorporates a pitched roof to match the existing and is set down 1 metre, in compliance with the aforementioned guidance. Although a distance of 1m to the side boundary is not maintained, this was also the situation with the previous permission. It is considered that the significant setback from the front serves to reduce any terracing effect.

In addition the removal of the existing side dormer is also considered to enhance the aesthetics of the front façade of the property and street scene given that side dormers are not a predominant characteristic of this Ranulf Road.

In regards to the first floor side extension, the previous scheme was considered to be out of context with the prevailing character of the area and incongruous to the dwellinghouse. In that instance the proposed side extension had a width of 2.8 metres, set back 0.75 metres from the front wall of the property.

Within this scheme, regarding the side extension, the width has still been proposed at 2.8 metres, however the set back from the front wall has been increased to 3 metres. This matches the setback approved in the 2009 application. It is considered that the setback

proposed minimises the visual prominence of the side extension on the street scene and reduces any terracing effect. As such the proposed side element is not considered incongruous or out of context with the prevailing character of detached properties along the street scape. It is considered that the setback proposed overcomes previous concerns regarding the side element in the previously refused application (18/4803/HSE).

_round floor rear extension

The proposed ground floor rear element of the extension would extend to a depth of 8 metres from the original rear wall of the property, following the demolition of the existing single storey rear extension with a depth of 5 metres. The rear elevation of the proposed single storey element would be largely glazed which is considered acceptable. Although the Residential Design Guidance SPD stipulates 4 metres for a single storey rear extension to a detached property is usually considered acceptable, this is guidance and each application is based on its own merits and in this instance it is considered that the depth proposed is acceptable, as discussed below.

As previously mentioned, the properties along this part of Ranulf Road are located on a slight slope and thus the neighbouring property at No.31 Ranulf Road sits at a higher level than the application site. The neighbouring occupier at No.31 benefits from three storeys to the rear of the property. Effectively this results in the neighbouring occupiers ground floor to be almost level with that of the applications site's first floor. In this instance given the existing relationship in the context of these level changes, the local authority considers that a deeper extension that what is usually considered acceptable at ground floor level is acceptable and that the resultant ground floor would not result in any unacceptable levels of harm to the amenity of the neighbouring occupier in accordance with Policy DM01 of the Development Management Policies DPD. In the previously refused scheme (18/4803/HSE) the depth proposed at ground floor was approximately 10 metres in depth. It is considered that the reduction in depth of 2 metres results in a more proportionate addition to the property that ensures the visual and residential amenity of neighbouring occupiers is protected.

In regard to the projection along the boundary with the neighbouring occupier at No.35 Ranulf Road which sits at a slightly lower level; the neighbouring occupier does benefit from an existing extension with an approximate maximum depth of 4 metres. The application site has been subject of a previously refused application F/03161/12 which was subsequently allowed at appeal (reference APP/N5090/D/12/2188900) in February 2013. That application was for a single-story rear extension along half the width of the property closest to the boundary with No.35 Ranulf Road with a proposed depth of 10.4 metres and height of 3.7metres, considerably deeper than that proposed in this application. It is considered given the advice of the previous appeal inspector and the existing projection at No.35, that the proposed depth of the ground floor and resultant projection of 4 metres would be acceptable.

The appeal inspector in that case stated within their report that the proposed extension would "remain in proportion to the host property and wider area due to the substantial size and width of the house". The inspector later notes that given the significant size of the garden and the set back from any fenestration of the neighbouring property at No.35 Ranulf Road that the proposed extension would not result in any unacceptable levels of harm to the amenity of the neighbouring occupiers at No.35 Ranulf Road. Given the opinion of the inspector relatively recently in 2013 and the lack of significant policy change since, it is considered that the 8-metre single storey element would be proportionate and appropriate to the existing property, without resulting in any unacceptable levels of harm to

the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

First floor rear extension

The first-floor element of the rear extension would have a depth of 3.5 metres from the rear wall of the original property, this has been reduced from 5 metres in the originally submitted plans and recently refused scheme (18/4803/HSE) to reduce any potential harm to the visual or residential amenity of neighbouring occupiers.

The first floor extension would result in a projection of 3.8 metres from the rear of the neighbouring property and set back approximately 1 metre from the flank wall of the ground floor of No.31 Ranulf Road. This is a reduction of 1.5 metres in depth from the previously refused scheme (18/4803/HSE). It is considered that this projection and set back would ensure the resultant first floor element of the proposal would be an acceptable addition that would not result in unacceptable levels of harm to the amenity of the neighbouring occupier at No.31 Ranulf Road.

Regarding the amenity of No.35 Ranulf Road, the proposed first floor element would protrude approximately 2 metres rearwards set in 1 metre from the boundary, whilst the rearward most section of 1.5 metres depth would be set in approximately 2.5 metres from the boundary with neighbouring occupiers at No.35 Ranulf Road. It is considered, given the proposed set in from the boundary and the existing ground floor extension at No.35 adjacent to the application site, that the proposed first floor element would not result in any unacceptable levels of harm to the amenity of the neighbouring occupier in accordance with Policy DM01 of the Development Management Policies DPD.

The proposed Juliette balcony to the rear of the first-floor element will not incorporate a standing platform and therefore is not considered to result in any issues with privacy to the neighbouring occupiers.

Extensions to roof

The proposed alterations to the roof and the formulation of a crown roof incorporating 6no. dormers, 3no. to the front and 3no. to the rear roof slope and raising of the ridge height are considered acceptable. The proposed dormers would all be similar in height, width and depth mimicking the existing design of those on the front of the property. The proposal seeks to raise the ridge height by approximately 0.75 metres. As previously mentioned the topography of Ranulf Road is a gradual slope. Given this topography and the minimal raising of the ridge height, it is considered that there would be no harm to the existing street scene given the significant level changes as existing between the application site and adjacent properties.

The proposed roof alterations would resemble that of a mansard roof. The proposed roof form is considered to be acceptable in the context of the property and this part of the streetscene, given the similar roof extensions that exist at No.31 and No.26 Ranulf Road. Furthermore, the proposed dormers to the front elevation will replace dormers of similar proportions. Given these circumstances, it is considered that the proposed alterations to the roof and introduction of the proposed dormers would be proportionate and in keeping with the character of the property, street scene and wider locality. Moreover, the local authority do not consider that the proposed alterations to the roof will result in any unacceptable harm to the visual or residential amenity of any neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

_ther alterations

The proposed alterations to the existing fenestration and introduction of double glazing is considered acceptable and would not harm the character of the existing property or street scene in accordance with Policy DM01 of the Development Management Policies DPD.

The proposed replacement portico to the front of the property would be similar to that of several of the properties along Ranulf Road including the adjacent neighbours at No.31 and No.35 and the neighbouring property opposite at No.20 Ranulf road. It is considered that the proposed portico would have an acceptable impact on the existing property and the street scene in accordance with Policy DM01 of the Development Management Policies DPD.

The proposed replacement boundary wall, hard standing and railings would incorporate a mix of brick work to the columns with a maximum height of 1.7 metres and metal railings with a mechanical sliding gate to the western side of the front elevation with a maximum height along the front boundary of 1.4 metres. It is considered that the proposed boundary treatment would be acceptable given that boundary treatment of similar proportions and design are evident along the street including No.20 Ranulf Road and several examples at the junction with Hocroft Road.

Overall for the reasons highlighted above, it is considered that the proposed works would be in keeping with the character of the existing property, street scene and wide locality without resulting in any levels of unacceptable harm to the visual or residential amenities of neighbouring occupiers. The application is therefore recommended for APPROVAL.

5.4 Response to Public Consultation

- Concerns regarding overdevelopment of the site from the totality of the works and the resultant projection along the boundary with the neighbouring occupier at No.31 Ranulf Road - these concerns have been addressed within the main assessment of proposals section.
- Concerns regarding overshadowing of existing terrace in late afternoon and evening - it is considered that given the south westerly direction of the neighbouring occupiers garden and the proposed projection of 3.5 metres at first floor, the proposed development will not result in any unacceptable levels of harm to light or overshadowing of the neighbouring occupiers property.
- Concerns regarding establishment of new building line if development to be approved - it is considered that the proposed development would be proportionate and appropriate to the existing property.
- Concerns regarding proposed fenestration and the resultant overlooking this may cause over neighbouring properties terrace - the amendments received have removed any first floor side windows from the scheme mitigating any risk of overlooking to the neighbouring occupiers terrace.
- Concerns regarding proposed flat roof over ground floor element being used as a potential terrace - the roof shall be conditioned so that it cannot be used as a terrace.
- Concerns regarding proposed Juliette balcony to first floor level - these concerns have been addressed within the main assessment of proposals sections of the report.
- Concerns regarding demolition of existing boundary treatment and requested conditioning that similar boundary treatment is erected as soon as possible - a condition

shall be attached requesting details of the proposed boundary treatments that must be submitted and approved to the local authority prior to first occupation of the development.

- Concerns regarding construction noise and traffic - a condition is proposed that working hours are kept to 8am-6pm Monday to Fridays and 8am-1pm Saturdays to minimise disruption to neighbouring occupiers

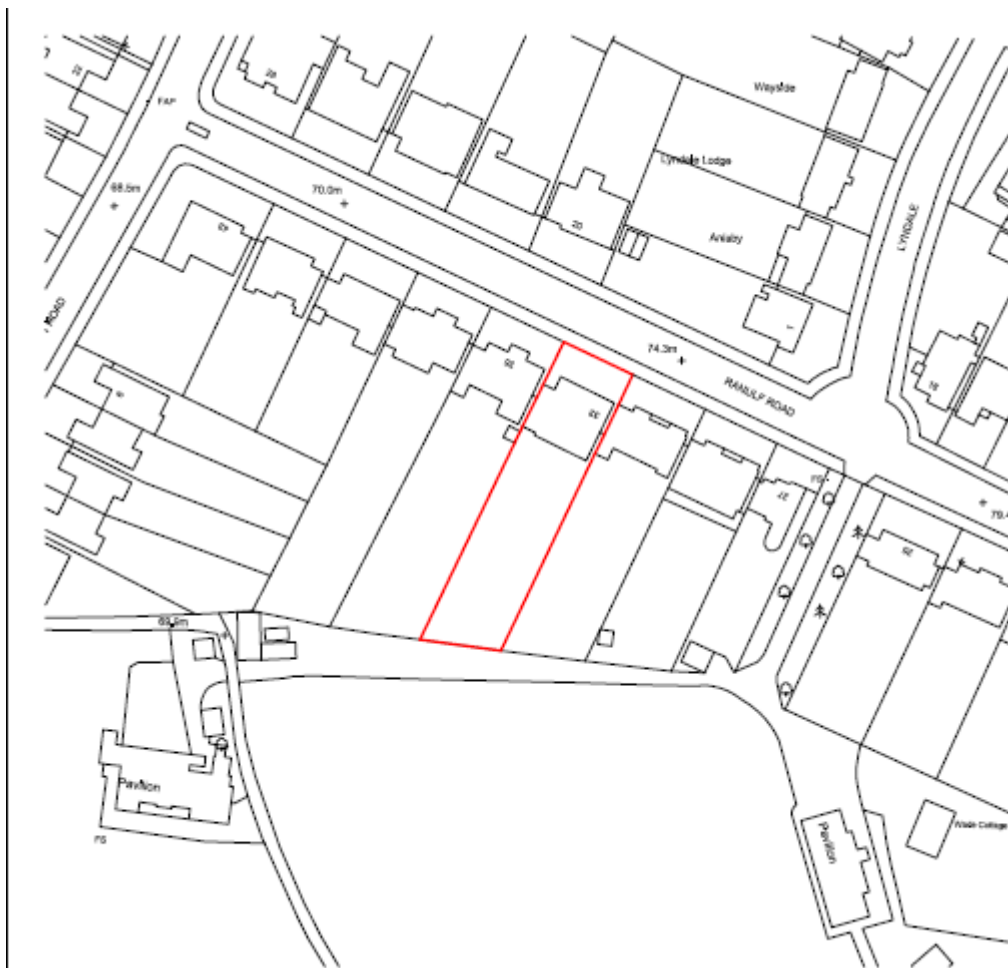
- Concerns regarding terracing effect due to proposed side extension - amendments were requested and received setting back the proposed side extension 3 metres from the front wall of the property in order to ensure the detached nature of the properties is maintained.

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. The application is recommended for APPROVAL.



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Location **504 Finchley Road London NW11 8DE**

Reference: **18/4168/FUL**

Received: 5th July 2018

AGENDA ITEM 21

Accepted: 19th July 2018

Ward: Childs Hill

Expiry 13th September 2018

Applicant: Chase London Ltd

Proposal: Construction of outbuilding for use as a gym following the demolition of existing shed.

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: 201810/504FR/01, 201810/504FR/02A, and 201810/504FR/S1.

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

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

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

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

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

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

- 4 The use of the outbuilding hereby permitted shall at all times be incidental to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, within the ward of Childs Hill and consists of a two-storey, semi-detached property comprising of 4no. self-contained units. The property was converted originally from a single family dwelling into 6no. flats without planning permission but became lawful in 2011 due to the passage of time. The number of units has then reduced from 6no. units to 4no. units in order to improve the quality of the internal units. The ground floor unit has access to a separate private amenity to the rear, while the remaining units have access to a communal area at the rear.

The street is characterised by similar two-storey properties on the eastern side of Finchley Road, whereas there are larger 3-4 storey new flatted development on the western side of the road.

The subject property is not a listed building nor is it in a conservation area.

2. Site History

Reference: 17/4842/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused by Committee. Appeal dismissed

Decision Date: 14.05.2018

Description: Erection of outbuilding to rear for use as gym/playroom

Reference: 17/2226/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused by Committee

Decision Date: 27.07.2017

Description: Erection of outbuilding to rear for use as gym/playroom

Reference: 16/2092/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 10 August 2016

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Single storey rear extension and associated parking spaces

Reference: F/04678/12

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 14 May 2013

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Extensions to roof including front, side and rear dormer window to facilitate a loft conversion.

Reference: F/03032/11

Address: 504 Finchley Road, London, NW11 8DE

Decision: Lawful

Decision Date: 28 September 2011

Description: Use of property as 6 self-contained flats.

3. Proposal

The application seeks consent to construct an outbuilding on land at the rear of the property. The outbuilding would measure 4m (width) x 6.6m (length) x 2.3m (eaves height). The building would be constructed with a concrete frame and timber cladding.

4. Public Consultation

Councillor Ryde has requested that should the application be recommended for approval, the application should be referred to the committee to consider whether the outbuilding would be out of character and cause overlooking to the neighbouring properties.

Consultation letters were sent to 10 neighbouring properties. 6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Harm the impact of the character of the property and neighbouring properties
- Use as additional studio flat or bedroom
- Set an unwelcome precedent in terms of over-intensification of the site
- Noise impacts
- Loss of outlook
- Loss of privacy
- Garden grabbing
- Lack of detail

A further 14-day consultation period was carried out on 23.10.2018 following further revisions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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.

Supplementary Planning Documents

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:

- 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

Background

Application 17/4842/FUL was refused by the Finchley and Golders Green Area Planning Committee for the following reason:

"The proposed outbuilding by reason of its size, siting and design would be detrimental to the character and appearance of the general locality, and would harm neighbouring visual and residential amenity being contrary to policy DM01 of the Adopted Barnet Development Management Policies and policy CS5 of the Barnet Core Strategy."

The appeal was dismissed.

The outbuilding the subject of the appeal measured 5m (depth) x 5.5m (length) x 2.5m (height) and was proposed to be constructed from brickwork to match existing. The current outbuilding would measure 4m (width) x 6.6m (length) x 2.3m (eaves height). The building would be constructed with a concrete frame and timber cladding.

Whether harm would be caused to the character and appearance of the existing building
Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed outbuilding would be single storey in height with a shallow pitch roof and constructed with materials to match the site's context, being clad in timber. The Inspectors report on the refused scheme noted it had a flat roof. The current proposal has a shallow pitched roof and is more appropriate as a roof form for a garden shed and therefore more in character with its immediate context.

Unlike the previous scheme refused on appeal (ref APP/N5090/W/18/3192773), the present proposal has a footprint with the narrower gable end facing towards the rear of the Finchley Road houses and therefore minimises visual impact to the subject garden and adjacent gardens. Officers consider that the realignment of the building together with the

introduction of a shallow pitched roof overcome two principal concerns raised in the Inspectors decision.

Planning Officers consider that the design and scale of the current proposal has addressed the points raised in the Inspectors report, would be in-keeping and would be viewed in context with the boundary enclosures and existing outbuildings and sheds in the wider area. The appearance would be a visual improvement on the present structure because of the more suitable materials, reduced overhangs and removal of openings to the gable elevation.

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

It is proposed to use the outbuilding as a gym. A condition will be attached to ensure that the proposed building remains incidental to the main residential use of the building and not as a habitable room or for any other use, including separate studio.

In terms of outlook, the proposal is not considered to represent any material differences than if future occupiers stood in this area. Officers do not consider that given the size of the proposal, its position relative to the existing shed and its proposed incidental use, there would be additional noise/disturbance created which would cause significant harm to the amenities of neighbouring occupiers. Therefore, loss of privacy is not considered to be a significant issue.

The proposed side access is to be used by the occupants of the above-ground floors to access their amenity area at the rear. Planning Officers do not consider that this aspect of the proposal would raise any significant issues in terms of visual impact or residential amenity. The applicant has confirmed that the side access is only for sole use of the occupants of no.504.

The amended design removes door and window openings to the gable elevation (the elevation facing the houses) and therefore removes any potential light pollution or perceived overlooking.

The Inspector confirmed in the appeal decision (ref APP/N5090/W/18/3192773) that the development would not cause harm to the amenity (living conditions) of residents in regard to light, outlook and privacy. It should be borne in mind that this consideration was made regarding a building located in a more visible position than is the case with the current proposal and which reflects the present position of the outbuilding.

5.4 Response to Public Consultation

Overdevelopment - The proposed building has been reduced in width and is considered to be of a more appropriate scale, height and footprint.

Harm the impact of the character of the property and neighbouring properties - The proposed building is a relatively small outbuilding located at the rear of the site, in keeping in terms of height, form and external materials. As such it is not considered to be out of keeping with the character or to create any adverse visual impacts.

Use as additional dwelling - The proposal seeks use of the building as a gym and that is the use which is being assessed by the Planning Authority. A planning condition will be attached to any approved consent which ensures that the building can only be used as incidental to the main building.

Set an unwelcome precedent in terms of over-intensification of the site - Planning Officers do not consider that the proposal represents or creates an over-intensification of the site since the footprint is almost identical to the present one.

Noise impacts - The proposal is for an incidental building/use, associated with the residential use of the main building and is not considered to result in any adverse impacts in terms of noise.

Loss of outlook - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

Loss of amenity - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

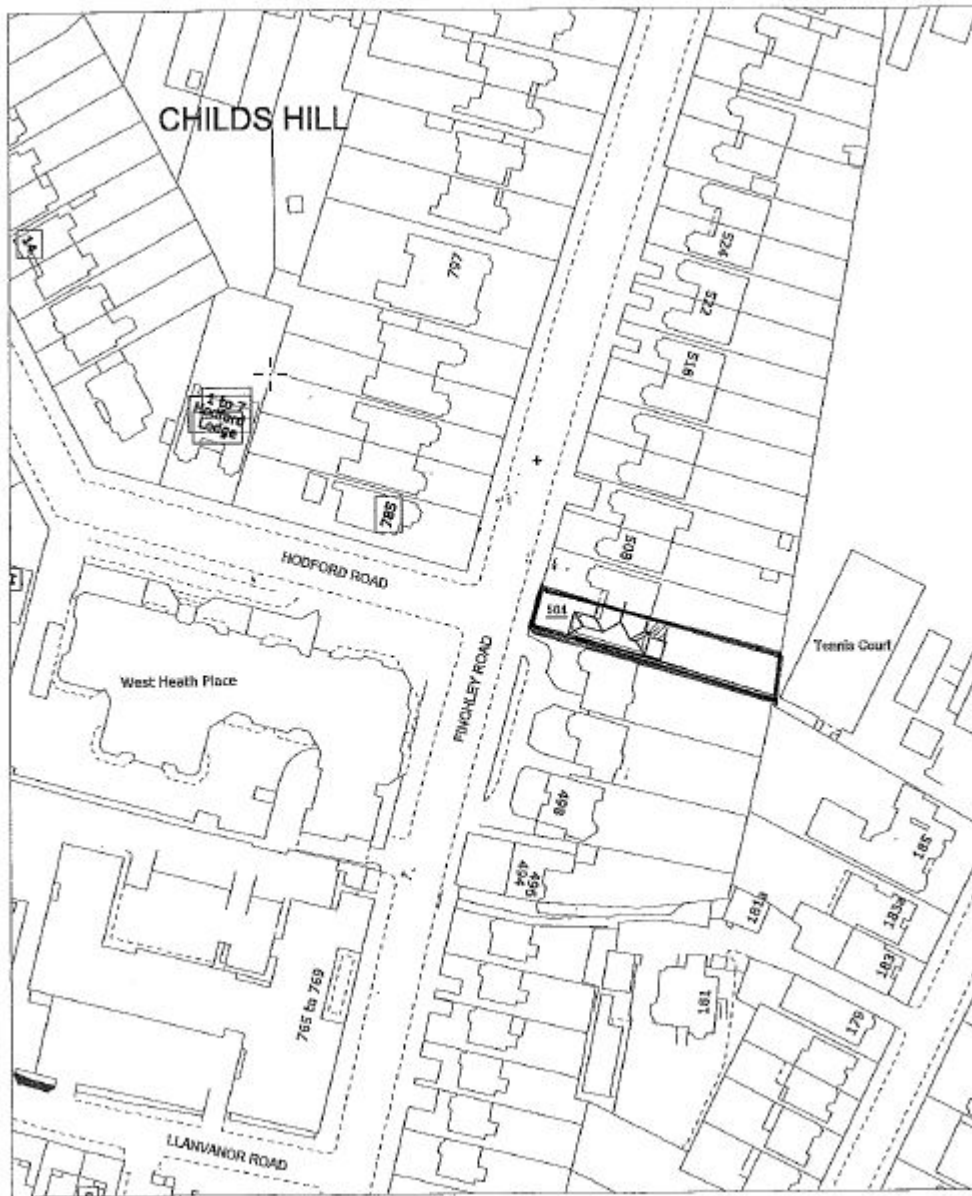
Garden grabbing - The site where the proposed building is to be located is located within the existing boundaries of no.504 and as such is not considered to be garden grabbing as the boundaries remain unaltered. The footprint of the new shed would be 26sqm out of a total rear garden area of approximately 180sqm, which is about 14% of the present garden area.

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.



Location 1 Ridge Road London NW2 2QT

Reference: 18/2270/FUL

Received: 13th April 2018

Accepted: 3rd May 2018

Ward: Childs Hill

Expiry 28th June 2018

Applicant: Mr Amir Sharon

Proposal: Demolition of existing office building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and 2no light wells. Provision of cycle and refuse and recycling storage.

AGENDA ITEM 22

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Contribution towards amending the traffic order - £2022

Monitoring of the Agreement - £100

RECOMMENDATION II:

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

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

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 on behalf of the client by Syntegra Consulting Ltd

Internal Daylight Analysis Report ref 16.2856 dated April 2018 on behalf of the client by Syntegra Consulting Ltd

Viability Assessment (Draft Report) dated October 2017 by Dr. Andre Golland

Transport Assessment dated March 2017 by Caneparo Associates

Marketing report by Uk Property Agents dated 25.07.2018

Revised design and access statement dated October 2018

Existing elevations drwg no. 399B(20)B01

Existing basement floor drwg no. 399B(20)P00

Existing ground floor drwg no. 399B(20)P00

Existing first floor drwg no. 399B(20)P01

Proposed lower ground floor plan drwg no. 0099 rev 02

Proposed ground floor plan drwg no 0100 rev 02

Revised first floor plan drwg no. 0101 rev 03

Proposed second floor plan drwg no. 0102 rev 02

Proposed roof plan drwg no.0103 rev 02

Proposed elevation 01 drwg no. 0200 rev 02

Proposed elevation 02 drwg no. 0201 rev 02

Proposed side elevation 03 drwg no. 0202 rev 02

Proposed side elevation 04 drwg no. 0203 rev 02

Proposed section 02 drwg no. 0400 rev 02

Proposed section 01 drwg no. 0401 rev 02

Overlooking and distances ground floor drwg no. 0803 rev 02

Overlooking and distances first floor drwg no. 0804 rev 02

Overlooking and distances second floor drwg no. 0805 rev 02

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and

CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

4 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation shall be fixed shut and glazed with obscure glass only as shown on drawing numbers:- Proposed ground floor plan drwg no 0100 rev 02, Revised first floor plan drwg no. 0101 rev 03, Proposed second floor plan drwg no. 0102 rev 02 and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

5 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).

6 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

7 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

8 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 6 % 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.

9 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.

10 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

12 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).

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

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

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

14 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall 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. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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 2015.

15 The roof of the building 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).

16 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

17 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 03.02.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The property contains a two-storey (above ground level) office building with basement (below natural ground level) that is located on the northern side of Ridge Road. The street forms one side of a roughly triangular plan street block, the other sides of which are formed by 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east. Both of these frontages are typified by late Victorian era development, three storeys on the Cricklewood Lane frontage rising to four storeys (a twentieth century building) towards the corner of Sunnyside. The houses on Sunnyside are two storey Victorian terrace houses. Adjacent ground floor levels at Cricklewood Lane are typically retail/ commercial use at ground level with flats above. The shops are defined within the secondary shopping frontages within a local shopping centre. On the western side of Ridge Road, the pattern of development becomes more open with mid to late 20th century terrace house and flats beyond a car parking area accessed from Ridge Road. The closest of these dwellings to the south of the site are about 30.0m from the front of the site, sited perpendicular to and with their flank walls facing the application site. Ridge Road and the frontage to the site slope up on a moderate gradient from Cricklewood Lane. Levels change more steeply immediately to the rear of the site, towards Sunnyside, where the gardens and terraced houses are elevated above the application site by about half a storey.

2. Site History

Ref: 17/1572/FUL

Address: 1 Ridge Road London NW2 2QT

Description: Demolition of existing building and erection of a part two-storey, part-three storey building consisting of 4no self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Decision: Refused

Decision date: 2 June 2017

Reason(s):

1. The positions of windows and balconies at the rear of the building, which are located in close proximity to the boundaries with the adjoining properties, would result in overlooking and a loss of privacy that would be detrimental to the residential amenities of the neighbouring occupiers, contrary to Policies DM01 and DM02 in the London Borough of Barnet Development Management Policies DPD and advice in the Residential Design Guidance Supplementary Planning Document (October 2016), and to advice in the National Planning Policy Framework 2012.

2. While marketing information has been submitted, this is considered inadequate to demonstrate that the site is no longer suitable for B Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term. The proposal does not therefore comply with Policy DM14 of the London Borough of Barnet Development Management Policies DPD.

3. While the application has demonstrated that internal space standards and light is satisfactory within the development, light levels to the main living area for Unit 2 are only marginally acceptable, and are likely to become worse with the introduction of the boundary walls which would be necessary to ensure the privacy of occupiers both at the development and at neighbouring properties. While the level of accommodation provided

is largely acceptable, external amenity standards also fall short of the standards in the Council's Residential Design Guidance SPD. Taking these aspects together, the standard of the proposed accommodation provided would be contrary to Policy DM02 in the Development Management Policies SPD.

4. The proposal would be likely to result in on-street car parking congestion which would be detrimental to highways and pedestrian safety and to the free flow of traffic. Although this could be mitigated by entering into a legal agreement to restrict future occupiers from eligibility for residents' parking permits, no such agreement has been entered into. The proposal therefore fails to comply with Policy DM17 of the Development Management Policies DPD (2012) and the Council's Planning Obligations Supplementary Planning Document.

Ref: 17/6101/FUL

Address: 1 Ridge Road London NW2 2QT

Decision: Withdrawn

Decision date: 18 December 2017

Description: Demolition of existing office building and erection of a part two storey part three storey building consisting of 4no. self-contained flats. Associated amenity space and lightwells. Provision of cycle and refuse and recycling storage

Ref: 16/5078/PNR

Address: 1 Ridge Road London NW2 2QT

Decision: Prior approval required and approved

Decision date: 26.09.2016

Description: Change of use from office (B1) to residential (C3) to provide 6 units

Ref: F/01531/14

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 15 May 2014

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with policy DM14 of the Development Management Policies DPD (2012).

2. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with policy DM17 of the Development Management Policies DPD (2012) and the council's Planning Obligations Supplementary Planning Document.

3. The redevelopment of this site for 5 flats by reason of the number of units proposed results in an unacceptable over-intensification of the site and cramped form of development. The proposal does not accord with policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

4. The layout of the proposed flats would result in sub-standard accommodation for future occupiers of the unit contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013), Sustainable Design and Construction SPD (2013).

5. The proposal fails to provide adequate standards of outdoor amenity space for occupiers of the flat contrary to Policies DM01 and DM02 of the Development Management Policies DPD (2012), Residential Design Guidance SPD (2013) and Sustainable Design and Construction (2013)

Ref: F/03313/14

Address: 1 Ridge Road London NW2 2QT

Decision: Approved subject to conditions

Decision date: 4 September 2014

Description: Demolition of existing office building and erection of part three part two storey building to create 5no. new B1 office units

Ref: F/04714/13

Address: 1 Ridge Road London NW2 2QT

Decision: Refused

Decision date: 6 December 2013

Description: Demolition of existing office building and erection of 1no. detached part two, part three storey building to provide 5no. self-contained flats, including hard and soft landscaping, cycle store and refuse facilities

Reason(s)

1. The applicant has failed to clarify the period for which the building has remained vacant and has not submitted any marketing information to demonstrate that there is no demand for B1 use on the site. Accordingly, the proposed loss of B1 office use would fail to comply with Development Management policy DM14.

2. The proposal by virtue of the mass and bulk of the building, in particular its height, would form a prominent addition to the frontage of the site which would be detrimental to the character and appearance of the property and surrounding area. The proposal would therefore be contrary to the National Planning Policy Framework 2012, Development Management Policy DM01, the Residential Design Guidance Supplementary Planning Document 2013 and Sustainable Design and Construction Supplementary Planning Document 2013.

3. The proposal by virtue of its scale and siting, in particular its height, would have an overbearing impact and result in loss of outlook to the amenity of adjoining residents. The proposal would therefore fail to comply with National Planning Policy Framework 2012, Development Management Policies DM01, DM02, the Residential Design Guidance Supplementary Planning Document 2013 and the Sustainable Design and Construction Supplementary Planning Document 2013.

4. The applicant has failed to provide a legal agreement to ensure financial contributions are secured in order to mitigate against the potential harm from the proposed development on the highway. The proposal would therefore fail to comply with Development Management policy DM17 and the council's Planning Obligations Supplementary Planning Document.

5. The proposed roof terrace would provide unsatisfactory amenity space for future occupiers and would result in an unacceptable loss of privacy for neighbouring residents. The scheme is therefore contrary to the National Planning Policy Framework, policies DM01 and DM02 of the adopted Development Management Policies DPD (2012) and to the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

3. Proposal

The application proposes the demolition of the existing office building and the erection of a part-two, part- three storey residential building with accommodation at basement level. External materials would encourage visual articulation and interest by way of complimentary surface renders by way of a white brick clad at ground level, white render external surface at first floor and metal sheet clad at second floor.

In scale, the replacement building would follow the building envelope, except that a second-floor level would be added, which is designed in the regular form of a box clad with a contrasting material. Due to the irregular shape of the plot, the plan form of the second floor would be set in from the main buildings lines on all sides, apart from two points where it would be aligned with the rear / side walls that would also mark the boundary to the site.

The accommodation proposes four apartments, as follows:

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level. Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105. 5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126. 1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

First floor roof green roof terrace.

No on-site car parking is proposed.

No levels have been provided for the proposal, but street elevation drawings show the slope of the site and street frontage, which as noted above is from north-west to south-east.

4. Public Consultation

Consultation letters were sent to 197 neighbouring properties.

15 responses have been received, which raise the following issues:

- loss of light
- impacts on neighbours' security
- loss of privacy
- lack of car parking
- the property needs to be taken care of
- structural impacts and risk of subsidence
- impacts on views
- previous planning decisions only support offices if demolition was carried out
- height of the proposed building
- out of keeping with the area
- noise and disruption during building works, including danger to children playing nearby
- redevelopment of the existing building would be preferable to demolition and rebuilding
- likely to increase crime
- inadequate drainage in the area

These issues are considered in sections 5.3 and 5.4 of this report.

Other consultation:

Highways England: No objection

Thames Water: no objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20 to 25 years. 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.

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 5.2 - Minimising carbon dioxide emissions
Policy 5.3 - Sustainable design and construction
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 7.6 - Architecture
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
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
DM05 Tall buildings
DM08 Ensuring a variety of sizes of new homes to meet housing need

DM09 Specialist housing - Houses in Multiple Occupation, student accommodation and housing choice for older people
DM10 Affordable housing contributions
DM13 Community and education uses
DM14 New and existing employment space
DM16 Biodiversity
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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

Mayor of London's Housing SPG

- This sets out a range of Standards for residential in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants 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.

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.

Other relevant documents

Building Research Establishment (BRE) report (BRE 209): "Site layout planning for daylight and sunlight: A guide to good practice" Second Edition (2011)

- This was used by the applicant's consultant to assess access to natural light within the development and impact on daylight and sunlight for neighbours.

5.2 Main issues for consideration

Any new application for residential redevelopment of the site would need to overcome the reasons for refusal of previous applications.

- i. Whether the proposed loss of B1 floorspace is acceptable
- ii. Whether the proposal's height, bulk and mass would be detrimental to the character and appearance of the area
- iii. Whether the proposal would result in over intensification and cramped form of development.
- iv. Whether a satisfactory standard of accommodation would be provided, including good quality amenity space.
- v. Whether the proposal would result in detriment to the amenity of neighbouring occupiers.
- vi. Whether the proposal would be acceptable in terms of impacts on the highway network.

5.3 Assessment of proposals

Loss of B1 floorspace

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 policy sets out that the priority for re-use should be a mix of small business units alongside any residential use.

Predecessor planning refusal ref 17/1572/FUL was refused on the basis of inadequate marketing information demonstrating that the site is no longer suitable for B.1 Class Use or is no longer viable for its existing or alternative business use in the short, medium and long term, contrary to policy DM14 of the London Borough of Barnet Development Management Policies DPD.

A revised marketing report dated 25.07.2018 by UK Property Agents has been provided which demonstrates the property to have been marketed from 31st October 2016 - 31st October 2018 (uploaded on estate and letting agent websites, Rightmove and Myukpa) for an office let, during which there was very little interest in the property. The marketing carried out related to the freehold interest in the property as existing, and it is apparent that the building would require significant upgrading from its current condition to make it suitable for commercial occupation.

In-house details produced incorporated colour photography of the subject premises and an OS extract outlining the availability of the property's freehold interest based on the current permitted use. When promoted for letting the site was in reasonable order however became dilapidated once it was empty for a protracted period of time. Supporting evidence submitted states that the following marketing methods were carried out from October 2016 to date.

Marketing Board

A marketing board was erected in October 2016 with the option let as is or rebuild according to a potential tenant.

Letting rate and Terms

Whole Office: The letting rate is approx. 5% lower than the current market prices; the landlords aim was to have one tenant on a long lease for continuity. The lower letting rate was a compromise to provide an incentive for a long term let. For example: the cheaper rate per sq/ft in the area is £20.50 sq/ft. The advertising is for £19.45 for the site.

Per Unit: 5 Lettable Units: £200 per unit per week.

Terms: The landlord offered a commercial lease on flexible terms with a lease period of 3 years plus with break clauses to be agreed. Additionally, there was an option for the tenant to continue the lease once the lease ends.

Deposit: 3 months in advance with the option to pay one month deposit and every quarter to add one month until 3-month deposit was reached.

Mailing

The following regular mailing was undertaken since marketing of the property began.

Estates Agent Clearing House

The particulars were circulated to Barnet and North London Agents (approximately 650 commercial property agents) on a quarterly basis.

In-House Database

The approved marketing brochure was sent out quarterly to all registered applicants seeking accommodation of this nature (offices, workshops and storage) as well as local and national investors, developers, solicitors, accountants and other agents included in the in-house - database.

Applicants

Details were sent continuously to applicants who enquired for a property similar to the ones available at Ridge Road.

National Publications

The property was advertised in Property Direct on a monthly basis from August 2012 - January 2016. The current owner purchased the property in 2016.

Submitted details provide copies of online adverts marketing the property for an office let on estate and lettings agents Rightmove and Myukpa from 31st October 2016 -31st October 2018, during which there was very little interest in the property.

Marketing Progress

Despite minimal to nil demand for use of the site as offices, the majority of demand for the site was received from residential developers in the later stages of marketing. Some interest for educational centre/ training centres were received in the initial stages, which planning policy excludes (on the basis of a replacement within a B1 employment site). Interest for the property for office use was met with concern over the fit-out costs.

Permission was granted in 2014 for a replacement office building.

The site was advertised as new build but it was found that tenants would not commit to a lease before it has been built due to the long lead in period. It is considered that the property is suitable for smaller business' that tend to require property in a useable condition as short notice.

The site has been vacant for almost 7 years despite extensive market exposure by multiple estate and lettings agents. The site is considered an unmarketable proposition for commercial and or office use due to the costs involved in bringing it back into use. This level of expenditure is beyond that for most tenants, which has been reflected by the lack of demand for the sites approved use over a broad marketing period.

It is therefore considered that while the prior approval for residential use must be given some weight in any application for residential redevelopment, it is considered that the requirements of Policy DM14 to protect office space can only outweigh where the conversion to flats by way of the prior approval has been demonstrated to represent a realistic fall-back position. The Marketing Report provided has satisfactorily justified the loss of the B1 employment use and priority for re-use of the site for residential proposes and has subsequently addressed one of the previous reasons for refusal of application ref: 17/1572/FUL in accordance with Policy DM14 of the Barnet Local Plan DMP 2012.

The character and appearance of the area

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets; development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The proposal would result in the demolition of the existing (B1) building, which is not considered to be of any particular architectural merit that would warrant its retention and erection of a new replacement (C3) building within the footprint of the site. It is considered that the building at present is vacant and in a state of disrepair. The footprint of the original (B1) building measures an area of approx. 256sq.m whilst the replacement building would measure an area of approx. 205sq.m. The reduction in footprint of approx. 51sq.m is the result of a reduced ground floor bulk with set-in of 1.0m - 1.20m from the common boundaries with adjoining nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east to create an access path around the property.

Elevations demonstrate that the new replacement building would follow (existing site levels) sloping gradient of the site and therefore building heights have been noted accordingly. The original (B1) building is two storeys (notwithstanding basement level) above natural ground level and measures approx. 6.12m (at its shortest point on the south-east corner) and 8.89m (at its highest point on the south west corner). The bulk of the new replacement (C3) building would measure approx. 6.0m (at its shortest point on the south-east corner) and approx. 7.80m (at its highest point on the south west corner), although it would include an additional second floor level by way of a metal clad floor centrally located within the triangular site with a floor area of approx. 80sq.m. This would be set away from the building envelope and be approx. 2.50m in height. A transparent glass balustrade at the front would serve a second-floor front-facing balcony.

The bulk of the building would be approx. 1.0 metre lower than the height of the existing building's parapet although the second-floor element, which would be provided as a distinct element within a smaller floor area than those below it, would be 1.50 m higher than existing. High quality materials are proposed, as shown in the Design and Access Statement, which in conjunction with the rather modernist style of the proposal would result in an attractive building that would enhance the streetscape of Ridge Road. While this style differs from any nearby building, the mixed styles of architecture on this road are such that the building is considered to sit well within this street frontage. No objection is therefore raised on grounds of character and appearance.

Whether the proposal would result in over intensification and a cramped form of development

The density of the proposed scheme has been assessed against Policy 3.4 of the London Plan 2016 and the Density Matrix found in Table 3.2. While in previous reports the site has been defined as 'suburban' in accordance with the London Plan definition, it is immediately adjacent to the more urban environment of Cricklewood Lane. It has a PTAL score of 3 to 4. The proposed four flats on this 0.2-hectare site would be 200 dwellings / hectare. These densities are well above the London Plan density standards for suburban sites, and on a par with the maximum for central locations with a PTAL score of 4 or better. However, the London Plan density matrix should not be applied mechanically, and given the reductions in overall building bulk it is not considered that the application would in itself result in an overly-intensive and cramped development.

The standard of accommodation including amenity space to be provided

All new residential development is expected to meet minimum space standards as outlined in Table 3.3 of the London Plan (2016).

Unit 01: 3no. bed 5no. person duplex apartment across 2no. floors (basement and ground level), 117.8 sq.m, with main living accommodation at basement level, 2no. bathrooms, 2no. double bedrooms and 1no. single bedroom (1no. ensuite) at ground level.

Private outdoor amenity space would consist of a 12.4 sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.80m front lightwell (total amenity space 20.6 sq.m). (Built-in storage provision 4.10sq.m, Min req. 2.50sq.m)

Unit 02: 2no. bed 4no. person duplex apartment across 2no. floors (basement and ground level), 105.5sq.m, with main living accommodation at basement level and 2no. bathrooms, 2no. double bedrooms (1no. ensuite) at ground level. Private outdoor amenity space would consist of 15.80sq.m basement-level garden and 1.40 sq.m rear-facing balcony at ground level and 6.40m front lightwell (total amenity space 23.6 sq.m). (Built-in storage provision 6.80sq.m, Min req. 2.0sq.m)

Unit 03: 3no. bed 6no. person duplex apartment across 2no. floors (first and second floor level), 126.1sq.m with main living accommodation, 3no double bedroom and bathroom at first floor level (2no. ensuite). Private outdoor amenity space would consist of 6.50sq.m first floor front facing balcony and 23.4sq.m second floor front facing balcony (total 29.9 sq.m). (Built-in storage provision 8.90sq.m, Min req. 2.50sq.m)

Unit 04: Studio flat at first floor level; 47.1 sq.m internal floor area with 6.8 sq.m front-facing balcony at ground level. (Built-in storage provision 1.90sq.m, Min req. 1.0sq.m)

As shown above, all units would exceed minimum space standards for internal space as set out in the Council's Residential Design Guidance SPD and Sustainable Design and Construction SPDs (both updated October 2016) and the London Plan (2016).

Sections provided demonstrate a headroom of approx. 2.70m across all units, which would exceed the minimum recommended height of 2.50m for new builds as per the London Plan 2016.

The provision of built-in storage space per unit (as shown above) would far exceed the minimum provision required as per the London Plan 2016.

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Units are stacked vertically (therefore side by side, rather than above one another) therefore considered appropriate and acceptable, helping to ensure a minimum of noise and disturbance between units. However, to control transmission of noise and vibration, sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels therefore subject to a condition.

The Barnet's SPD Sustainable Design and Construction requires a minimum of 5sqm of amenity space per habitable room for flats and 55sqm for houses of up to 5 habitable rooms. The provision for outdoor amenity space (as noted above) standards have been adequately met by way of external outdoor garden amenity (for the purposes of units 01 and 02 at basement level) and rear and front-facing balconies for all units (reference: Table 1.2 in the Residential Design Guidance SPD) and is therefore acceptable in this regard. It should be noted that the scheme has been designed to ensure that amenity areas do not result in overlooking of neighbouring residential homes and gardens.

Refuse storage and bicycle stores are located at the front of the building, and while the external access for the bicycle store is not ideal, both stores are accessible for residents.

The northern aspect, small area and below surface level aspect for the basement level gardens for Units 1 and 2 would limit their utility, although the generous internal space provision, dual aspect served living spaces and relative proximity to open space within the Borough are considered to balance the under-provision for these units. Unit 4 would comprise a studio unit with dual aspect served by combined living/kitchen/bedroom space and in this case, exceed the provision of outdoor amenity space by way of a front facing balcony therefore considered to make for a satisfactory standard of accommodation. Unit 3 would be adequately served by 2 front facing balconies.

Given the site orientation, a concern raised under previous planning refusal ref 17/1572/FUL was in respect of access to daylight and natural light, particularly at basement level (due to boundary walls, which is required to ensure privacy for future occupiers and existing neighbouring occupiers) and proposed northern aspect habitable openings. To address this, an Internal Daylight Analysis Report ref 16.2856 dated April 2018 was submitted with the application on behalf of the client by Syntegra Consulting Ltd, which assessed internal daylight levels to all habitable rooms across all units in accordance with BRE recommendations for internal daylight using the Average Daylight Factor (ADF) criteria in BRE Digest 209. The report demonstrates that adequate levels of

internal daylight are met in 100% of the rooms and all the rooms have passed the ADF criteria. This report demonstrates that four rooms (R02, R05, R06, R07) have failed to meet the No-Sky Line criteria. However, the percentage of No-Sky Line for the room is not considered a concern as the ADFs are met and will provide adequate levels of daylight for the rooms. On balance, the proposed development will provide good residential accommodation which will enjoy good levels of daylight.

Boundary walls would be necessary to prevent mutual overlooking between the small basement level gardens in Units 1 and 2, and to prevent adverse overlooking of neighbours.

In summary, the revised scheme would create a satisfactory standard of accommodation for future occupiers and is therefore acceptable in this regard.

Whether the proposal would result in harmful impacts on the amenity of neighbouring occupiers

In terms of impact of the proposal on the amenity of neighbouring residents, policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

There are gardens to the rear of 340, 342 and 344 Cricklewood Lane, although it appears that these areas serve servicing for the ground floor shops. Key impacts relate to distances and views involved to habitable room window openings above ground floor levels. It is noted that views are angled at a minimum distance of approx. 15.0m from multiple viewpoints.

A Daylight, Sunlight & Overshadowing Report ref: 16.2856 dated January 2017 was submitted in support of the previous planning refusal ref 17/1572/FUL on behalf of the client by Syntegra Consulting Ltd, which assessed impacts on adjoining properties using the vertical sky component (VSC) and Annual Probable Sunlight Hours (APSH) methodologies in BRE Digest 209. The assessment demonstrates the potential impact of the proposed development in relation to daylight, sunlight and overshadowing on the surrounding building at 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. Specifically, it takes into consideration the possible effect and influence that the new development would have on neighbouring properties and respective amenity areas. Impacts on all adjoining neighbouring properties (particularly rear facing window openings) were demonstrated to be negligible. Results in respect of daylight, sunlight and overshadowing met BRE criteria and demonstrated the new development to have negligible impact on adjoining nos. 336-344 Cricklewood Lane, Sunnyside House, 2-10 Sunnyside, and 14-16 Ridge Road. This appeared to be a result of reduction of the height of the building on the boundary where it directly abuts the boundary. It is noted that property addresses are incorrect in Diagram 3.1 within the study. However, this is not considered to affect the outcome of the analysis.

Notwithstanding this, the scheme has since been revised to include a set-in of approx. 1.0m -1.20m from the common boundaries with nos. 336 - 344 Cricklewood Lane (even numbers) to the north and 2, 4 and 6 Sunnyside to the east (hence a reduced footprint over the existing footprint). These revised changes, despite a marginal increase in height above the existing by approx. 1.50m (the extent of which would be limited within the envelope of the site) combined with the results of the (previous) Daylight, Sunlight & Overshadowing Impact Assessment (on residential amenity of adjoining residential

occupiers) supports the argument of an overall lesser impact on the residential amenities of adjoining neighbouring occupiers in respect of loss of light and any overshadowing.

Given existing site circumstances, the standard of amenities for residents are already prejudiced to some degree by way of the position and siting of the existing (B1) building on the common boundaries with adjoining neighbouring properties. The replacement building is considered to marginally disperse the existing level of impact upon neighbouring occupiers.

No windows in the flank elevations are proposed. Openings to the front and rear elevations would support ventilation and light source for all units and allow for dual aspect living spaces where possible. Recessed rear balconies at ground and first floor level would be supported by timber railings approx. 1.0m high. To prevent a loss of privacy, a condition has been attached to ensure that rear facing openings are obscurely glazed. This would subsequently address a previous reason for refusal as per ref: 17/1572/FUL.

Highways and car and cycle parking issues

The site sits at the edge of areas with PTAL ratings of 3 and 4. While secure cycle parking would be provided (at ground level), the lack of any on-site parking provision is likely to result in overspill parking onto the surrounding highway network. Discussion with Highways Officers indicate that the development would be acceptable without car parking provision on the basis that a legal agreement is entered into that would restrict future occupiers from obtaining on street parking permits. This was the case with the previous application.

The recommendation for approval is subject to the applicant entering into a legal agreement to mitigate against the potential harm from the proposed development on the highway.

Other material considerations

Impacts on protected wildlife and the adjacent tree

It is noted that the building has been unoccupied for a considerable length of time, and for any acceptable planning application it would be necessary to survey the building to establish that there is no protected wildlife that would require relocation. While it is advisable to provide a survey as part of any application, no objection is raised in this case.

There is a mature sycamore tree growing at the rear of one of the Cricklewood Lane properties; however, this has been heavily pruned and is not considered to be of such great amenity value that it would require protection in any acceptable planning application.

Sustainability and Environmental Issues

Compliance with the Barnet Sustainable Design and Construction SPD (2016) and London Plan (2016) standards in terms of carbon dioxide emissions and water consumption has been secured by way of a condition and should also demonstrate compliance with respect to part M4(2) of the Building Regulations, with any wheel chair units to comply with part M4(3).

5.4 Response to Public Consultation

Most of the issues referred to in neighbour letters are addressed in the above discussion. The remaining points are considered here:

Impacts on neighbours' security and increased crime: It is considered that redevelopment of the site would result in an improvement in neighbours' security.

Structural impacts and risk of subsidence: This would be a matter for building regulations. It is noted that there is an existing basement at the site.

Impacts on views: There are no protected views across the site. Residents do not have a right to a view under planning legislation. It is considered that neighbours outlook would not be adversely affected.

Noise and disruption during building works, including danger to children playing nearby: A Demolition and Construction Method Statement would be required by condition for any acceptable application.

Redevelopment of the existing building would be preferable to demolition and rebuilding: Construction impacts would be managed as noted above.

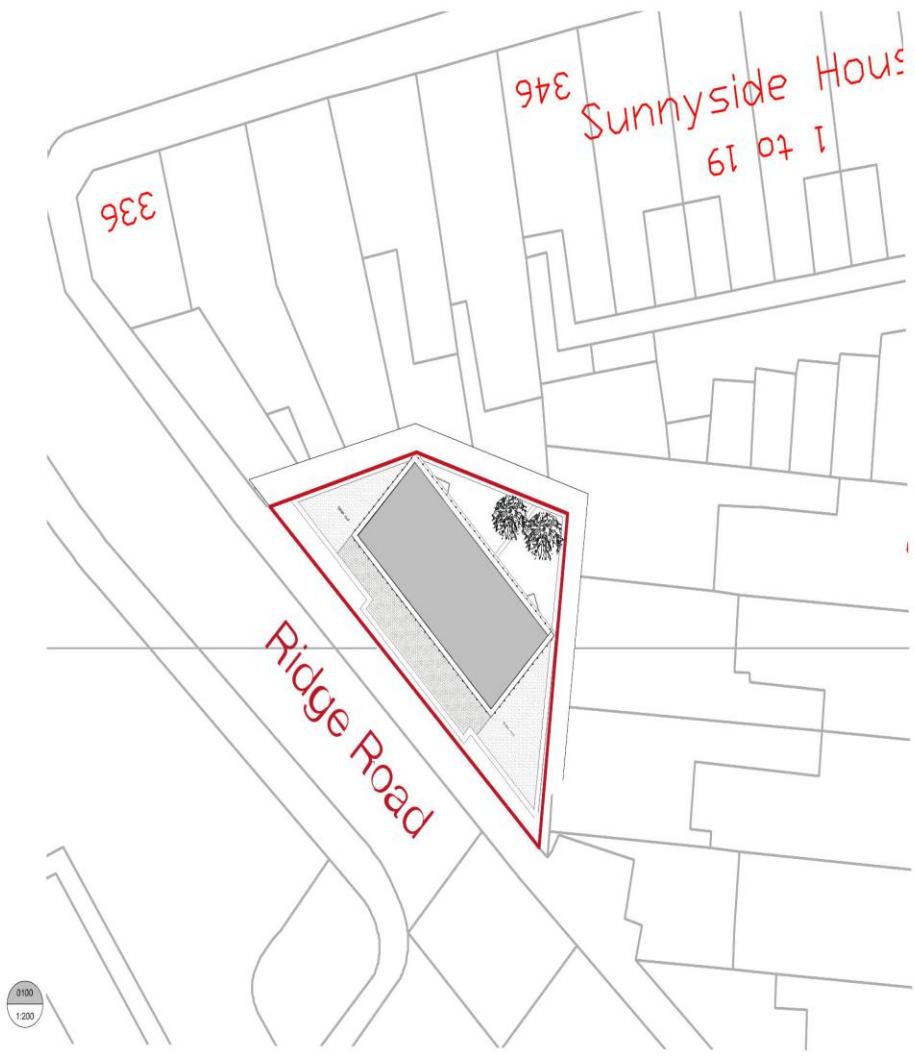
Inadequate drainage in the area: The site does not require a drainage statement as part of the application, and drainage issues would be subject to building regulations approval.

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 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.



NOTES:

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 Block plan

| cds project ref: | scale(s) | original | paper size |
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S3 STAGE 3 COMPLETE

revision: revision description:

00 FOR PLANNING

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Location Tudor Court 2 Crewys Road London NW2 2AA

Reference: 17/3921/FUL

Received: 20th June 2017

Accepted: 18th July 2017

Ward: Childs Hill

Expiry 12th September 2017

Applicant: Mr Jack Frankel

Proposal: Extension to roof including new mansard roof to create 3no. Self-contained residential units. New bin store to ground floor level and alterations to parking layout (RETROSPECTIVE)

AGENDA ITEM 23

Recommendation: Approve subject to s106

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

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. A contribution of £2,022 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

4. Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of

the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

-Site Location Plan

-Drawings: EWG_001-02A, EWG_001-03A, EWG_001-04A, EWG_001-05A, EWG_001-06A, EWG_001-07A, EWG_001-08A, EWG_001-13I, EWG_001-14C, EWG_001-15E, EWG_001-19B, EWG_001-22B, EWG_001-23C, EWG_001-30A, EWG_001-31A and EWG_001-38D.

-List of materials to be used in the external surfaces of the building(s) as per Schedule of Proposed Building Materials produced by Icon Building Consultancy

-Photographs

-Planning Statement

-Water Efficiency Calculator Document

-Construction Management Plan

-Sound Insulation Test 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 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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

3 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).

4 Prior to the first occupation of the units, details of the proposed method of screening and guard rail to the walkway at fourth floor level must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is occupied.

Reason

To ensure that the proposed development is not detrimental to the amenities of occupiers of neighbouring residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

5 Prior to the first occupation of the new dwelling(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.

6 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 6% 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 (2016) and the 2016 Mayors Housing SPG.

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

8 Prior to occupation of the proposed flats all balustrades shall be constructed in accordance to the approved drawings as shown on drawing no. EWG_001-13I and shall remain as such permanently thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13.02.2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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 payment under Mayoral CIL.

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

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

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

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

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

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

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.

Officer's Assessment

The application was deferred from the June meeting of this committee so that Members could undertake a site visit and also withdrawn from the July committee meeting for further discussions with the applicant.

1. Site Description

The site property is Tudor Court; a five storey detached building containing 24 flats which include 3No. flats being assessed under the current application at roof level. The proposal property is located on the corner of Cricklewood Lane and Finchley Road and occupies a moderately prominent position in the street scene of both roads due to its height and changes in level in the surrounding area.

The property is not listed and does not lie within a conservation area.

2. Site History

Reference: 18/3299/S73

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 19 October 2018

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 17/7387/FUL dated 27/04/2018 for "Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage." Amendments include creation of balconies for flats 11 and 19 and a small dog leg to both flats 11 would be internal and 19 would be external.

Reference: 18/4524/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 22 August 2018

Description: Submission of details of condition 9 (Air Pollution) pursuant to planning permission 17/7387/FUL dated 27/04/18.

Reference: 18/3536/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Refused

Decision Date: 19 July 2018

Description: Submission of details of condition 9 (Air Pollution) pursuant to planning permission 17/7387/FUL dated 27/04/18.

Reference: 17/7387/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2018

Description: Two storey extension to South, West and North elevations to provide 6no self-contained studio flats with extensions to two existing flats at second and third floor levels. Erection of an enclosed stair well, cycle store and alterations to existing refuse and recycling storage.

Reference: 17/7288/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 28 December 2017

Description: Submission of details of conditions 3 (Refuse) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/6966/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 14 December 2017

Description: Submission of details of condition 8 (Construction Method statement) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5417/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved

Decision Date: 04 October 2017

Description: Submission of details of conditions 6 (Air Quality) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/5139/S73

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 04 October 2017

Description: Variation to condition 7 pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/2015 for "Two-storey side extension to provide 6 self-contained flats". Variations include Code for Sustainable Homes Technical Guide (October 2008) to be replaced with two new conditions relating to water efficiency and carbon dioxide emissions.

Reference: 17/4294/CON

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Split Decision

Decision Date: 14 August 2017

Description: Submission of details of conditions 3 (Refuse), 5, (Measures Taken - External Noise) 7 (Environmental Standard - Residential) , 8 (Construction Method Statement) and 9 (Details - Screening and Guard Rails to Walkways) pursuant to appeal decision APP/N5090/W/14/3001725 dated 06/05/15 (planning ref. F/03198/14).

Reference: 17/2155/NMA

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Approved subject to conditions

Decision Date: 27 April 2017

Description: Non material amendment to planning permission F/04046/12 dated 10/06/13 for `Extension to roof including new mansard roof to create 3no. self contained residential units. New cycle store to ground level.` Amendment to include removal of condition 8 (Code For Sustainable Housing).

Reference: 16/0639/FUL

Address: Tudor Court, 2 Crewys Road, London, NW2 2AA

Decision: Allowed on Appeal
Decision Date: 30 June 2016
Description: Mansard roof extension to form 1no self-contained flat

Reference: 15/06962/FUL
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Refused
Decision Date: 15 January 2016
Description: Mansard roof extension to form 1no self-contained flat

Reference: F/03198/14
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Refused
Appeal status: Allowed
Decision Date: 15 August 2014
Description: Two-storey side extension to provide 6 self-contained flats.

Reference: F/05718/13
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Refused
Appeal status: Allowed
Decision Date: 11 February 2014
Description: Two storey extension to provide 6no. studio flats.

Reference: F/04046/12
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Approved subject to conditions
Decision Date: 10 June 2013
Description: Extension to roof including new mansard roof to create 3no. self-contained residential units. New cycle store to ground floor level.

Reference: F/03629/10
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Refused
Decision Date: 13 May 2011
Description: Formation of 6 no. studio units: 3 at ground floor level (Crewys Road Elevation), 2 above shops at second floor level (Cricklewood Lane Elevation), 1 at third floor level (Cricklewood Lane Elevation). (OUTLINE APPLICATION)

Reference: C01482B/07
Address: Tudor Court, 2 Crewys Road, London, NW2 2AA
Decision: Refused
Appeal status: Allowed
Decision Date: 1 August 2007
Description: Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store.

3. Proposal

The application seeks retrospective planning approval for an 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

Tudor Court is a 5 storey building including mansard roof containing a total of 24 flats including the 3No. flats being assessed under the current retrospective application.

Planning permission has also been granted for an additional 6 flats as an extension to the west side of the building. This has not been implemented but is an extant permission.

The application site lies at the corner of Crewys Road and Cricklewood Lane. The building is part two and part four storey on Cricklewood Lane. The flank of the two storey part of the building faces onto Crewys Road along with car parking, bicycle storage and outside amenity areas. The area along Crewys Road slopes upwards towards Cricklewood Lane.

There are mixed use commercial and residential properties on Finchley Road and Cricklewood Lane and residential terraced properties on Crewys Road and off main roads.

The property is not listed and does not lie within a conservation area.

4. Public Consultation

Consultation letters were sent to 244 neighbouring properties.

17 responses have been received, comprising 14 letters of objection, 3 letters of support/comments.

Site Notice dated: 27 July 2017.

The objections received can be summarised as follows:

- Latest in a very long list of failed applications
- Blocks views from all neighbouring windows
- Obstruction to light
- Devalues the properties
- Creates additional construction dust and noise pollution
- Beyond scope of original application
- Builders regularly playing music early with no regard to the public
- Flats are extremely overbearing and create an increased sense of enclosure to neighbouring property due to the development's size and proximity
- Overshadowing onto neighbouring balcony
- Loss of privacy as a large window of one of the flats would look directly onto neighbouring and walkway for accessing the new flats would also lead to loss of privacy
- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Scaffolding in place since November until the present day
- Fire hazard with increased number of residents and current exterior
- Lack of any green space resulting in visual pollution
- Overdevelopment of the site
- Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal
- Loss of light in the car park
- More pressure on the waste disposal area
- Overcrowding of Tudor Court
- Builders vehicles regularly blocking exit and entry

Further neighbour re-consultation was undertaken on 25.10.2018 on the amended drawings and documents. At the time of writing the report no further comments had been received. Any further comments received will be reported at the meeting.

Internal Consultee

Highways:

S.106 Agreement required in relation to restricting parking permits for future residents of the proposal.

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 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, DM08 and DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- Sets out Barnet's technical requirements for environmental design and construction management. The SPD sets out requirements on air, noise, water, energy, water, waste and habitat quality in order to achieve protection and enhancement of the environment. The SPD requirements are linked to existing national standards and guidance and will be updated in line with emerging opportunities and future policy developments.

Residential Design Guidance SPD (adopted 2016)

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.

4.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential units including the density of the development is appropriate for the area;
- Whether the proposal will provide suitable accommodation for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would have an acceptable impact on highway

4.3 Assessment of proposals

Previous almost identical schemes were applied for under planning references C01482B/07 and F/04046/12. The former application was refused and subsequently allowed on appeal under reference APP/N5090/A/07/2055006 for 'Mansard roof extension to provide three new residential units with associated extended parapet and cornice, walkway and guard rail and roof terraces. Cycle store'.

Subsequently, the exact same scheme was applied for and approved under reference F/04046/12 dated 10.06.2013. The current application is for a similar scheme relating to 'Extension to roof including new mansard roof to create 3no. Self-contained residential units. New cycle store to ground floor level'.

It was evident from the officer site visit that works had already been implemented on site in relation to the planning permission reference 16/0639/FUL dated 30.06.2016 for 'Mansard roof extension to form 1no self-contained flat', an application which was allowed under appeal.

The current application is similar in size, siting and design to the above mentioned approved schemes for 3No. flats. The proposed mansard roof extension is set back behind the existing parapet to the Cricklewood Lane elevation by 0.7m and due to the location and height of the existing parapet the proposal in relation to its' size, siting and design is considered acceptable. It is considered that the addition is in keeping with the character

and design of the existing building and due to the design and location of the proposed development does not form a prominent feature on the streetscene, despite its location at roof level.

Furthermore, the addition of three flats is not considered to result in significant increase in the intensity of the use of the site.

The previous application presented at committee included the addition of the bin store and formation of a car parking space to replace the lost car parking space for the bin storage and external switch room. Therefore, the car parking spaces will remain at 21 spaces to serve the 23 flats.

The main changes with this present application includes the changes to the internal configurations of Penthouse B which has changed from a 2 person 1 bedroom flat to a 1 person 1 bedroom flat.

Whether the principle of residential units including the density of the development is appropriate for the area

Paragraph 3.28 of The London Plan 2016 states the following:

'A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important...'

In this case, as the existing building is a block of flats, the principle of 3 No. additional residential units in this location is considered acceptable and has increased the number of flats from 21 to a total of 24 flats.

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following units are proposed:

Penthouse A: 2 bedroom 3 person flat of 61m² (61m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse B: 1 bedroom 1 person flat of 45m² (37m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

Penthouse C: 2 bedroom 3 person flat of 65m² (61m² is advised within Table 3.3 Minimum space standards within the London Plan 2016).

With regard to the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan (2016), all three units comply with or exceed the above requirements, therefore going beyond that which was previously approved and are therefore acceptable in this regard.

Amenity space

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room. The proposed roof terrace for penthouses A & C would meet this requirement with no appreciable overlooking of

neighbouring residents. Whilst Penthouse B does not have a private amenity space, it is considered that due to the existing courtyard to the centre of the building, external communal gardens and nearby Golders Green Park, that this amenity would serve for this flat, and therefore it is not considered expedient to refuse the application on this point, especially as permission has previously been allowed for the flats as built.

Daylight, Privacy and Outlook

All habitable rooms are considered to benefit from sufficient light, outlook and ventilation to provide future occupiers with a good standard of living which meet the requirements set out in Barnet's Sustainable Design and Construction SPD (2012).

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

As mentioned above, planning permission exists for a similar scheme of 3 flats under planning permission F/04046/12) and approval was also gained previously under an appealed decision reference C01428B/07. It is considered that due to the design of the roof extension that it sits proportionately at roof level and has an acceptable impact on the building as a whole. The proposed obscure glazed balustrades are not considered to be harmful to the character of the building and is discussed below in relation to its relevance and use in protecting the privacy of neighbouring occupiers. It is also noted that adequate fenestration has allowed for an acceptable design for this property which would not unduly harm the character of the general locality.

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

Policy DM01 of Barnet's Development Management Policies include makes explicit reference to protecting amenity and specifically that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. This point is also supported by Barnet's Sustainable Design and Construction SPD which states that 'in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking.'

The closest property near Tudor Court is No.713 Finchley Road; a 7 storey residential building. The proposed terrace for penthouse C is located on the east side corner. However, any decision will be conditioned to add a balustrade nearest to this area to protect the privacy of the neighbouring dwellings. Thus, whilst it is noted that railings have been erected at the site, the drawings show the locations of the proposed obscure glazed balustrades as shown on drawing no. EWG_001-13 Revision I; and therefore a condition will be added to ensure that these are erected in order to protect the privacy of neighbouring occupiers.

Furthermore, obscure glazed balustrades would be installed facing the front of the proposal flats to prevent any mutual overlooking or loss of privacy of the approved flats at the site.

It is considered that the proposal overcomes concerns regarding overlooking and loss of privacy between the properties at no. 713 Finchley Road and those of the application property and would not have harmful impacts on the visual and residential amenities of these neighbouring occupiers.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

21no. parking spaces exist and would be retained on site. No additional parking is proposed. Highways officers are of the view that an amendment to the existing Traffic Management Order is required via a Section 106 Agreement in order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone. Subject to such an agreement, it is considered that the proposal would not adversely harm the safe operation of the highway.

5. Public Consultation

The objections received can be summarised as follows -

Non-planning matters:

- Latest in a very long list of failed applications
- Devalues the properties
- Creates additional construction dust and noise pollution
- Builders regularly playing music early with no regard to the public
- Builders vehicles regularly blocking exit and entry
- Fire hazard with increased number of residents and current exterior

The above are not generally planning considerations. Issues in relation to dust and noise should be referred to the Environmental Health Department.

Planning matters:

- Beyond scope of original application

The application in relation to the proposed dwellings is the same as approved under planning application reference F/04046/12 dated 10.06.2013.

- Reduction in the standard of amenity of neighbouring dwellings in 713a Finchley road, in particular Flat 17, as a result of the overbearing nature of the development
- Blocks views from all neighbouring windows

These matters were considered as part of the previous applications and any impacts considered acceptable.

- Parking issues within the Tudor Court car park. Parking spaces in the car park form part of the residents lease, and is clearly shown on our deeds so building on top of even one space cannot be legal

The legalities of the above are not a planning consideration. However, no parking loss will result from the application.

- More pressure on the waste disposal area

The application will be conditioned to include adequate refuse and recycling units.

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, subject to conditions.

Site Location Plan



Location 185 West Heath Road London NW3 7TT

Reference: 18/4447/FUL

Received: 17th July 2018

Accepted: 25th July 2018

Ward: Childs Hill

Expiry 19th September 2018

Applicant: Newington

Proposal: Demolition of existing dwelling and erection of a new three storey dwelling with lower ground floor level. New boundary wall and gates

AGENDA ITEM 24

Recommendation: Approve subject to conditions

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

- Proposed Front and Rear Elevations, Drawing No.1801/AP04 Rev C;
- Existing Floor Plans, Drawing No.1801/S03 - A;
- Existing Front and Rear Elevations, Drawing No.1801/S04;
- Existing Side Elevations, Drawing No.1801/S05 - A;
- Proposed Side Elevations, Drawing No.1801/AP05 - C;
- Proposed Floor Plans, Drawing No.1801/AP03 Rev C;
- Existing Front and Rear Elevations, Drawing No.1801/S04 - C;
- Existing Roof Plan, Drawing No.1801/S02;
- Proposed Roof Plan, Drawing No.1801/AP06 - B;
- Proposed Site Plan, Drawing No.1801/AP02 - A;
- Proposed Block Plan, Drawing No.1801/AP01 - C;
- Existing Location and Block Plan, Drawing No.1801/S01 - A.

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 2016.

- 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 2016.

- 5 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 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 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.

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

8 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).

9 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 6.00 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).

10 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.

11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

12 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, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 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 6% 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.

- 14 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 at any time in the side elevations facing 183A and 187 West Heath Road.

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).

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 183A and 187 West Heath Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 16 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 on the application and adjoining sites 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 2016.

- 17 a) Notwithstanding the details shown on the approved drawings, before the development hereby permitted is first occupied, details of all balcony/ terrace areas and associated privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 18 a) No development other than demolition works shall take place until details of the proposed car lift 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 details 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

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 Any details submitted in respect of the Demolition and 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 and precautions to minimise damage to trees on or adjacent to the site.

4 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

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

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

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

- 6 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site currently accommodates a detached building at 185 West Heath Road. The existing property comprises a 4-storey detached dwelling house which has been extended to the rear in the form of a single-storey projection to accommodate a pool house along the shared boundary with No. 183 and 183A to the south west.

The plot has a width of approximately 26.7m (measured at the widest point), and depth of approximately 67.5m (at its deepest along the boundary with No.187 West Heath Road), giving a total area of around 750 sqm. The site falls significantly in level by approximately 8m from the street level to the rear of the site which allows a lower ground floor level to the current house.

The surrounding area is residential; characterised by mainly detached houses of varying styles, within wide and deep plots. The property is not listed, nor does it lie in a Conservation Area, and there are no other restrictions on the site.

2. Site History

Reference: C00990L

Address: 185 West Heath Road, London, NW3

Proposal: Swimming pool enclosure in rear garden

Decision: Lawful

Decision Date: 14.11.1990

Reference: C00990K

Address: 185 West Heath Road, London, NW3

Proposal: Side extension at lower ground, first and second floor levels, rear extension at lower ground and ground floor levels, roof to front dormer and alterations to rear including new bay windows and dormer window.

Decision: Approved subject to conditions

Decision Date: 24.10.1990

Reference: C00990J

Address: 185 West Heath Road, London, NW3

Proposal: the erection of a garage

Decision: Approved subject to conditions

Decision Date: 18.07.1974

Reference: C00990H

Address: 185 West Heath Road, London, NW3

Proposal: alterations and conversion of garage into additional flat.

Decision: Approved subject to conditions

Decision Date: 22.02.1973

Reference: C00990G

Address: 185 West Heath Road, London, NW3

Proposal: conversion of house into four residential self-contained flats.

Decision: Approved subject to conditions

Decision Date: 21.01.1970

Reference: C00990E

Address: 185 West Heath Road, London, NW3
Proposal: Conversion of house into two flats
Decision: Approved subject to conditions
Decision Date: 22.01.1968

Reference: C00990D
Address: 185 West Heath Road, London, NW3
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.
Decision: Approved subject to conditions
Decision Date: 29.09.1967

Reference: C00990C
Address: 185 West Heath Road, London, NW3
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.
Decision: Refused
Decision Date: 27.06.1967

Reference: C00990B
Address: 185 West Heath Road, London, NW3
Proposal: Conversion of existing house into three flats, demolition of existing garage and erection of new maisonette as an extension of main building and car port for two cars.
Decision: Refused
Decision Date: 27.01.1967

Reference: C00990
Address: 185 West Heath Road, London, NW3
Proposal: Conversion of existing house into three flats and erection of car port with flat over
Decision: Refused
Decision Date: 01.07.1966

3. Proposal

The following is proposed in this application:

- Demolition of the existing detached dwellinghouse and rear pool house;
- Erection of a new three-storey dwelling with a lower ground floor level; and
- New boundary wall and gates.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Larger property proposed compared with existing house;
- Large amount of glazing to the rear, non-energy efficiency;
- Design and materials are out of character with the surrounding area;
- Overlooking into neighbouring homes and gardens;
- Large balconies leading to loss of privacy of neighbouring properties and gardens;
- Level changes from the front to the rear of the site;
- Overdevelopment of the site;
- Increase of massing at third floor (roof) level;
- Out of scale with neighbouring properties;

- Increase in bulk and massing compared with the existing property;
- Loss of light to neighbouring properties;
- Increased depth compared with neighbouring properties.

The application was deferred from the last meeting of the committee to enable consultation with residents following receipt of amended plans.

An additional 14 day reconsultation has taken place. The amended plans include the reduction in depth of the top floor of the proposed house to lessen the impact of the development on the amenity of neighbouring occupiers at number 183A West Heath Road. Further comments were received from consultees which are summarised below:

- Increased bulk at upper floor level blocking light to neighbouring properties;
- The property does not read as a single dwellinghouse;
- Increase in size in comparison to the existing house;
- Loss of privacy to neighbouring 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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 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, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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 the character of the area

Principle of Redevelopment and Design:

The principle of replacing the dwelling with a new house is considered acceptable. The property is not listed or within a conservation area and is not of any particular architectural merit to warrant its retention.

The location of the proposed dwelling would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies, in particular policy DM01 of the Development Management Policies (Adopted 2012), state that new residential developments must harmonise with and respect the character of the area, and the design of the proposal is considered to be consistent with the established character of the area.

The overall size, scale, bulk, height and design of the development is considered to be appropriate within its context. The proposed building will be partially higher than the existing dwelling and has been amended to reduce the depth of the building line to the rear of the property at third floor level, so as to better respect the established heights and depths of properties along this part of West Heath Road.

An objection has been received in relation to the new building appearing bulky and blocking light to the neighbouring property. As part of the application process the rear building line and roof design at the top floor level has been amended to reduce the depth of the building.

There is quite a varied array of size of house and design of houses along the road and it is not considered that this house would appear out of context in the street. The properties at No.183 and 183A West Heath Road are of a very modern design with flat roofs and white render finish and therefore the proposal for a more modern designed house on this plot would not be objectionable. There were concerns expressed through consultation regarding the amount of glazing to the rear of the property making the property appear overbearing, this has been reduced at roof level so the upper floor reads as a roof extension (similar to the existing property at this level) and not as an additional storey.

The success of the building will depend on the quality of the materials to be used; a condition has been attached to the decision notice requiring the details of materials to be

submitted prior to commencing in order to ensure that the building harmonises with its context and in particular the adjoining property.

Impact on the amenities of future occupiers

The development complies with the space standards for new development outlined in the London Plan 2016. The proposal is considered to provide adequate internal space for the future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with 7 or more habitable rooms, outdoor amenity space should be 85 m². The development meets and exceeds this requirement.

Impact on the amenities of neighbours

At all levels, the width of the property is to remain consistent with the existing dwellinghouse. The building would be between 0.7m and 0.8m from the boundary with no. 183A.

Lower Ground Floor/Basement Level

The proposed basement/lower ground floor level at the property will have a larger footprint than the existing ground floor. To the front of the property the basement level will be extended towards the front boundary to accommodate underground car parking and a surface car parking lift. The lift details have been provided by the applicant and will not be visible from the streetscene as it will appear as a driveway.

To the rear of the property the lower ground floor level will extend out further than the existing basement level closest to No.187 West Heath Road to accommodate a submerged swimming pool and gymnasium. Due to the sunken nature of the proposals and their invisibility from the street scene and from neighbouring occupiers due to the reduction in ground levels to the rear of the site the proposal is assessed to not harm the amenities of neighbouring occupiers.

Upper Ground Floor Level

The upper ground floor level is proposed to extend further beyond the existing rear elevation closest to No.187 West Heath Road by 3.1m and from the rear elevation of 183A by approx. 4m. Due to the nature of the plot at No.187 West Heath Road and its relationship from the current property being set away from the neighbouring property, there are no objections to this element of the proposal. The rear projection against the boundary with No.183A West Heath Road has been reduced in depth from what it presents currently by 4.5m along the boundary, therefore this is assessed to not harm the amenities of neighbouring occupiers at No.185 West Heath Road.

First and Second Floor Levels

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Residential Design Guidance SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked.

The first floor of the proposed building would project rearwards by approx. 3m from the rearmost bay of the existing house closest to 183A. It would therefore be approx. 3m

deeper than the first floor rear elevation of no. 183A. At second floor level, the proposed building would project rearwards from the existing dormer window by approx. 5m. This would result in the proposed building extending at roof level approx. 6m beyond the second floor level of no. 183A.

The proposal by reason of its size, siting, depth and the distances between neighbouring windows is not considered to result in harm to the neighbouring occupiers. It is noted that the new building does extend closer to each of the neighbouring properties than the existing building, however, there is still considered to be a sufficient distance and proposed depth is acceptable within this context.

There are a number of windows proposed in the rear elevation, the amount of glazing at roof level has been reduced in order to help address concerns at consultation regarding the property appearing dominant and overbearing due to the use of these materials.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

