

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 8TH JANUARY, 2019

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Stephen Sowerby MA
Vice Chairman: Councillor Wendy Prentice

Alison Cornelius Roberto Weeden-Sanz
Laurie Williams Tim Roberts
Reema Patel

Substitute Members

Caroline Stock David Longstaff Paul Edwards
Pauline Coakley Webb Thomas Smith Jo Cooper
Lisa Rutter

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: governanceservice@barnet.gov.uk

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Windsor Court, Friern Barnet Lane (Coppetts)	9 - 22
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11.	42 Woodside Avenue (Totteridge)	113 - 128
12.	Leecroft Road TPO (Underhill)	129 - 138
13.	92 Bedford Avenue Barnet EN5 2ET (Underhill)	139 - 146
14.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

13 November 2018

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)
Councillor Wendy Prentice (Vice-Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts
Councillor Laurie Williams

Councillor Reema Patel
Councillor Roberto Weeden-Sanz

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 15th October 2018 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

None.

6. LAND TO REAR OF WEST WALK EN4 8NU

The Committee received the report. Representations were heard from Mr Lockie Bramzell (Secretary - West Road Residents Association), Mr Steven Cowen, Cllr Lisa Rutter and the Applicant's Agent, Mark Pender.

A vote was taken on the Officer's recommendation to **APPROVE** the application as reported.

The vote recorded was:

For (Approval)	Against (Approval)	Abstention
1	5	1

It was moved by Councillor Weeden-Sanz and seconded by Councillor Patel that the application be **DEFERRED** to a future Committee meeting to allow the applicant to re-consider the refuse/recycling collection point from West Road as opposed to from Uplands Road.

A vote was taken on the motion to **DEFER** the application as follows:

For (Deferral)	Against (Deferral)	Abstention
6	1	0

RESOLVED: That the application be DEFERRED to a future Committee meeting for the reasons detailed above.

7. 50 MOXON STREET BARNET EN5 5TS

The Committee received the report. Representations were heard from the Applicant’s Agent, Pippa Nisbet.

A vote was taken on the Officer’s recommendation to **APPROVE** the application as reported.

The vote recorded was:

For	Against	Abstention
7	0	0

RESOLVED: That the application be APPROVED 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)

8. 42 WOODSIDE AVENUE, LONDON, N12 8AX

The Committee noted that the item be **WITHDRAWN** from the agenda as additional information has been received from both the agent and residents which necessitates site inspection and structural engineer investigation to allow proper assessment. The application will be considered at a future meeting of the Committee.

9. 39 LULLINGTON GARTH N12 7LT

The Committee received the report. Representations were heard from the Applicant, Akiva Lawson.

A vote was taken on the Officer’s recommendation to **APPROVE** the application as reported.

The vote recorded was:

For (Approval)	Against (Approval)	Abstention
6	0	1

RESOLVED: That the application be **APPROVED** 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)

10. 66 WOODSIDE PARK RD N12 8RY

The Committee received the report. Representations were heard from the Applicant's Agent, Joe Henry.

A vote was taken on the Officer's recommendation to **APPROVE** the application as reported.

The vote recorded was:

For (Approval)	Against (Approval)	Abstention
1	6	0

It was moved by Councillor Cornelius and seconded by Councillor Sowerby that the Officer's recommendation be overturned and that the application be **REFUSED** for the following reasons;

The proposed development by reason of its size, siting, bulk, design and massing would result in an unsatisfactory development of the site. The proposal would be unduly obtrusive, out of scale and appear as a prominent and intrusive feature within the street scene, with its prominence exacerbated by the large gable fenestration and the three storey rearward projection. The proposal would be detrimental to the character and appearance of the site, the immediate street scene and would not relate sympathetically to the adjacent properties 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).

A vote was taken on the motion to **REFUSE** the application as follows:

For (Refusal)	Against (Refusal)	Abstention
6	1	0

RESOLVED: That the application be **REFUSED** for the reasons detailed above.

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

None.

The meeting finished at 21.03

Location Windsor Court Friern Barnet Lane London N11 3LY

Reference: 18/6382/FUL

Received: 24th October 2018

Accepted: 25th October 2018

Ward: Coppetts

Expiry 20th December 2018

Applicant: Mr Nagle

Proposal: Conversion of the existing roofspace of each block into 1no self-contained flat, resulting in a total of 2 additional flats. Associated refuse/recycling, cycle store. (amended description).

AGENDA ITEM 6

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:

OS Plan Drawing No 1861.OS.01

Proposed Roof Floor Plan Drawing No 1861.PP.04 Rev A

Proposed East Elevation Drawing No 1861.PP.10 Rev A

Proposed East Elevation Drawing No 1861.PP.13 Rev A

Proposed West Elevation Drawing No 1861.PP.11 Rev A

Proposed West Elevation Drawing No 1861.PP.14 Rev A

Proposed North Elevation Drawing No 1861.PP.08 Rev A

Proposed Ground Floor 1-9, 10-18 Drawing No 1861.PP.01

Proposed First Floor 1-9, 10-18 Drawing No 1861.PP.02

Proposed Second Floor 1-9, 10-18 Drawing No 1861.PP.03

Proposed Garages Drawing No 1861.PP.12 Rev A

Proposed Section AA Drawing No 1861.PP.06 Rev A

Proposed Section BB Drawing No 1861.PP.07 Rev A

Proposed Roof Plan 1-9, 10-18 Drawing No 1861.PP.05 Rev A

Proposed South Elevation Drawing No 1861.PP.09 Rev A

Received 11 December 2018

Existing North Elevation Drawing No 1861.EX.06

Existing East Elevation Drawing No 1861.EX.08

Existing West Elevation Drawing No 1861.EX.09

Existing East Elevation drawing No 1861.EX.11
Existing West Elevation Drawing No 1861.EX.12
Existing Ground Floor 1-9, 10-18 Drawing No 1861.EX.01
Existing Second Floor 1-9, 10-18 Drawing No 1861.EX.02
Existing Roof Plan 1-9, 10-18 Drawing No 1861.EX.03
Existing First Floor Plan 1-9, 10-18 Drawing No 1861.EX.02
Existing Garages Drawing No 1861.EX.10
Existing Section AA Drawing No 1861.EX.04
Existing Section BB Drawing No 1861.EX.05
Existing South Elevation Drawing No 1861.EX.07
Received 24 October 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 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).

- 5 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.

- 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 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).

- 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).

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.

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 the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

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.

Officer's Assessment

1. Site Description

The application site is located on Friern Barnet Lane near the junction with Woodhouse Road. The site is comprised of 2 detached 3 storey blocks of purpose-built flats. Each block comprises 9 flats, with a total of 18 flats.

To the rear of the site are a row of garages and an associated area of hardstanding. To the front of the application site is a mix of hard and soft landscaping.

The site is in close proximity to the former Friern Barnet Town Hall which is a statutory listed building which has been granted permission to be converted into residential flats.

The site is not located within a conservation area and the buildings are neither statutory or locally listed. No trees subject to Tree Preservation Orders (TPO's) are located within the curtilage of the application site.

2. Site History

None

3. Proposal

The proposal is for the conversion of the existing roofspace of each block into 1 self-contained flat. This results in a total of 2 additional flats to the site.

The flats are each 2 bed, 4 person units with a floor area of 70m² GIA.

The dormers are each 2.2 metres wide, 1.8 metres in height and 2.3 metres in depth. The proposal is for the dormers to be constructed in materials to match the existing roof.

The proposal also includes a cycle store and bin storage.

The dormers have been amended to reduce the height to appear more subordinate in the roof slope and the central dormer has been revised to replicate the window detailing in the window below.

4. Public Consultation

Consultation letters were sent to 216 neighbouring properties.

13 responses have been received, comprising 13 letters of objection.

The objections received can be summarised as follows:

- There is no provision of parking for the additional flats and there is already a shortage of parking for the existing flats
- The water tanks for the flats are kept in the space that he is proposing to build the flats in
- Overdevelopment of the site
- Dormers will ruin the appearance of the building
- There will be increased rubbish as a result of additional flats

- The Dormers will result in overlooking and a loss of privacy for neighbouring dwellings and their gardens
- The project will result in scaffolding and netting during the duration of the project which will be an eye sore and the noise, dust and disturbance will adversely impact neighbouring properties.
- This proposal will result in damage to my property and no plans for reparations have been made available.

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, DM06, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 additional flats
- 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 proposal provides a satisfactory level of accommodation for future residents
- Impact on Highways

5.3 Assessment of proposals

- Principle of additional flats

The application site comprises a three-storey block of purpose-built flats. Therefore, subject to character, amenity and highway considerations, Officers would have no in-principle objection to the creation of 2 self-contained units at the application site.

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

Policy DM01 states that: '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.'

There are no changes to the ridge height of the roof or pitch of the roof as existing. The proposal is to add 3 front dormers and 3 rear dormers to the existing roof form of each block of flats. The dormers will provide for outlook and light to facilitate the conversion of the roofspace of each flat block into 1 self-contained flat. The dormers are of an appropriate size and spacing within each roofslope and are not considered to harm the character or appearance of the host property. The dormer cheeks were reduced which decreases the height of the dormers and ensures the dormers do not appear any larger than the windows below. The dormer windows in the front elevation have been designed to align with the windows below as recommended in the Residential Design Guidance SPD. The central front dormer has been amended to replicate the window detailing in the window panel below. The dormers appear the same size as the windows below, maintaining symmetry and window hierarchy. There are dormer roof extensions visible within the streetscene so the addition of dormers to the flat blocks would not look out of character with other development in the area.

The property is located within proximity of a statutory listed building known as the former Friern Barnet Town Hall. The development faces the side elevation of the building and is located on the opposite side of the road. The proposed development to add dormers to the front and rear elevations will not adversely impact on the statutory listed building or its setting.

The proposed dormers are acceptable in scale and design subject to these being of appropriate facing materials. It would be recommended in the event that planning permission is forthcoming that the dormers are proposed to match existing materials and a condition securing this detail would be added to the permission.

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

A number of public comments have been received concerned with the loss of privacy and increased overlooking the new dormers would cause to neighbouring properties. Privacy is an important design issue, particularly for higher density schemes, and all residents should feel at ease within their home. Residential Design Guidance states 'Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.'

The boundary at the rear is not parallel to the rear elevation of the flat blocks. The distance between the rear elevation of the flat blocks to the boundary at the rear increases from south to north. There is approximately 16-19 metres from the rear wall of the flat blocks to the boundary with gardens to the rear. This ensures there is at least 16 metres from the

proposed dormer windows to the boundary. In addition, given the size of the gardens behind the residential properties on Horsham Avenue, there is sufficient distance from the new dormer windows to habitable windows in the neighbouring properties on Horsham Avenue. As such, it is not considered there will be harmful overlooking to these properties to the rear. It should, of course, be noted that there are already windows in the rear of this three storey building which already have a relationship with nearby properties. The application proposes to introduce additional windows (albeit at a higher level than the existing) rather than introduce new windows where none exist at present. It is considered that the proposal would not introduce additional overlooking to existing residents that would justify a refusal of planning permission in this instance.

The site faces residential properties to the east. The properties on the opposite side of the road are an estimated 20 metres away from the front elevation of the two flat blocks. The proposed dormers in the roof elevation facing these properties maintain an appropriate distance from habitable room windows in these adjacent properties. The dormer windows are not considered to result in any harmful overlooking to these neighbouring occupiers.

To the north of the site is the Dwight School. The dormer windows do not face this neighbouring property. To the south of the site is commercial properties such as Tesco's, Friern Barnet Post Office and Woodhouse Tandoori. The flank wall of the flat is over 3 metres from the boundary and the neighbouring properties to this south side are separated from the boundary by car parking. There is no side dormer proposed. The windows to the rear and front will not overlook either of these neighbouring properties to the north or south.

Furthermore, it is noted that of the three dormers proposed to the front elevations, only two serve habitable rooms, the central dormers would serve a staircase. Likewise, in the rear elevation the central dormer serves a bathroom.

The new units will be constructed above existing flats in each flat block. Residential Design Guidance advocates for appropriate stacking of new units to avoid living areas being located above bedrooms which are likely to experience noise sensitivity. The applicant was asked to provide information on the layout of the units in the second floor to assess the stacking in the development. This information was not provided and it is not clear what relationship the living area of each unit would have with the flats below. The units likely to be affected are flats 16, 17 and 9. The new units provide for a maximum of 4 persons. The applicant has agreed to provide sound insulation between the new units to help mitigate any noise impacts to the existing flats below. A condition requiring sound insulation in accordance with Building Regulations will be recommended. While there may be some impact on the living conditions of the existing second floor units, this is not considered to be of sufficient harm to warrant refusal and can be reduced through sound insulation measures to be incorporated.

Whilst not a planning matter for consideration, the applicant's statement has provided some justification for the works that the roof space as existing needs repairs and to be brought up to fire regulation standards. There have been concerns raised that the proposed construction of the additional flats and dormers will cause noise and disturbance for neighbouring properties and occupiers of existing flats within the site. It is of course understood that the proposal if implemented could result in some disturbance to existing residents within the block as a result of the necessary building works. However, it would not be reasonable to refuse consent on these grounds, if the development was acceptable on planning grounds, and in order to mitigate impact as far as possible, the development

will be conditioned to comply with standard construction working hours to help reduce the impacts to neighbouring occupiers as far as possible.

Overall, the scheme is not considered to be harmful to the residential amenities of neighbouring occupiers.

- Whether the proposal provides a satisfactory level of accommodation for future residents

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. A double bedroom is calculated at 11.5m and above. The conversion of the proposed roof space would result in the creation of 2 self-contained flats which would each be 2 bed, 4 person units. The bedrooms meet the required standard for double bedrooms.

A 2 bed, 4 person unit requires 70sqm of GIA. Both flats meet this minimum requirement.

The application sought pre-application advice with regard to the scheme and were advised that any units proposed within the roof space would need to demonstrate a good level of outlook and daylight / sunlight provision. The current scheme has considered the daylight and outlook for the units and has included 3 front and rear dormers. Both units would benefit from East and West outlook provided by 3 dormers in the front and 3 dormers in the rear. One dormer in the front elevation serves a staircase. The dormers provide dual aspect for the living areas and a dormer for each of the bedrooms. The size of the dormers provides a reasonable level of outlook and light for each of these rooms.

The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of a dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The units meet the requirement to have 75% of the floor area above 2.3 metres in height. The floor plan for the new units shows the portion of roof over 2.4 metres in height. This equates to more than 75% of the unit.

The garden surrounding the existing buildings provides shared amenity space for the existing flats. There is a grassed area to the front of the site. While this provides open space, the area is not private and not considered toward outdoor amenity space. To the rear of the buildings is open grassed area. There is approximately 291m² of open amenity area to the rear of the site. It is proposed the new flats will share this existing communal amenity space. Given the proposal sits within the existing envelope of the building, there is limited scope to provide any dedicated amenity space for the proposed flats. While the space will be shared, there is a reasonable level of communal outdoor area provided behind the buildings which can reasonably provide for the needs of the 2 bedroom flats. Furthermore, the property is in close proximity to Friern Park which includes recreational and leisure facilities appropriate for a range of ages. The issue is a balanced one but it is considered that the absence of external space is acceptable in this instance.

- Refuse and recycling

The applicants statement refers to refuse storage. The plans do not show the materials and clear details on the heights and location of the enclosures. It is recommended a condition is included to require final details of the refuse and recycling stores.

- Impact on Highways

The above application is for the construction of one new residential development in each of the flat blocks, which results in a total of two new units.

Highways officers were consulted on the proposal. Officers advised that the PTAL is 3 (average) with only bus and train available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied. Development Management Policy DM17: Travel impact and parking standards sets the maximum standards for residential development. The parking requirement for a 2 bedroom flat is 1 to 1.5 car parking spaces. Therefore for 2x 2 bedroom flats, the maximum standard would be 2 to 3 parking standards. No additional parking has been proposed as part of this application.

While no off street car parking is associated with the proposals, the applicant has undertaken an number of parking surveys which shows that there is ample parking in the surrounding area at peak times of residential parking demand to accommodate associated vehicles.

The development provides cycle parking in line with London Plan stated minimum cycle parking levels (5 spaces). Cycle stores are located conveniently and are secure/ weather proof.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

Overall officers considered the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported.

The plans show cycle storage can be easily accommodated within the site however the detail for the materials and heights of enclosures was not provided. A condition is recommended for the details of the cycle store to be provided at a later stage.

5.4 Response to Public Consultation

Comments received regarding highways and parking concerns are noted. However Highways officers have considered the scheme and do not consider there would be an adverse impact. The applicant has demonstrated there is capacity within the area to accommodate the new units.

Comments regarding the current use of the roof for water tanks for the flats is noted however this is not a material planning consideration.

Concerns were raised by objectors that the dormers will ruin the appearance of the building, result in overlooking for neighbouring properties and represents over-development of the site. These considerations have all been discussed through the main body of the report.

A concern was raised that the development will result in increased rubbish. The new flats require additional refuse storage and the applicant has demonstrated the site is capable of providing adequate refuse storage for all the units including the two additional units.

Conditions will be included requiring details of the refuse storage and collection and ensuring this is provided and retained.

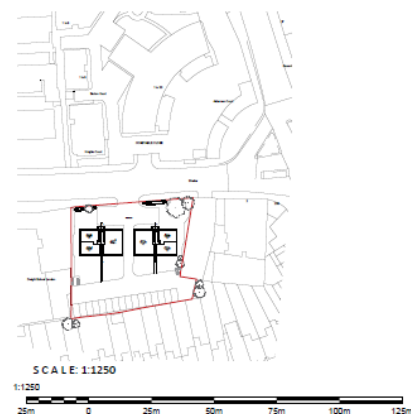
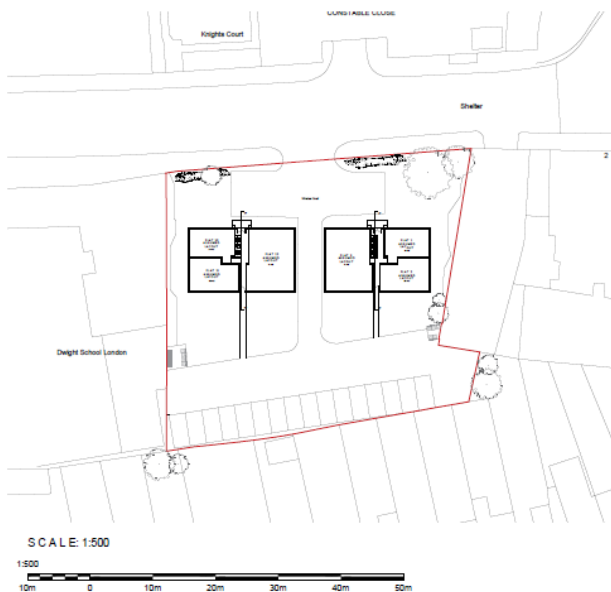
Concerns were raised that the project will result in scaffolding and netting during the duration of the project which will be an eye sore and the noise, dust and disturbance will adversely impact neighbouring properties. This is noted. The disturbance for neighbouring and existing properties as a result of roof extensions and internal changes to create new flats is expected to be temporary in duration and not significantly disruptive. Conditions will be included for construction hours to help ensure this is minimised. Concerns around potential damage to properties is not a planning matter and should be discussed with the applicant.

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 and provide a satisfactory level of accommodation for the future occupiers of the units. This application is therefore recommended for approval.



Location **34 Whitehouse Way London N14 7LT**

Reference: **18/5748/RCU**

Received: 25th September 2018

Accepted: 27th September 2018

Ward: Brunswick Park

Expiry 22nd November 2018

Applicant: Ms MARY NOONAN

Proposal: Single storey rear extension. Creation of basement level
(Retrospective Application)

AGENDA ITEM 7

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:

Drawing No.

Site Location Plan

ASEA/2018/486/PP/02 Rev A (Pre-existing Floor Plans) (Received 27th September 2018)

ASEA/2018/486/PP/03 Rev A (Pre-existing Elevations) (Received 27th September 2018)

ASEA/2018/486/PP/04 Rev B (Existing Plans, Front and Rear Elevations) (Received 27th November 2018)

ASEA/2018/486/PP/05 Rev B (Existing Side Elevations) (Received 27th November 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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

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

- 4 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 No. 32 and N0. 36 Whitehouse Way.

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).

- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

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

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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The application site is in the residential area of Whitehouse Way. Surrounding properties are modest two-storey semi-detached dwelling houses, finished with hipped roofs and uniformly setback from the carriageway. The application site itself is sited on the western side of Whitehouse Way and backs onto Pymmes Brook Trail/ Waterfall Walk. The application property is a semi-detached dwelling served by a 15.0m+ deep rear garden space bounded by residential style fencing treatments. The site drops in levels towards the rear garden. In addition, the property benefits from an approved 5.0m deep single storey rear extension under a PNH application (not built) and roof works under a 192 application (currently in-situ).

The application site is not within a Conservation Area and the application property is not a Listed building.

2. Site History

Reference: 14/07815/PNH

Address: 34 Whitehouse Way, London, N14 7LT

Decision: Prior Approval Required and Approved

Decision Date: 16 January 2015

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3.9 metres

Reference: 14/07084/192

Address: 34 Whitehouse Way, London, N14 7LT

Decision: Lawful

Decision Date: 5 December 2014

Description: Roof extension involving hip to gable, rear dormer window and 2no. rooflights to front to facilitate a loft conversion

Reference: B/05908/14

Address: 34 Whitehouse Way, London, N14 7LT

Decision: Prior Approval Required and Refused

Decision Date: 5 December 2014

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 submitted planning application seeks full planning consent for a single storey rear extension and the creation of a basement level (Retrospective Application). As per the submitted planning application, the development has already started dated 01/08/2018.

The proposed development of the single storey rear extension followed the removal of an existing conservatory, which had a depth of 1.8m, a width of 5.0m, an eaves height of 2.5m and a ridge height of 3.0m, finished with a lean-to-roof. The new proposed single storey ground floor extension has a depth of 5.3m from the rear wall of the main building, a width of 5.4m, an eaves height of 3.5m and a ridge height of 4.0m, finished with a pitched roof.

The ground floor extension proposes a side door on to the side access with a new set of external steps leading down to the garden. The basement level is accessed via a new internal stairs from ground level.

The proposed basement development is sited below the proposed single storey rear extension and follows a similar footprint. The proposed basement has a depth of 5.3m, a width of 5.4m and a height of 2.5m. (45.36m³ of the basement development is situated below ground level). The garden can also be accessed from the basement.

Both ground and basement level is set off the neighbouring boundaries of N0's 32 and 36 Whitehouse Way.

No.2 rooflights proposed on roofslope.

An additional bedroom is to be created due to internal reconfigurations.

The proposed works have already been started onsite, with the majority of the external building works having been completed. Therefore this application is retrospective in nature and seeks planning consent to regularise the works.

Revised plans were received under this application which corrected plan discrepancies. The projection of the rear extension was corrected to be 5.3 metres in depth, as it is built onsite.

4. Public Consultation

The LPA sent out 5 public consultations on the 28.09.2018 and received eight responses. Seven letters of neighbouring objections and one letter from the Rt Hon Theresa Villiers MP in support of the neighbouring objections. Further re-consultation was undertaken on revised plans.

The concerns with the objections received can be characterised into the following;

- Supervision of building works
- No contact/consultation
- Construction related issues (i.e. drilling, damage to trees & lorries etc)
- Foundation concerns
- Damage onto neighbouring property and trees/vegetation to rear of site
- The development is not in accordance to plans - plan show a depth of 5.0m whereas the actual depth of 5.5m
- Impact onto character and neighbouring amenity
- Waste water and piping concerns
- Concerns the property maybe developed into a HMO .

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 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 Revised 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 Revised 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.
- 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:

- 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

Context

The application property benefits from a previous prior notification approval under ref: 14/07815/PNH for a 5.0m deep single storey rear extension. Therefore this current application seeks to add an addition of 0.3 metres in depth to the rear projection, beyond that approved by the prior notification approval at ground floor level. In addition, a new basement extension is proposed under the ground floor extension.

Impact on Character

Any proposed 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 Barnet Local Plan), 7.4 and 7.6 (both London Plan). DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Residential Design Guidance (RDG) states, single storey rear extensions need to ensure that they do not look too bulky and prominent compared to the size of the main building and garden in which they relate. The proposed single storey rear extension is of a residential design and keeping with the residential style of the main building. The use of the low-impact pitched roof creates a subservient roof form with minimal harm onto the design of the property. The proposed depth of 5.3 metres is in excess of that considered appropriate

within the RDG. However, the property has prior approval consent under a prior notification application for a large extension to extend to 5.0 metres in depth at ground floor level. This application seeks to add an additional 0.3 metres projection to what has already been granted prior approval. As such, the additional projection of 0.3 metres is not considered to be significant to cause harm to the character and appearance of the host dwelling, or surrounding locality. In addition, the extension is situated to the rear of the property and subsequently, receives a degree of obscurity from the public realm which mitigates impacts onto the established character of the locality.

Regarding the basement extension, RDG states, the council will normally allow single floor basement extensions which do not project further than 3.0m from the rear wall of a house. Although the basement extension has a projection/depth of 5.3m, it is considered the 2.3m increase in depth, outside the advised depth of 3.0m scripted in design guidance is acceptable, given the basement extension is entirely below ground floor extension it is not considered the proposed basement extension will harm the character of the main building or the surrounding area.

The massing and bulk of the proposed extensions appear as a sympathetic development which respect the scale of the host dwelling and adequately integrate into the host dwelling's residential character.

2 rooflights are of a minor scale and do not cause significant character impacts.

With the benefit of a site visit and using aerial photography, there are many examples of extensions in the surrounding locality that benefit from single storey rear extensions with varying depths. This includes the adjoining properties, No. 32 and No. 36 Whitehouse Way which have both extended to the rear and have extensions in situ. Further No. 124 Whitehouse way was granted planning permission for a lower ground floor/basement extension.

As such due to similar development in the surrounding area it is not found that the single storey rear extension and basement level in its' rearward positioning would have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area.

In assessment, it is considered the proposal does not cause detrimental harm to the host dwelling or the locality of Whitehouse Way and therefore, the proposal is compliant with policy DM01 of Barnet's Local Plan 2012.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

Regarding the proposed single storey rear extension, RDG states, rear extensions need to ensure that the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principle windows of habitable room of neighbouring properties. The single storey rear extension is set adjacent to the boundary of No.36 to the south and extends beyond the rear elevation of the neighbouring extension

by 1.8m approx. Given the existing boundary treatments and the perceived subordinate nature of the works, it is considered the extension is acceptable in this instance.

No. 32 is situated to the north and separated from the flank wall of the development by 2.5m. Given this setback distance, it is considered sufficient to offset potential impacts of the development. Both neighbouring properties will still benefit from sufficient early morning and late evening sunlight.

Regarding the proposed basement extension, it is considered the development will not cause significant amenity impacts, given the proposal is largely below ground level, and contained within the footprint of the single storey rear extension at ground floor level.

The proposed extensions do not appear to be overbearing or unduly obtrusive and care has been taken to ensure that it does not result in harmful loss of privacy by overlooking adjoining neighbours.

2 rooflights are of a minor scale and do not cause significant amenity impacts.

In assessment, it's considered the proposed developments do not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

5.4 Response to Public Consultation

No supervision to how building work is undertaken

This is a building control matter and falls outside the remit of planning controls.

Not contacted/consultation

Statutory consultation was undertaken and therefore consultation letters were sent on the 28.09.2018 to Nos. 17,19,34, 36 & 38 Whitehouse Way, London N14 7LT.

Re-consultation on the revised plans was undertaken on 27.11.2018.

Construction related issues (i.e. drilling, damage to trees & lorries etc)

In this instance, construction related issues are not a material planning consideration. Moreover, in the absence of any specific conservation area designation or any other heritage asset designation, it would not be possible for the Council to prescribe additional condition to control construction. Any surrounding damage already caused falls outside the remit of consideration when assessing this planning application.

Foundation concerns

This is a building control matter and falls outside the remit of planning controls.

Damage onto neighbouring property

The planning permission is an assessment of impacts in regard to character and neighbouring amenity only, and a decision notice is only for the works in the approved plans - if a neighbouring property is damaged when carrying out the development of the

permission, then the responsibility will not fall onto the Council as this is a private matter between the two parties.

Development is not in accordance to plans - plan show a depth of 5.0m whereas the actual depth is 5.5m

The planning approval is subject to a planning condition - built in accordance to the approved plans for the avoidance of doubt and in the interests of proper planning. If the development is not built in accordance to the approved plans, then the applicant is in breach of a planning condition and retrospective action is required. Any concerns regarding a potential breach of planning conditions, enforcement should be contacted. In this instance, an assessment was made on the submitted plans which outlined a depth of 5.3m.

Impact onto character and neighbouring amenity

Has been addressed within the main body of this report.

Waste water and piping concerns

This is a building control matter and falls outside the remit of planning controls

Concerns the property maybe developed into a HMO

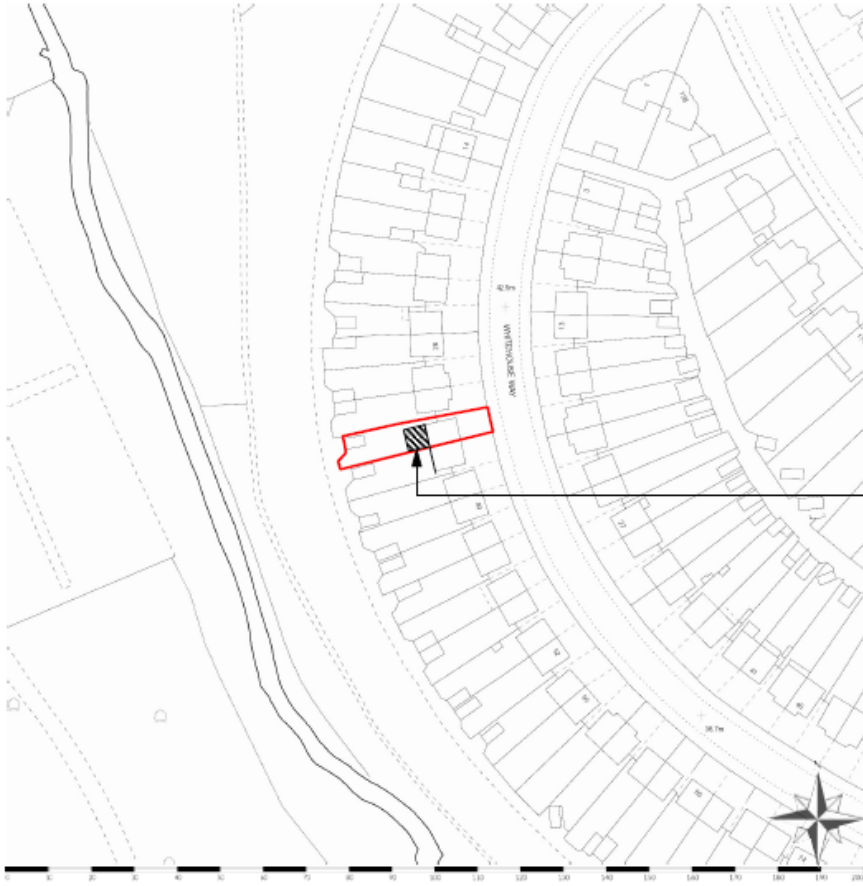
Planning Officers can only assess the scheme as submitted and cannot make assumptions. In any event to convert the dwelling house into a House in Multiple Occupation (HMO) would require the benefit of separate planning permission.

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.



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Location 1 Station Road Barnet EN5 1NG

Reference: 18/3319/FUL

Received: 30th May 2018

Accepted: 22nd June 2018

Ward: Oakleigh

Expiry 21st September 2018

Applicant: SNB Estates

Proposal: Refurbishment and reconfiguration of 50 existing residential units including front, side and rear extensions to all levels. Enlargement of 10th floor and construction of an additional storey to provide 13 No. additional self-contained residential units. Insertion of balconies, provision of cycle parking and refuse store, and associated works including new access ramp to front and lightwells to basement. Renovation to the multi-storey car park to the rear with 46 car parking spaces

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 £300,000 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:

Site Location Plan; Existing Section AA Drawing no. 20161283-PL09 R17; Existing Basement Plan Drawing no. 20161283-PL01 R17; Existing Ground Floor Plan Drawing no.20161283-PL02 R17; Existing First Floor Plan Drawing no.20161283-PL03 R17; Existing Second Floor Plan Drawing no.20161283-PL04 R20; Existing Typical (3rd -9th) Floor Plan Drawing no.20161283-PL05 R17; Existing Tenth Floor Plan Drawing no. 20161283-PL06 R17; Existing Eleventh Floor Plan Drawing no.20161283-PL07 R17; Existing Roof Plan Drawing no.20161283-PL08 R17; Existing Accommodation Schedule _R01 by Pinnacle Architecture;

Proposed Drawings:

Proposed Section AA Drawing no. 20161283-PL19 R17; Proposed Basement Plan Drawing no. 20161283-PL10 R17; Proposed Ground Floor Plan Drawing no. 20161283-PL11 R17; Proposed First Floor Plan Drawing no. 20161283-PL12 R17; Proposed Second Floor Plan Drawing no.20161283-PL13 R20; Proposed Third Floor Plan Drawing no.20161283-PL14 R19; Proposed Typical (4th-9th) Floor Plan Drawing no. 20161283-PL15 R19; Proposed Tenth Floor Plan Drawing no. 20161283-PL16 R19; Proposed Eleventh Floor Plan Drawing no.20161283-PL17 R19; Proposed Roof Plan Drawing no. 20161283-PL18 R19; Proposed North Elevation Drawing no. 20161283-PL20 R17; Proposed East Elevation Drawing no. 20161283-PL23 R19; Proposed South Elevation Drawing no.20161283-PL22 R19; Proposed West Elevation Drawing no.20161283-PL21 R19; Proposed Renders (Drawing no. 20161283-PL25 R19; Drawing no. 20161283-PL26 R17; Drawing no. 20161283-PL27 R19; Drawing no. 20161283-PL28 R19); Proposed Accommodation Schedule _R09 by Pinnacle Architecture; Ground Floor Large Car Autotrack Analysis Drawing no. 17166-01-001;

Documents:

Planning Statement by JLL May 2018; Design and Access Statement R00 by Pinnacle Architects; Energy Statement by Hodkinson May 2018; Sustainability Statement by Hodkinson May 2018; Daylight and Sunlight by Eb7 20/04/2018; Transport Statement R01A including Appendices by Markides Associates May 2018; Tree Survey Report and Arboricultural Impact Assessment by RPS April 2018; Foul and Surface Water Drainage Assessment Final Report v1.2 by Weetwood May 2018; Flood Risk Assessment Final Report v.1.1 by Weetwood October 2018; Exceedance Flood Routing by Weetwood Drawing Ref: 210 Rev. P1; ICP SUDS; Mean Annual Flood by Weetwood.

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. These details shall include samples and annotated plans:

- Brick bonding, brick and brick slips (annotated plans at a scale of not less than 1:20);
- External windows, balconies, metal screens and balustrading (annotated plans at a scale of not less than 1:20);
- Depth of window reveals (annotated plans at a scale of not less than 1:20);
- Zinc cladding (annotated plans at a scale of not less than 1:20).

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 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and lightwell enclosures, 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) Notwithstanding the details submitted with the application and otherwise hereby approved, the building shall not be occupied 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 and screened facilities 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).

6 a) No development other than demolition works shall take place until details of the ramp and railings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The railings should be painted grey, silver or black unless otherwise agreed in writing with 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.

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 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 as indicated on hereby approved document "Tree Survey Report and Arboricultural Impact Assessment by RPS April 2018", 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 in the same document.

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.

- 9 The roof of the building hereby permitted, other than the areas indicated as communal roof terrace and for the private terrace of Unit 63 on Proposed Eleventh Floor Plan Drawing no.20161283-PL17 R19, 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).

- 10 The development shall be implemented in accordance with the amenity space details indicated on the hereby approved drawings 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).

- 11 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), and Policy 3.6 of the London Plan 2016.

- 12 a) No development other than demolition works shall take place until details of the proposed green roof and how this will be maintained 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 2016.

- 13 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. In particular, the following details shall be included:

- Privacy screen to the garden of Unit 2;
- Privacy screens to the balconies at the front of the building;
- Privacy screen and subdivision between the communal terrace and terrace to Unit 63.

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).

- 14 Before the building hereby permitted is first occupied the proposed windows in the side elevation, with the exemption of bedroom windows and living rooms windows to Unit 4 and Unit 9, facing Endeavour House 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).

- 15 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).

- 16 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).

- 17 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.

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

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

Reason: In the interests of highway safety 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).

- 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 Before development commences, an air quality neutral assessment report 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.

- 20 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction (October 2016) and Policy 7.14 of the London Plan 2016 in relation to air quality.

- 21 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.

- 22 The level of noise emitted from the MVHR units 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.

- 23 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.

- 24 The use of the storage units at basement level hereby permitted shall at all times be ancillary to and occupied in conjunction with the flats in 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).

- 25 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing no. 20161283-PL11 R17, Drawing no. 20161283-PL12 R17 and Drawing no.20161283-PL13 R20 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.

- 26 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with London Plan cycle parking standards, as indicated on Drawing no. 20161283-PL10 R17 and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 27 Prior to the occupation of the development, details of a Maintenance Agreement for the operation of the car lifts must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests 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.

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

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy 6.13 of the London Plan 2016.

- 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 No works on public highway including creation or modification of a vehicular access 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.

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.

- 31 Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Foul and Surface Water Drainage Assessment Final Report v1.2 prepared by Weetwood dated May 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, and to ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 32 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures.

The new flats should 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 2013 Building Regulations. The refurbished flats should achieve an improvement of not less than 35% in carbon dioxide emissions when compared to the existing building's calculated Emission Rate (SAP Appendix S). 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.

- 33 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.

- 34 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.

- 35 a) No development other than demolition work shall take place until details of the location within the development and specification of the 9; 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.

- 36 Prior to occupation, details of ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority.

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).

RECOMMENDATION III:

1 That if an agreement has not been completed by 08/04/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/3319/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 borough. 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 Any aspect of the scheme that requires demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 6 Thames Water advise that there may be public sewers crossing or close to the development. If the applicant discovers a sewer, it's important that they minimise the risk of damage. Thames Water need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting the pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 7 The proposed development is located within 15m of Thames Water's underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets'

to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should the applicant require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 8 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 9 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 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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.

- 10 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 For major developments only: provide a copy of an asbestos survey

o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 11 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.

- 12 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 S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any

consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11th Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 13 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.

- 14 The applicant is advised that Station Road, Barnet is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. 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.
- 15 The applicant is advised that any works on public highway required to facilitate the development will need to be included in the Council's agreed works programme and would be subject to priorities and the available resources therefore the time scales cannot be guaranteed.

Officer's Assessment

1. Site Description

The application site contains an 11 storey building (including ground floor, 12 storeys including existing basement level), with a small structure (ancillary plant structure) at roof level, located on the southern side of Station Road within the Oakleigh Ward. The building contains 50 flats (the accommodation mix of these units is comprised of 5 x 1 bed units, 43 x 2 bed units, and 2 x 3 bed units). The site also comprises a multi-storey car park to its rear and a children's play area.

The building is not listed nationally nor locally. The site is not within a Conservation Area.

The site is within the New Barnet Town Centre, and is at the edge of a cluster of tall buildings which front this part of Station Road. The site has PTAL of 3.

The site abuts Station Road to the north and Station Approach to the east. The block immediately abuts the highway on the north-eastern corner with a set back to the north and south east Pedestrian access to the site is via Station Road, while vehicular access to the site's multi-storey car park is via Station Approach.

The building has a significance presence in the locality due to its size and proximity to the street thus dominating the street scene. and is immediately opposite the railway station.

The surrounding area is mixed in terms of character and land use. The cluster of buildings on this side of Station Road are a mix of office and residential uses. Endeavour House, directly adjacent to the west of the site, is an eight storey building which was formally for commercial use however has recently been converted into a block of flats through the prior approval process (application reference B/00496/14).

Directly adjacent to the site to the south-east is a four storey residential building with dormer extensions on its fifth storey, known as Russell Court. Due to the change in topography with an incline towards the south, Russell Court lies in an elevated position.

To the south west, lies a two storey community/church hall accessed from Lyonsdown Road.

To the north of the site on the other side of the road, lies a small parade of shops (three to four storeys in height with residential above ground). To the north-east lies a purpose-built block of flats known as Alice Court, which is 4 storeys in height.

2. Site History

Reference: N00095L

Address: 1 Station Road New Barnet

Decision: Approved subject to conditions

Decision Date: 23 April 1996

Description: Conversion of office / showroom building into 50 self-contained dwellings.

Reference: N00095M

Address: 1 Station Road New Barnet

Decision: Approved subject to conditions

Decision Date: 08 April 1997

Description: Conversion of office/showroom to 50 self-contained dwellings (variation of permission ref. N0095L including, amended access, omission of roof extensions, and amendments to parking layout)

Reference: B/01413/08

Address: Bejun Court, 1 Station Road, Barnet, Herts, EN5 1NG

Decision: Refused

Decision Date: 03 July 2008

Description: Change of use of existing first floor car park area from use as a vacant car park to temporary accommodation, comprising of 12 bed sit rooms. Provision of 12 cycle spaces.

Reference: B/03159/08

Address: Bejun Court, 1 Station Road, Barnet, Herts, EN5 1NG

Decision: Refused

Decision Date: 13 October 2018

Description: Change of use of part of existing first floor car park area from use as a vacant car park to temporary accommodation comprising of 3 bed sit rooms, including alterations to south and west elevations. Provision of 30 cycle spaces.

3. Proposal

Planning permission is sought for the refurbishment and reconfiguration of the building, which currently accommodates 50 existing residential units. The proposal would include front, side and rear extensions to all levels.

In addition, the proposal seeks the enlargement of the existing 10th floor and construction of an additional storey (which would become the 11th storey) to provide a total of 13 no. additional self-contained residential units.

As part of the development, the scheme includes the insertion of balconies to the front side and rear, as well as the provision of cycle parking and refuse store. Associated works to improve the setting of the building are proposed including new access ramp to the front and lightwells to basement (located at the side and rear). Finally, the scheme includes the renovation of the multi-storey car park to the rear to provide a total of 46 car parking spaces (15 parking spaces currently exist at ground floor level).

The basement would include 64 private storage rooms and the boiler room; there would be no residential accommodation at basement level. The private storage areas will include storage cycle storage. Refuse and recycling would be located along the south-eastern boundary at street level (ground floor), similar to the existing location of the refuse bins.

The side lightwell would have a width of 2.3m and depth of 3m, recessed 1.8 m from the original front elevation. The rear lightwells would have a depth of 4.4m and width of between 3.8m and 3.2m.

The proposed front extension would have a front projection of 1.9m (2.2m at the front entrance) and span a width of 25.6m. The extension would be set in 5.6m from the original side elevation. The extension would have a height of two storeys, however the balconies between the second and ninth floors would project towards the front up to the front elevation

of the proposed front extension. The front balconies at ground and first floors would project a further 1.7m towards the pavement.

The side extension (on the eastern side) would be recessed 4.7m from the original front elevation of the building, with a width of 3.6m and depth of 7.9m. The extension on this side would include 10 floors from ground to 9th floor. One balcony per floor would be located on this elevation with a maximum depth of 1.7m from the proposed side elevation.

The proposed rear extension would have a depth of 4.4m and a width of 9.6m. The extension would have a comparable depth to the existing rear staircase which would be removed; it would extend up to the 9th floor (10 storeys in height).

At the 10th floor, the extension would be recessed from the original front elevation by 1.2m and 1m from either side. At the rear, this extension would be set in 0.5m from the rear elevation (including rear extension).

At the new 11th floor (the new 12th storey including ground floor), the extension would be recessed 4m from the original side elevations. At the front, this storey would be recessed 3.2m from the original front elevation and between 2.6m and 4.6m at the rear.

The proposals include soft landscaping and planting to the front and side of the site.

Private and communal landscaped amenity areas will be provided; the private amenity would be provided by way of balconies to 57 of the 63 proposed units. At roof level there would be a communal roof terrace with an area of 90sqm. The existing units do not benefit from private amenity space, although the disused parking at second floor accommodates an informal play area with some play equipment.

The proposed accommodation would be comprised of 63 residential units (C3), with accommodation mix summarised below:

- 1 x studio (1p);
- 25 x 1 bedroom flats (2p);
- 28 x 2 bedroom flats (3p);
- 8 x 2 bedroom flats (4p); and
- 1 x 3-bedroom flat (5p).

The existing unit mix is comprised of 5 x 1bed (2p) units, 43 x 2bed (3p) units and 2 x 3 bed (4p) units.

4. Public Consultation

Consultation letters were sent to 624 neighbouring properties.
5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- Increase in traffic due to more occupiers. Station Road cannot be expanded to meet this demand as the railway bridge and commercial buildings limit the widening of the road.
- Increase in congestion;
- No associated parking is proposed, and the current parking allocation for this building is VERY limited and does not have the required number of parking spaces per residential apartment required by Barnet's car parking standards

- Numerous buildings have been redeveloped into flats and there are over 100 new flats in a 100m area. Impact on local infrastructure;
- Inaccurate plans;
- Overlooking between balconies and to residential properties;
- Balconies could set a precedent for others on surrounding roads to do the same affecting privacy;
- Balconies at the front could result in harm to people at ground level;
- No information about the ownership of the car park;
- Do not consider that the car park will work;
- Conflict between car park and proximity to children's play area;
- Fumes of cars next to children's play area;
- Inappropriate size of play space/ loss of existing play space. Additional parking spaces are all nice and well, but if this means reducing recreational space for the inhabitants of the building, this is not acceptable;
- Oppose to the wall adjacent to Lyonsdown Road;

A site notice was erected on the 26th July 2018.

Internal and Statutory consultees were also consulted including the Highways, Environmental Health, London Fire Brigade, Waste and Collection Team, Drainage consultants, and Water companies (Affinity Water and Thames Water). Where responses have been received, they are included in the appropriate section of the report below.

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, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM13 and 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;
- 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 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.

The NPPF advocates a presumption in favour of sustainable development (paragraph 11). Paragraph 117 of the NPPF also stipulates that planning decisions "should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions".

The principle of residential use is considered to be acceptable given that the existing building has a residential use.

The proposal seeks to make improvements to the site (discussed in more detail below) and increase the number of units to optimise the use of the site. In principle, given that the site is within the Town Centre and in a sustainable location, the proximity to the station, and the context in this section of Station Road, there is no in principle objection to the proposed development. There is therefore no objection to the additional units on the site.

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 3 which is considered to be average, and is considered to fall within an urban setting as defined in the London Plan.

Whilst the proposal would increase the density of the site, weight has been given to its sustainable location. 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 proposal would include a mix of 1, 2 and 3 bedroom units, however these would mainly be 2 bedroom units. Given the site's location, close to the town centre with easy access to public transport and local shops, the provision of 1 and 2-bed units is considered to be appropriate.

Impact on the character of the area

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.

Policy DM05 stipulates:

"Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate*
- ii. successful integration into the existing urban fabric*
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline*
- iv. not cause harm to heritage assets and their setting*
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.*

Proposals for redevelopment or refurbishment of existing tall buildings will be required to make a positive contribution to the townscape."

The proposal would seek to enlarge the 10th floor and construct an additional storey (which would be the same height as the existing ancillary storey).

The proposed enlargement of the existing top floor of accommodation (10th floor) would be recessed from the front and both sides by 1.2m and 1m respectively and 1m from the rear elevation. This would reduce the visual prominence of this additional storey from the streetscene.

The proposed construction of an additional storey (11th storey) is also acceptable in principle. The design is such that the top floor would be considerably recessed from all elevations by 3.2m from the front, 4m from the side and a minimum of 2.6m (maximum of 4.6m) from the rear. The recesses to the top storeys would reduce the visual massing of the building from streetscene level. It is considered that this combined with the visual improvements of the building would result in successful integration within the existing built fabric and would make a positive contribution to the townscape on this section of Station Road. It is considered that the development would accord with Policy DM05.

The proposed front extension would be limited to ground and first floor and would result in the building matching the front building line of Endeavour House. The extension would appear subservient and whilst the balconies at these two levels, would project further to the front, these would not appear overbearing and would not overhang on to the pavement. Furthermore, the proposed balconies at the front above first floor level, would be limited in projection to the proposed front extension. The introduction of front and side balconies would add visual interest to the front and "break-down" the massing. These features are complimentary to the building and would improve the appearance of the building on the streetscene.

The tree at the front of the site would be retained. The proposal would include improvements to the front access with a new entrance ramp. Details of the access ramp would be secured by a condition.

The proposed side extension would be recessed from the original front elevation, and along the junction of Station Road and Station Approach, to ensure that it has no greater impact on the footway and on this corner than as existing. Whilst the balconies on this side extension would be visible from the road, it is not considered that these are situated in a position that makes them appear overbearing and do not overhang on to the pavement. The extension would be visible however would read as a relevant subservient addition due to its siting and recess. It is therefore not considered to have an unacceptable impact on the streetscene.

The rear extension would not be clearly visible from the street, and would be acceptable in principle. The projection would have a comparable depth to the existing rear staircase and on character grounds no objection is raised to this element.

No concerns are raised with the principle of the refurbishment to the elevations. The alterations would be an improvement to the visual appearance of the building, which is currently in a state of neglect. The detailing of the building would be conditioned, however the indicative visualisations demonstrate that the improvements would result in a cohesive and attractive building which would make a positive contribution to the streetscene.

The refuse and recycling stores would be located along the south-eastern boundary within the site and at street level (ground floor), where they are currently located. No details have been provided as to indicate the appearance of the bins enclosures however it is considered appropriate for these to be conditioned. The Planning Statement indicates that the bins would be within 10m of the highway collection point, in accordance with the Council's requirements; the same condition will require details of how the refuse would be managed. The siting of the bins would be mainly obscured and is considered acceptable on character grounds.

The changes to the fenestration and introduction to new windows are reflective of the overall modernisation of the building and are deemed acceptable.

Parking at the rear has already been established historically and therefore there is no objection to this element.

The supporting information indicates the proposed materials would be a combination of multi-buff brick, and brick slips. The fenestration would be aluminium and steel balustrade/handrails are proposed. The top two storeys would zinc cladding. Details of the materials would be secured by a suitably worded condition however the indicative palette is considered appropriate for and complimentary of its setting.

Overall, the proposed works are considered to be acceptable on character grounds and would comply with the relevant policies.

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 Councils 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.

There are windows proposed to the side elevation of the building; most of these would be secondary windows and will be conditioned to be obscured glazed. This is considered to prevent overlooking into the units at Endeavour House. Proposed units 4 and 9 would have side bedrooms and living rooms, however Endeavour House does not have any side windows at ground and first floor levels and therefore, the retention of these as unobscured glazed would not result in unacceptable levels of overlooking.

The Daylight and Sunlight Assessment provided as part of the application has considered the impact on light to neighbouring habitable rooms. The report concludes that whilst there would be a small number of windows on Endeavour House which fall below the recommended daylight targets, there is not considered to be a material loss of light and consideration should be given to the urban setting of the site. These neighbouring windows are located within an alcove (north-east and facing the development site) that already falls below the recommended standards, the reduction in terms of the light to these has not been recommended as having a perceivable impact. On balance, given the existing site circumstances, it is not considered that this would warrant refusal of the application.

The impact of the rear extension on the amenities of occupants of Endeavour House would be no greater than the impact of the existing stairwell in terms of daylight and sunlight. The proposed extension would have a comparable rear projection to the existing rear stairwell which would be removed, on balance, it is considered that the visual impact in terms of outlook on the neighbouring residents at Endeavour House would be comparable and therefore acceptable.

Given the distance between the proposed extended building and the other neighbouring properties, whilst the extended building would be visible it is not considered that it would be overbearing or visually intrusive when viewed from any neighbouring building. In addition, it is not considered that there would be greater levels of overlooking at the rear.

The side extension would be in a position that it does not result in overlooking and would not have an overbearing impact on neighbouring properties (Russell Court is the nearest building) than existing.

Similarly, the front extension is limited to two storeys in height and would retain at least 7m from the highway. Whilst there would also be balconies on this side of the road, these would not project on to the pavement, and would not project beyond the front elevation of properties on Endeavour House. The level of overlooking would be comparable to properties with a road in between and it is not considered that the proposed front extension and front balconies would cause demonstrable harm to the privacy or visual amenities of residential properties to the north of Station Road.

Environmental Health officers have reviewed the scheme and considered that subject to conditions the proposal would have an acceptable impact on neighbouring occupiers. The energy and sustainability reports indicate that there will be no plant on site other than the boiler, however the applicant has confirmed that MVHR units are proposed which has the potential to be very noisy. To ensure that the impact is adequate for neighbouring occupiers, EH officers considered that these details could be assessed via a suitably worded condition which is attached.

Overall, and on balance, 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:

- 1b 1p unit would require 39sqm (37sqm if it is a shower room);
- 1b 2p unit would require 50sqm;
- 2b 3p unit would require 61sqm;
- 2b 4p unit would require 70sqm;
- 3b 5p unit would require 86sqm.

The majority of the existing units fail to meet the London Plan standards. The proposed reconfiguration and internal works would result in all the existing units and the new units meeting and exceeding the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for single and double rooms (respectively). It is considered that significant weight should be given to the improvements to the existing units and the associated improvements to the quality of internal spaces for future occupiers.

All proposed residential development should provide suitable outlook and daylight for future units. In terms of light, the applicant has provided a Daylight and Sunlight assessment which indicates that 96% of the habitable rooms within the development would surpass BRE and British Guidance standards. The report stipulates the following:

"There are however 2 bedrooms and 4 L/K/D's that fall below the target levels (i.e. 1% for Bedrooms and 2% for kitchens or LKD's).

Of the 4 L/K/D's that fall below the 2% target, 2 will receive levels above 1.5%, which is suitable for a living room. The remaining 2 LKD's and 2 bedrooms are located in the north east facing elevation adjacent to Endeavour House.

The BRE guide states in its introduction that the criteria need to be interpreted flexibly, especially in urban centres. The level of compliance with ADF targets is very high at 96% (or 98%) and should be considered accordant with BRE guidance in this urban context."

In terms of sunlight, 51% of the flats would meet the recommended sunlight levels; this is mainly as these living rooms are on the northern elevation of the building. However, given the existing flats, the urban setting and that BRE guidance specifies that "it may not be possible to have every living room facing within 90° of due south", this sunlight received by the units is generally considered to be acceptable.

It is noted that the proposed development includes a large number of single aspect north facing units. These are advised against in the Mayor's Housing SPG. However, it is acknowledged that the existing building includes similar units. On balance however, considering the existing flats and the improvements to the overall amenity of future residents and the quality of the accommodation, the light and outlook to the flats is considered to be acceptable.

With regards to outlook, it is acknowledged that due to the multi storey car park, the outlook to the rear ground and first floor units is limited. However, comparatively this would represent an improvement in terms of the outlook of the existing units. In addition, the proposed rear lightwells would provide some outlook to the rear units at the rear. It is considered that on balance, the increase in the internal areas would offset the limited outlook on to these lightwells.

In addition, there are two units (units 4 and 9) which would have a double bedroom located to the side elevation fronting Endeavour House, as well as living room windows. These windows are located to the side to prevent overlooking into the car parking, and loss of privacy for future occupiers due to overlooking from the car park into the units. Whilst this would not normally be supported, consideration has been given to the increase in the floor area and the overall improvements to this building. The other bedrooms of these two units would have a window to the other side to prevent insufficient privacy (due to the location of the car park). It is not considered that these bedrooms would result in direct mutual overlooking on to the habitable rooms of the neighbouring flats (Units 2 and 7) due to the oblique angle. To prevent mutual overlooking on to garden of Unit 2, a condition has been added to require privacy screens to the garden.

In terms of the other units, it is considered that these would all generally benefit from suitable levels of outlook. It has been recommended that to prevent overlooking between some balconies, a condition requiring privacy screens has been attached. Subject to suitable details, there would be high quality amenity for future occupiers.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision communally around buildings or on roofs or as balconies. The Sustainable Design and Construction SPD stipulates that 5sqm are required per habitable room.

Consideration has been given to the lack of outdoor amenity space for the existing units. The proposal would provide private outdoor balconies/ gardens to most of the units, as well as a communal terrace at roof level, which would represent an improvement in the quality the accommodation for future occupiers. In addition, the new units would comply with the relevant outdoor amenity space standards.

In addition, London Plan Policy 3.6 (Children and Young People's Play and Informal Recreation Space) states development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The benchmark standard of the Shaping Neighbourhoods: Play and Informal Recreation SPG (2012) recommends a minimum of 10sq.m of dedicated play space per child as a basis for assessing existing provision within an area; this is the standard used in Barnet. In accordance with the SPG calculator 44sq.m would be required.

The proposal would include an area of 46.6sqm at the second floor level of the car park. Details of the play space would be conditioned. It has been noted that there would be a loss in terms of the informal play space at this level to accommodate the parking. It must be noted however that this area was originally not allocated as play area but it has been developed as such due to the lack of use of the parking (due to the broken car lifts). As such, on balance the reduction in the amount of existing play area is deemed acceptable; the proposal would accommodate more parking and would still provide a play area which is compliant with policy.

As mentioned above, Environmental Health officers commented and considered that the proposal would have an acceptable impact on the amenities of residents, subject to conditions. The construction of this extension could be noisy and dusty for the inhabitants of the current building therefore a Construction Method Plan is required by a condition. Due to the proximity to the railway and to a lesser extent the local road, the EH officer has added a condition requiring a noise report.

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

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 currently accommodates 50 flats, and the applicant has confirmed that all of which are currently occupied. The accommodation mix of these existing units includes 5 x 1 bed units, 43 x 2 bed units, and 2 x 3 bed units.

Car parking for the existing building was originally provided in the form of a multi-storey car park accessed via an access point off Station Approach in the north-east corner of the site, with access between floors achieved via two car lifts. At the time of the visit, the upper floors of the car park were not being utilised and appear to not have been for some time.

The upper floor of the multi-storey car park has however been converted into a children's play area, with only the ground floor area currently accessible for parking, accommodating 15 car parking spaces, "a ratio therefore of 0.3 spaces per unit". The parking area is, however, in a general state of neglect.

Parking Assessment

The assessment of vehicular parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2) parking provision at the higher end of the council's parking policy range would be required.

The Public Transport Accessibility Level (PTAL) assessed for the site using the PTAL assessment tool by Transport for London (TfL) is assessed as 3. However, the tool also provides indication of the future PTAL assessment for the site in 2021 as 4.

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).

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

- 26x1b = a range of (0.0 - 1.0) = 00.00 - 26.0 parking spaces required;
- 36x2b = a range of (1.0 - 1.5) = 36.00 - 54.0 parking spaces required;
- 1x3b = a range of (1.0 - 1.5) = 1.00 - 1.5 parking spaces required.

In accordance with Policy DM17, this would equate to a range of parking provision of between 38 to 82 parking spaces for the proposed residential development.

The parking requirement therefore with PTAL rating of the site of 3 would require parking provision of 64.4 parking spaces and with PTAL rating of 4 the parking requirement would be 55.6 parking spaces for the proposed development.

The parking assessment for the existing development would have required parking provision of between 45 to 72.5 parking spaces in accordance with the current DM17 Parking Policy. However, only 15 parking spaces are provided.

Therefore, although provision of 45 parking spaces would result in minor shortfall in parking, in comparison with the existing parking provision would be a significant improvement and potential overspill of parking would be less.

A Transport Statement (TS) prepared by Markides Associates has been submitted with the planning application.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.93 per household. Based on the car ownership data the proposed development is likely to generate a parking demand of 59 parking spaces which is likely to result in a shortfall in parking provision of 14 parking spaces.

However, the consultants have undertaken assessment of parking demand for the existing 50 residential units of 41 parking spaces which could result in overspill parking by 26 vehicles.

Parking Beat Survey

The consultants also undertook parking beat survey as required under the DM17 Policy to justify the shortfall in parking provision as follow.

The Surveys were undertaken on Monday 25th September and Tuesday 26th September 2017. In addition, a survey was undertaken on a Saturday morning (10.00 23rd September) to account for people living north of New Barnet Railway Station that may have driven to the area, parked, and used the Railway Station to access central London.

The results of the survey showed that although parking stress during the daytime is as high as 90%, parking stress during the night time is 85% which would be time when the residential parking demand would be at its highest.

Taking into consideration the following factors:

- The site is within a walking distance of town centre location and local amenities;
- The overspill parking is likely to be less than the existing use of the site;
- The site is located in an area with a Public Transport Accessibility (PTAL) score of 3 and potential PTAL future rating of 4 as confirmed by TfL.

When assessed against the current DM17 parking policy for the existing residential development within PTAL 3, the parking requirement would be 61.5 parking spaces as only 15 existing parking spaces the shortfall in parking provision is 46.5 parking spaces which is significantly higher than the proposed development.

Therefore, on balance, the proposed development with minor shortfall is acceptable on highway grounds.

Trip Generation

Within the TS the consultants carried out a trip generation assessment for the proposed development using the industry standard TRICS database which indicated the potential vehicular trip generation during the AM and PM Peak hours.

The vehicular trip assessment undertaken by the consultants has indicated that the application site will result in a negligible change trip increase which can be accommodated within the local highway network.

Electrical Vehicle Charging Points (EVCPs)

Electrical Vehicle Charging Points would need to be provided in accordance with the London Plan Parking Standards. A condition will be applied to this effect.

Cycle Parking

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 100

cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). At basement level, each unit would benefit from a storage unit which would accommodate the cycle stores. A condition has been added to ensure that the stores are only used in conjunction with the main building.

Refuse Collection

Refuse stores are to be provided within the site and close to the frontage of the site along Station Approach. The bin store should be located at ground level within 10m of the public highway on a levelled surface.

Highways recommendation

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

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, in exceptional cases, 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.

The applicant's viability report has been independently assessed and it was considered that as the proceeds of the new build element would be used to refurbish the existing asset (building) prior to these being sold/ occupied, it was appropriate to assess the viability of the building to determine the residual land value of just the new build element of the scheme and benchmarked that against the residual land value of the new build element providing a policy compliant level of affordable housing. There was a great deal of discussion on this

approach, however the applicant provided an offer which was reviewed by the independent consultant and considered to be reasonable considered the site circumstances.

As a housing association or registered provider would not acquire the small number of units within this scheme it was considered that a payment in lieu to the Council would be reasonable as an off-site contribution to affordable housing. The Council's Affordable Housing officer has agreed with this recommendation.

This scheme is able to deliver a commuted payment of £300,000 in lieu of on- site provision or of provision off site at another location. The independent assessment of the viability report specifies this provision is justified given various factors. It has not been considered that a review mechanism would be appropriate; technically the Applicant is providing the 35% affordable housing requirement but through the payment in lieu. Ultimately, the requirement for a review mechanism is unnecessary in the sense that there will be no significant changes to the outcomes of each scenario if they were to be reassessed in 12 - 18 months' time.

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.

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). In addition, the Sustainable Design and Construction SPD stipulates that for major development 10% of the units would need to be wheelchair adaptable in accordance with M4(3). The applicant has confirmed that of the new dwellings, 90% the units would comply with M4(2) and 10% with M4(3). The proposed development (in so far as the new dwellings) 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 35% CO2 reduction over Part L of the 2013 building regulations for the new flats. For the refurbished flats the applicant has confirmed an improvement of at least 35% in carbon dioxide emissions when compared to the existing building's calculated Emission Rate (SAP Appendix S). 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.

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.

Although the site has not been identified as being located in an area with a high probability of flooding (Flood zone 1), it is a major development and therefore the assessment of drainage is required. Officers have consulted with the Drainage Consultants representing the Lead Local Flood Authority. The Drainage consultants have reviewed the information and proposed the comments in this section.

The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practical Guidance. In accordance with Table 3 of the Planning and Practical Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1.

A surface water drainage strategy has been provided which proposes a runoff rate of 10.5 l/s which is 50% better than the existing runoff rate.

Correct climate change factor (40%) applied in the pre and post-development runoff volume as per Environment Agency (2016) guidance.

The applicant proposes the use of Green Roof and Cellular. Such techniques are considered appropriate.

Based on the submitted documents, the Lead Local Flood Authority (Drainage consultants) have no objection in principle to the proposed development, subject to a recommended condition.

Thames Water raised no objection to the scheme however advised that an informative was added to the recommendation. Thames Water specified that they would expect the developer to demonstrate what measures would be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. They advised that should the Local Planning Authority be minded to approve the planning application, Thames Water require the informative to be added to advise the applicant to apply for a Groundwater risk management permit; this has been attached.

Arboricultural Impact & Landscaping

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 site is not within a Conservation Area and there are no protected trees on the site. Due to the existing large area of hardstanding, there is very limited vegetation on the site. There is a Norway Maple located at the front of the site which is in relatively good condition. The Tree Survey Report and Arboricultural Impact Assessment makes recommendation to protect this tree during construction. Areas of hard standing, including footpaths and car parking spaces, are proposed within the RPAs of trees to be retained. The existing site is already covered with hard standing in these areas, and therefore where hard surfacing exists within the RPAs this is to be retained in situ and re-used.

Officers consider that the recommendations in the report are appropriate and as such its implementation would be conditioned.

In terms of landscaping, a scheme of soft and hard landscaping would also be conditioned.

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

Planning related comments raised by objectors have generally been addressed in the report above. In addition, the following responses are provided:

"Fumes of cars next to children's play area"- Whilst planning can mitigate against some detrimental health impacts of development, the playground at this level already exists and it is not considered that the siting next to the refurbished parking area would result in unacceptable impact to the health of residents to warrant refusal of the application.

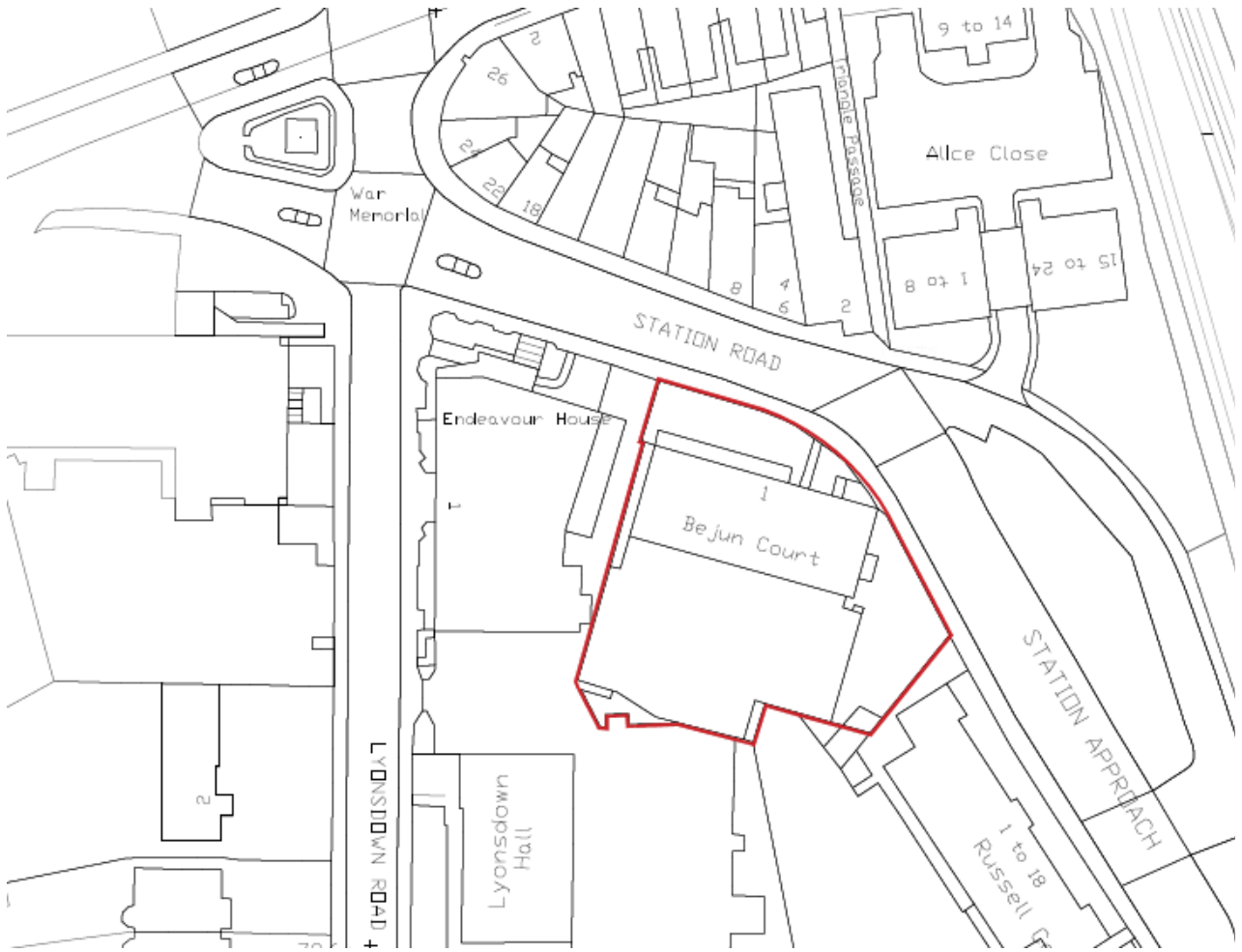
"Oppose to the wall adjacent to Lyonsdown Road" - As part of the amendments to the scheme; this aspect was removed.

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 applicant has demonstrated the considerable benefits of the proposed works including improvement the amenity of future residents, redeveloping a brownfield site, contributing to housing in the borough and affordable housing contributions, and overall refurbishment of an existing derelict building which would result in improvements to the character of the area. It is accepted that the outlook to two of the ground and lower ground units is not ideal, however it is considered that on balance, the overall improvements the existing/ future occupiers would outweigh this issue in this case.



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

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

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

7 a) 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.

b) 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) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the proposed dwellings, 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 2016).

- 9 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing 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).

- 10 The proposed ecological mitigation and enhancements as recommended within the approved Phase 1 Habitats Survey (dated 01.11.2018) shall be carried out in full accordance with the details recommended in this document.

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 April 2016).

- 11 Before the occupation of Plot 1, the proposed window on the first floor of the side elevation facing Rogate 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.

Before the occupation of Plots 2, 3 and 4, the proposed side windows shall be glazed with obscure glass and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 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 and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Plots, 1, 2 and 3 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).

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 461816-10 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.

- 14 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).

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

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

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

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

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% 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.

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

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

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 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.

Officer's Assessment

1. Site Description

The application site comprises of the property known as High Prospect and land forming part of the rear curtilage of properties Rogate and Saxby. The properties are located on the end of Arkley Drive, sited off Barnet Road. With the exception of the dwelling at High Prospect, the land is currently in use as the rear gardens to all three properties and is comprised of lawn with various trees and shrubs distributed throughout.

Arkley Drive is a private residential street comprising of large detached, two-storey family properties. To the west of the site is a modern residential close (Carrington Close) comprising of two-storey detached properties.

There is a Birch tree on the front boundary between High Prospect and Rogate which is subject to a Tree Preservation Order (TPO). The land to the north of the site is designated as Green Belt, and a Site of (Borough) Importance for Nature Conservation.

2. Site History

Reference: 18/1711/FUL

Address: High Prospect and Land Rear of Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Approved subject to conditions

Decision Date: 04.05.2018

Description: Demolition of existing house. Erection of 3no. two storey detached dwellinghouse plus rooms in the roofspace with associated landscaping and parking.

Reference: 17/7392/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Refused

Decision Date: 19.01.2018

Description: Demolition of single storey side extension to property known as Rogate. Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

Reference: 17/5618/OUT

Address: Land Known as Rogate & Saxby, Arkley Drive, EN5 3LN

Decision: Withdrawn

Decision Date: 05.10.2017

Description: Demolition of single storey side extension to property known as Rogate. Provision of access road and erection of two detached two-storey dwelling houses (Outline Application with access and layout being considered)

3. Proposal

The application seeks the demolition of the property known as High Prospect and the erection of 4no. two-storey detached dwellings. The proposal would also consist of a new access road to the rear of the site to serve the proposed dwellings and provision of associated landscaping and parking.

The scheme proposes a detached, two-storey, six-bedroom house to replace the existing property at High Prospect. A new access road would extend from Arkley Drive along the

north-western side of High Prospect leading to 3no. detached properties to the rear, comprising of 2 x 5-bedroom and 1 x 6-bedroom units.

4. Public Consultation

Consultation letters were sent to 22 neighbouring properties.
42 responses have been received, comprising of 42 letters of objection.

The objections received can be summarised as follows:

- Contrary to NPPF;
- Overdevelopment;
- Cramped form of development;
- Back land development is out of character;
- Poor design;
- Bulk and mass does not fit with this semi-rural location;
- Appropriate provision of new access road to serve the rear properties;
- Plot of 3 rear houses are not consistent with the layout or character of the road;
- Plot sizes are not in keeping;
- Loss of daylight / sunlight;
- Overlooking to Carrington Close;
- Overbearing to Carrington Close;
- Overlooking to existing properties in Arkley Drive;
- Creation of new dwellings will generate additional noise;
- Width of the proposed access is inadequate for simultaneous access, leading to a build-up of traffic and vehicle congestion;
- Emergency vehicles could not access the rear properties;
- Lack of parking;
- Loss of trees;
- Lack of landscaping to provide screening between the properties;
- Restrictive covenant presents construction on this land;
- Sewage issues

Theresa Villiers MP has submitted an objection to the application based on that the proposal is an overdevelopment of the site and constitutes back land development which is inappropriate and out of character with the area. The existing infrastructure is unable to cope with the additional dwellings. The proposal will result in overlooking of existing residents and loss of light.

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 26 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 Mayors 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, CS7, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM15, DM16, DM17

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 site, the street scene, the wider locality and the setting of the Green Belt;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking;
- Trees, landscaping and ecology;
- Any other planning considerations

5.3 Assessment of proposals

A previous application (LPA reference 18/1711/FUL) was approved by the Chipping Barnet Area Planning Committee on 24.04.2018 for the demolition of High Prospect and the erection of 3no. two-storey detached dwellinghouse with associated landscaping and parking. The approval comprised of the erection of 1 x 5-bedroom and 2 x 6-bedroom family dwellings. The dwellings were two-storeys in height, with pitched roof and a traditional external appearance. The dwellings ranged in size from 353sqm to 432sqm. The rear dwellings would be served by a new access road extended from Arkley Drive.

Impact on the character and appearance of the existing site, surrounding area and setting of the Green Belt

The principle of the proposed form of development was previously established through 18/1711/FUL. This form comprised of a replacement house at High Prospect and a new access road leading to new dwellings at the rear of High Prospect, Rogate and Saxby.

Previously it was considered that the access road would appear as a natural continuation of Arkley Drive, albeit narrower, but still considered to reflect the character of the road. The proposed siting and width of the access and the provision of two passing places remains unchanged from the previous application. Therefore, the material considerations towards this assessment remain unaltered and is still considered acceptable. The submitted plan details that the access road is to be constructed of a ground reinforced grid with gravel infill. Further details of this are sought via a condition to ensure that a high-quality material is proposed and retains an acceptable visual appearance.

In terms of the new plots at the rear, it was considered that the plots have a closer 'visual connection' with the plots along Carrington Close and not those on Arkley Drive. From the submitted proposed site plan, the positioning of the proposed dwellings still supports the previous assessment. In addition, the subdivision of High Prospect, Rogate and Saxby still respects the plots along Arkley Drive and maintains the separation of built forms. The existing pattern of development along Arkley Drive would be maintained. While the proposal now seeks an additional dwelling to the rear, the position and layout of the proposed plots is considered to be acceptable and is not considered to have a harmful impact on the character and pattern of the surrounding area. Whilst the proposed dwellings to the rear have a close relationship with other in terms of separation, this is not considered to be uncharacteristic. On the site location plan, it is evident that a large majority of properties within the surrounding area share a similar separation distance between adjacent properties.

The proposed plot sizes and plot coverage are considered to be reflective of those in the surrounding area and the proposed siting and footprint would ensure the proposed dwellings have an acceptable setting within their plots. The previous scheme had a development footprint of approximately 450sqm to the rear. This proposal would have a development footprint of approximately 495sqm, a net increase of 45sqm. This is not considered to be significantly harmful.

In terms of the scale, massing and height of the rear dwellings, it is considered that while they are large dwellings, they are reflective of the style and scale of the surrounding dwellings. The dwellings are traditional in appearance, two storeys in height with a pitched roof and have a fairly ordered external appearance. The dwellings in this scheme measure approximately 0.5m lower than those previously approved.

The proposed replacement of High Prospect is predominately unchanged from the previous approved application. It is considered that this dwelling is of an appropriate scale, massing and layout which is similar in appearance to the existing properties along Arkley Drive. The proposed height of Plot 1 would be comparable to the existing properties and is considered to be an appropriate addition within the street scene. The width of the dwelling is considered to be acceptable and an appropriate setting of 2.5m between Plot 1 and Rogate would be maintained. While the provision of a turret style wing is not a characteristic feature, as the dwelling is located at the end of Arkley Drive, its visual impact is considered to be limited and not harmful to such a detrimental extent.

The overall amount of new hardstanding is considered to have been minimised throughout the development. Through the use of a high-quality material, its visual impact can be adequately mitigated.

Taking into account that the proposed dwellings are reflective of the surrounding properties in terms of massing, scale and height, they are not considered to adversely affect the setting of the adjoining Green Belt. The orientation of the dwellings within Plots 2, 3 and 4 are also considered to help reduce the visual impact when viewed from the Green Belt towards the site. The applicant has submitted a Landscape Masterplan which details a significant level of new planting throughout the site which will help provide mitigation and screening of the proposed development between the Green Belt and the neighbouring sites.

Overall, the proposed development is found to have an acceptable impact on the surrounding area and would maintain and reflect the character and appearance of the site, Arkley Drive and the surrounding area.

Impact on the amenity of neighbouring residents

The application site is bounded by neighbouring properties to the east, south and west.

The Council's Residential Design Guidance SPD advises that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development, there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

In terms of Plot 1, it is not considered that this unit would result in any harmful impacts on the amenity of neighbouring properties. There would be sufficient separation distance between the dwelling and Ridge House opposite to comply with the SPD requirements. While the rear building line would project beyond the rear of Rogate, it is not considered to be to an extent which would have a significant overbearing impact. Also considering that Plot 1 would be located to the north of Rogate, it is not considered to result in a significant level of loss of light or outlook.

In terms of rear dwellings, they all would adequately meet the SPD requirements in that there is in excess of a distance of 10.5m to the rear boundaries of Plot 1, Rogate, Saxby and those properties to the west in Carrington Close. Taking into account the separation distances between the neighbouring boundaries and rear elevations, all of the proposed plots are considered not to have any harmful impacts in terms of overlooking, overbearing or loss of light.

There are minimal windows proposed on the side elevations of all properties to the rear. The windows proposed serve bathrooms and therefore can be fitted with obscure glazing to prevent overlooking.

In summary, the proposal is not considered to result in any significant levels of impact on the residential amenity of neighbouring occupiers.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The proposal would provide a replacement dwelling at High Prospect of 6-bedrooms measuring 422sqm, a 5-bedroom dwelling at plot 2 measuring 334sqm, a 6-bedroom dwelling at plot 3 measuring 353sqm and a 5-bedroom dwelling at plot 4 measuring 334sqm. Each of the dwellings are very large in footprint and would benefit from good levels of outlook, daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. Each of the dwellings would have large private gardens ranging between 340sqm to 405sqm.

In order to reduce the associated noise resulting on Plot 1 from the proposed access road, it is proposed to erect an acoustic fence along the side boundary with the access road. This is considered to be acceptable and it is not anticipated the level of noise or disturbance resulting from the access road would be to a significant level. Further details of the acoustic fencing will be sought via a condition.

Overall, the proposed dwellings would provide adequate accommodation for future occupiers.

Highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

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

For detached houses (4 or more bedrooms) 1.5 - 2.0 spaces per unit

The application proposes 2 x 5-bedroom and 2 x 6-bedroom dwellings which would benefit from integrated garages and individual parking areas within each plot. The submitted plans illustrate that each dwelling could accommodate provision for at least 2 car parking spaces and therefore is compliant with DM17 parking requirements.

As the proposed access is from a privately maintained road, the Council's Traffic and Development service have no highways comments to make as it is not expected to have any impact on the public highway. The access road would be 3.7m wide and is not considered to raise any significant conflicts between pedestrians and vehicles. Two passing bays have been included along the access road; one at the top adjacent to plot 1 and another further down towards the bend at plot 2. This is considered to satisfactorily address any potential vehicle conflict entering or leaving the access road.

In summary, the proposal is not considered to raise any harmful effects in terms of highways and each dwelling would be provided with acceptable parking provision.

Trees, landscaping and ecology

There is 1 TPO Birch tree located at the front of High Prospect. This is proposed to be retained under the proposed development. The remaining trees throughout the site have no protection designation and as such any loss of trees is difficult to resist. The submitted arboricultural report provides a general overview and observations. It does not provide any detailed method statement relating to works around the TPO tree or any protection measures. However, it is considered that this could be appropriately mitigated through the use of planning conditions.

The applicant has submitted a landscape masterplan which illustrates that there will be extensive new planting throughout the site, allowing for mitigation, screening and increased biodiversity and landscape enhancement. It is proposed to retain the existing row of trees along the western boundary, with new mature trees planted on the boundaries of Ravenholt, Rogate, Saxby and Carrington Close. Overall, the proposed landscaping plan is acceptable in principle.

The applicant has submitted a Phase 1 Habitats Survey which assesses the ecological impact of the proposed development. The survey consisted of a site visit and an external/internal inspection of High Prospect. In describing the site, it is noted that there are no natural or semi-natural habitats such as woodlands, hedgerows, rivers or streams. There is a small garden pond and a swimming pool at High Prospect. The rest of the site consists of mown lawn. The survey concluded that the site is of low conservation importance. The inspection of the existing dwelling did not find any evidence of bats and the building was in good condition and the building was not considered optimal for bats and had a negligible potential for bats.

Sustainability

The applicant has provided a sustainability statement confirming that the proposal will achieve an improvement of not less than 10% in carbon dioxide emissions, the proposed dwellings will have 100% of its water supply through water meters, and the dwellings will be constructed to satisfy M4(2) of the Building Regulations.

5.4 Response to Public Consultation

The considerations raised within the letters of objection have been addressed within the assessment section of the report. Further responses to a number of other raised issues are provided below:

Breach of land covenants - This is a civil matter.

Noise and congestion from construction period - Problems arising from the construction period are covered by separate legislation enforced by Environmental Health.

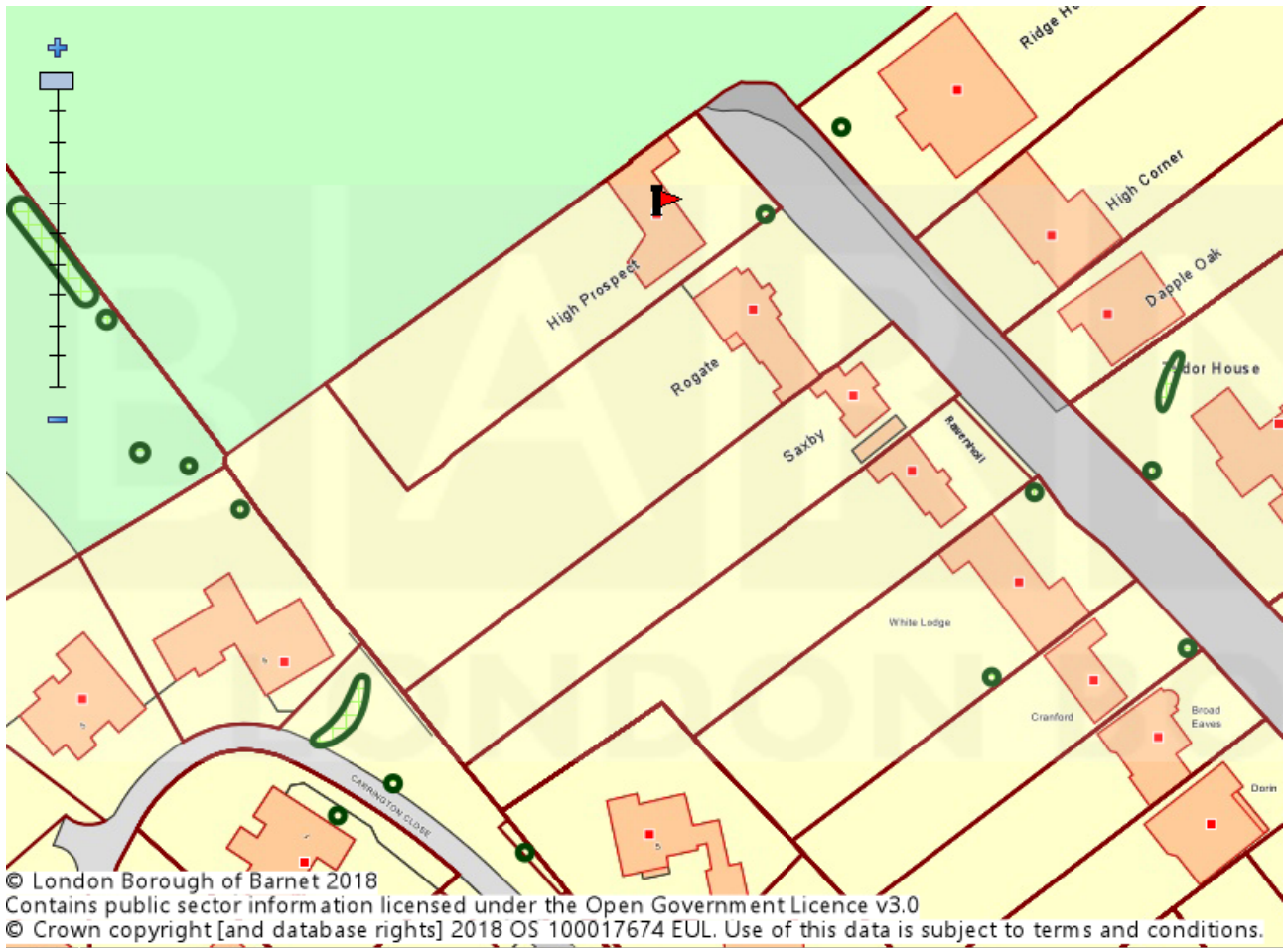
Pressure on existing sewage infrastructure - Matter controlled under building regulations.

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. It is considered that the proposal would not have a harmful effect on the setting or openness of the Green Belt. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.



Location: Land To The Rear Of West Walk Barnet EN4 8NU

Reference: 18/1689/FUL

Received: 15th March 2018

Accepted: 6th July 2018

Ward: Brunswick Park

Expiry: 31st August 2018

Applicant: Mr Freed Developments

Proposal:

Construction of 5 no. two storey terraced dwelling houses including accommodation in the roof. Provision of 8 no. off-street parking spaces, associated refuse storage and amenity space and replacement allotments. Creation of new pedestrian access on Uplands Road.

AGENDA ITEM 10

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:

- Extended Phase 1 Ecological Habitat Survey Report by Hone Ecology (Final Report V1, 20th October 2017)
- Flood Risk Assessment for the Proposed Development at Land to the Rear of West Walk, Barnet by Herrington Consulting Limited(Revision 2, February 2018)
- Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement by David Clarke (April 2015)
- Drawing No: TPP/LROWWB/010 E
- Drawing No. 1424.P.01
- Drawing No. 1142 P 100 Rev A
- Drawing No. 1142 P 200 Rev A
- Drawing No. 1142 P 120
- Drawing No. 1142 P 121
- Drawing No. 1142 P 110

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 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).

- 4 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.

- 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, 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 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1142 P 100; 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.

- 8 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).

- 9 Prior to occupation hereby permitted a Community Use Agreement Plan for the allotments shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:
- (i) Hours of opening for the allotments provided at the site.
 - (ii) Pricing policy on charging for use of the facilities provided at the site.
 - (iii) Policy on access and availability to the sites facilities for non-residents and non-members.
 - (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
 - (v) Parking arrangements for users of the site.
 - (vi) Code of conduct for users of the site.
- The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason: To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

- 10 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.

- 11 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).

- 12 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.

- 13 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.

- 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 40% 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.

- 15 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 - E of Part 1 of Schedule 2 of that Order shall be carried out within the area of site identified within the site location plan 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).

- 16 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 East and West elevation facing.

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).

- 17 The premises shall be used for C3 and for 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.

- 18 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection as detailed in the approved Arboricultural Report dated May 2015 has been erected around existing trees on the 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 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.

- 19 a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 20 The hereby approved pedestrian access from Uplands Road shall only be accessible to pedestrians and shall at no time be used as a vehicular access.

Reason: 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.

- 21 a) Before first use of the pedestrian access, a scheme of lighting accompanied by a light survey report shall be submitted to and agreed in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the information approved under this condition before the pedestrian access is first brought into use 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 neighbours and 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).

22 a) Prior to first occupation of the hereby approved residential units a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

23 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).

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.

- 4 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.
- 5 Any and all works carried out in pursuance of this permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

Officer's Assessment

Following discussion of the item, this application was deferred at the last meeting of 13th November 2018 Chipping Barnet Area planning Committee in order to allow the applicant to reconsider the refuse/recycling collection point from West Road as opposed to from Uplands Road. It was confirmed at the last meeting that Members had no objections to the new pedestrian access on Uplands Road.

The applicant has amended the plans omitting the collection point from Uplands Road and confirmed that refuse and Recycling collection point would be from West Road.

A condition is attached to ensure that before the development is first occupied, details of enclosures/ screened facilities/ bin storage together with a satisfactory point of collection is submitted to and approved in writing by the Local Planning Authority.

The description of the development has been amended to read as follows:

Construction of 5 no. two storey terraced dwelling houses including accommodation in the roof. Provision of 8 no. off-street parking spaces, associated refuse storage and amenity space and replacement allotments. Creation of new pedestrian access on Uplands Road.

1. Site Description

The application site, a triangular vacant plot historically used as allotment land is located between West Walk, Woodfield Drive and Uplands Road. Whilst the site benefits from several access points, the development that is the subject of this report is currently accessed via a private road from West Walk. This road also serves garages that belong to properties on West Way.

The site is not subject to any specific restrictive Planning designations.

It should be noted that previously approved scheme of 5 residential units under Planning Permission Reference 16/4682/FUL has been implemented and substantially completed.

2. Site History

16/4682/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments)
- Approved: 17/10/2016 (Planning Committee)

15/02741/FUL - Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments) - Approved: 17/09/2015 (Planning Committee)

3. Proposal

The current submission seeks planning permission for the 'Construction of 5 no. two storey terraced dwelling houses including accommodation in the roof. Provision of 8 no. off-street parking spaces, associated refuse storage and amenity space and replacement allotments. Creation of new pedestrian access on Uplands Road and proposed refuse and recycling collection point.'

Dimensionally, the development remains unchanged from the approved scheme of application referenced: 16/4682/FUL (dated: 17/10/2016). For clarity of the members, the previous application's Officer proposal description has been provided below to highlight what has previously been considered and approved.

The proposed terrace of 5 houses will contain a depth, width and height of 10m x 26m x and 8.5m (At its highest point), respectively. The new block will have an combined internal floor area of circa 260m². Each four bedroom house will contain an internal floor area of circa 104m² and external amenity space of 73m². The proposed building will be located 2m from the Eastern, 5m from the Western boundary, 14.1m from the Southern boundary and in excess of 50m from the Northern boundary. 6 allotments plots, 8 parking spaces and refuse storage would be located to the North of the building. The new terrace will be of a fairly traditional design with hipped roofs, subordinate dormers, modest porches with Georgian fenestration.

In the current application (18/1689/FUL) the only changes from the previously approved scheme that is being considered in this Officer assessment report is the creation of a new pedestrian access route and refuse set-down point on Uplands Road. The applicant proposes to separate a narrow corridor of land (between 1.5m and 4m in width) from the plot of No. 29 Uplands Road to create a new pedestrian access route parallel to, and independent of, the existing private access route adjacent to No. 29 Uplands Road. A new refuse set-down point (for day of collection only) is proposed at the front of the new pedestrian access.

4. Public Consultation

Consultation letters were sent to 184 neighbouring properties. 35 responses have been received, comprising 34 letters of objection.

Cllr Lisa Rutter requested the application be heard before committee on the grounds that the development is contrary to Barnet and National policies designed to protect back land sites.

The objections received can be summarised as follows:

- Proposed space for wheelie bins and food bins is not big enough and a number of issues have been raised around this: they will create obstruction; the space is not big enough and will lead to them spilling out onto Uplands Road; too far from proposed houses; the space for all the bins will be unsightly; and, will not be removed from collection site till residents have returned from work
- The area is prone to flooding often, any more water and sewerage will cause a strain on these services and more flooding implications.
- Overstretched drains and sewerage could pose a health hazard. Currently the sewers cannot cope and 62 West Walk experiences unclean water coming up the garden

path, if more properties are added to the sewer then it is likely that contaminated water will reach the fountains of the house and cover the front garden.

- House value loss for surrounding area
- Increase in traffic generation
- Concerns and uncertainty over lighting on pedestrian access that could affect houses on West Walk
- Developer has trespassed on private land and chopped down plants belonging to other local residents without seeking their permission
- Concerns that vehicles will use proposed pedestrian access
- Concerns of access for emergency services
- Infringement of private land and ownership rights
- There is a current court case concerning access ownership/ right infringement, the application should not be determined until this is decided
- The private track is owned by freeholders and the developer wants to run services along this proposed pedestrian access which currently has no permission for
- To provide pedestrian access, the planning application requires the developer to demolish the garage which is on his land beside no.29 Uplands Road. One of the main walls of this garage is part of a fence which separates no.29 Uplands from the private space track behind 12 of the properties in West walk. If this wall is not replaced by a fence, the occupants of the 5 houses built will trespass
- The proposed pedestrian access will cause several problems
- Increased security risk to surrounding neighbours
- Unsocial behaviour and disturbance in the alley way
- The Council have not consulted the public correctly as several neighbours did not receive letters.

4.1 Internal/Other Consultation

Highways:

No objection in principle - however there have been a number of issues relating to the construction phase and rights of way. The impact of vehicles not being able to access and park within the development could have an impact on Highway safety, traffic (its generation and movement) and parking (generation of over spill parking on the surrounding highway network) which are material considerations.

In light of these factors, without the information on rights of way a recommendation for approval cannot be fully supported by this team. If applicants wish to overturn this

recommendation details will be required which illustrate the agreement which permits future residents the ability to access from the public highway to the development.

London Fire Brigade:

Initial comments [10.09.2018]: The Commissioner is not satisfied with the proposals, for the following reasons: Insufficient information provided in relation to access and facilities for fire fighters, as set out in Section B5 Approved Document B.

Follow-up Comments following additional information [31.10.2018]:

The proposal appears to be satisfactory, subject to adherence with written comments and additional information provided in the email forwarded to London Fire Brigade on 22/10/2018.

Waste & Recycling: No objections

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, DM04, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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 locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to highway safety;
- Whether harm would be caused to trees.

5.3 Assessment of proposals

As outlined in the 'History' section of this report, similar proposals have been granted permission by the Planning Committee in 2015 and 2016. The current application seeks planning permission for an additional pedestrian access route and refuse set-down point on Uplands Road to be used in conjunction with the approved 5no. residential developments.

As such, the 5no. residential units and its associated parking provisions, refuse storage area, and allotments will not be re-assessed here. However, for the clarification purposes of the Members of the Committee the previous Officer's Committee report is provided below to inform what has previously been considered and granted Planning Permission.

Principle of Development

The discussion around the principle of development centres around two key issues. Firstly, the concept of a back-land development and secondly the loss of allotment or open space.

a) Back-land Development/Garden Grabbing

Core Principle 8 of the NPPF 2012 advises that housing should be located in suitable locations and that this should be achieved by 'encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. This would not preclude development on land that does not fall within the definition of previously developed land. As such, applications that are for development on land not defined as previously developed land should be assessed on their merits with reference to the development plan. In this case Development Management Plan Policy DM01 states:

'i) Protecting Barnet's Character and Amenity 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. In order to protect character Policy DM01: Protecting Barnet's Character and Amenity requires development to 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.'

Policy DM01 does not preclude development on vacant space. The last sentence of this policy is very clear, '...Development that is out of scale and does not respect the setting of other buildings will not be acceptable'. Conversely, development that does respect the setting of other buildings and is of an appropriate scale could be acceptable in the locality. The proposal envisages an acceptable scheme (as discussed below)

'Back-land development' or 'Garden Grabbing,' relates to taking a rear garden of a house and seeking to build more houses. The Council supports London Plan Policy to limit the inappropriate development of back gardens that erode the character of suburban areas, as reflected in the Councils Development Management Policies. As discussed above, Policy

DM01 does not preclude development of this nature, rather requires development to be of an appropriate scale and to respect the setting of surround buildings. The proposal seeks permission for a two storey terrace constituting 5 units with generous gardens and allotment space, thus making effective use of an underused site in a scale, mass and bulk that is relational to the locality. The proposal is considered to comply with all relevant policy and the principle of development is accepted.

a) Loss of Allotment/Open Space

Allotments, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- i) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- iii) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

It is noteworthy that DM15 echoes these requirements, however there is no explicit policy protecting allotment.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document does not identify site as an area of public amenity but does score the locality to have good access to public amenity.

The proposal seeks permission for new housing (x5) and allotment plots (x6). During the passage of time the pre-existing allotments ceased use and became derelict. As the proposal seeks to resurrect the pre-existing use, and provide much needed housing in a form that respects the character of the area, the principle of development is considered to be acceptable.

Impact on the Character and Appearance of the site and wider area

Policies DM01 and DM02 seek to ensure that new development positively enhances the character and amenity of an area. The character of this area is generally suburban and defined by terraced and semi-detached of no more than 2-storeys immediately surrounding the area. It is considered that there is no objection to a development on site however, this would be on the basis that the resulting development would not detract from the well-established character of the area, and would positively enhance the area.

The form of development on West Walk, Woodfield Drive and Uplands Road are characterised by short runs of terraced properties. Typically these terraces constitute circa 4 units. Given the proposal seeks planning permission for a row of 5 houses in a linear form closely resembling that of a traditional terrace, officers consider the character of pattern of development proposed to acceptable in the context of the immediate area.

The new terrace will be located on the Southern end of the site causing the proposed building to be positioned within its own landscaped setting. The two storey terrace is comparable in height with neighbouring properties located on West Walk, Woodfield Drive

and Uplands Road. The architectural vernacular proposed is traditional in spirit with modest roofs, modest porches and traditionally designed windows. Overall the design of the proposal is considered to respect the character of the locality.

8 car parking bays will be provided to the front of the new terrace. The new forecourt will contain sufficient landscaping to ensure the forecourt is not dominated by parking and manoeuvring. Details of landscaping shall be secured by condition.

The proposed bin storage would be located on the forecourt and subject to appropriate screening would not be detrimental to the character and appearance of the street.

Rear dormer windows are not alien features to the area. Viewing properties on Woodfield Drive, Uplands Road and West Walk a number of similar and indeed larger dormer windows exist. The proposed dormer windows are also considered to be of a size, design and siting that is considered to respect the proposed vernacular of the proposed houses. No objection is raised with the proposed dormer windows.

Impact on Neighbouring Amenity

Properties located on Woodfield Drive, West Walk and Uplands Road are separated by service roads. The new buildings will be located 6m away from the rear boundary with Woodfield Drive, 8m away from the rear boundaries with West Walk and 18m away from the rear boundaries with Uplands Road. Further it is important to note that actual neighbouring buildings will be further away, i.e 30m away from Woodfield Drive, 32m away from properties on West Walk and 41m away from Uplands Road. With a minimum separation of 30m from any part of the new building, it is not considered that neighbouring privacy will be harmed to a point of detriment.

Furthermore, and again owing to the adequate separation distances the proposed building including the introduction of rear dormers and an increase of 0.7m in height would not appear overbearing or visually intrusive when viewed from neighbouring properties.

In the previously approved scheme, the Council's Highway Officer considered the access to be sufficiently wide to accommodate service vehicles and whilst details of construction cannot constitute a reason for refusal, details of a construction method statement will be secured by condition to manage any potential neighbouring amenity impacts during the construction phase of the development.

Highways

In the previously approved scheme the Council's Highways Officer found the access and parking provision to be sufficient to accommodate both adequate parking and access to accommodate pedestrian, cars, emergency and service vehicles. Accordingly, the turning facilities within the site will allow vehicles to manoeuvre and leave in a forward gear. The vehicular access and parking arrangements for this scheme remain unchanged and therefore Officer's consider this aspect of the scheme to be acceptable on planning grounds.

Trees

Whilst the subject site contains dense vegetation no tree within the site is covered by a tree protection order. One tree outside the site is noted to be protected. The application

seeks to protect this tree during construction - as is normally required. The proposal also seeks to landscape the site. Details of which shall be secured by condition.

Other Matters

Whilst the majority of the site is located with zone 1, the edge of the site is located within Flood Zone 2. Notwithstanding the fact that a small portion of the site is located with zone 2, the development is not considered to be at risk of flooding.

Details of community access to the allotments shall be secured by condition.

There are no designated statutory or non-statutory wildlife sites on or immediately adjacent to site.

Assessment of new proposed pedestrian access

The applicant proposes to separate a narrow corridor of land (between 1.5m and 4m in width) from the plot of No. 29 Uplands Road to create a new pedestrian access route parallel to, and independent of, the existing private access route adjacent to No. 29 Uplands Road. This will involve the demolition of the garage building at this property. The new access is not considered to have a demonstrably harmful impact on the character and appearance of the site and will not substantially impact the character of No. 29 Uplands Road's plot in relation to neighbouring properties - it's urban grain will still be comparable to the wider area.

It should be noted, that since the approval of the previous scheme in 2016, the Local Planning Authority have been made aware (anecdotally) through neighbour consultation responses and the applicant's agent that there was a legal dispute between the applicant and a number of the neighbouring residents over the vehicular rights of way of the site. A hearing took place in July 2018 and the judgement of this was received 13th November 2018, ruling in the applicants favour. Accordingly, a number of objections have been received reasoning that the application should not be determined until a judgement on this civil matter has been made. Furthermore, the Local Authority's Highways and Development Team stated that whilst they have no in principle objection to the scheme and its previously approved parking arrangements, the potential impact of the legal challenge succeeding and consequently vehicles not being able to access and park within the development could have an impact on Highway safety, traffic (its generation and movement) and parking (generation of over spill parking on the surrounding highway network). As such, the Highways and Development Team have stated a recommendation for approval of this scheme cannot be fully supported, unless the legal challenge is quashed.

Prior to the judgement, Officers sought legal advice from the Council's Legal Officer on this matter, and they advised as follows:

'1) Matters such as 3rd party private property rights, disputes or legal proceedings arising out of them etc are not material considerations to be taken into account in deciding planning applications.

2) It is the responsibility of the applicant to ensure those non-material issues are resolved satisfactorily by way of private agreement or otherwise so as to allow the PP to be implemented

3) *The LPA can only decide the application on the basis of the weight to be given to the recognised material considerations.*

4) *If then the applicant cannot resolve the issues in question and consequently the PP (assuming the application is granted on the material considerations) becomes unimplementable that is not the concern of the LPA.*

The conclusion therefore in my view is that the LPA can proceed to determine this current application notwithstanding the potential lack of access due to the 3rd party challenges.'

In light of the legal advice given, Officers consider that the 3rd party challenge over the rights of land cannot be afforded weight in the determination process of the current application, and is therefore outside the scope of this assessment.

The security of the site is not considered to change substantially over the existing arrangements - given that there will be 5 new residential dwellings in this location it is considered that this will offer improved natural surveillance to this area of land which will reduce and deter any potential criminal activity. The new pedestrian access will need to be adequately lit for safety of access, and again, this will be to the benefit of the site and surrounding areas security. A scheme of lighting will need to be agreed by planning condition, prior to first use of the new access, to ensure that the lighting scheme minimises light nuisance to the nearest residential neighbours.

Originally, the application sought planning permission for a new temporary refuse and recycling set down location. This has since been removed following deferral outcome of the previous Planning Committee, whereby it was suggested that this should be reconsidered. Accordingly, the applicant has agreed to remove the temporary refuse and recycling set down location, and this matter is to be dealt with by condition, whereby a strategy for collection will be agreed through West Road.

In respect of flood concerns, the flood risk level for the site has not demonstrably changed since the previous approved scheme, and given that the only change in this application from the previously approved scheme is the pedestrian walk way it is considered that the assessment and interpretation of the flood risk aspect of the proposed scheme does not change from the previously approved proposal. Furthermore, safe access and egress from the site in the event of a flood risk emergency could be achieved through the access point on Woodfield Drive.

5.4 Response to Public Consultation

Officers have reviewed and considered all of the comments received through the public consultation response process and addressed these, where possible, in the above Officer assessment of the scheme.

In relation to matters not addressed by the main report, the following responses are provided:

- Proposed space for wheelie bins and food bins is not big enough and a number of issues have been raised around this: they will create obstruction; the space is not big enough and will lead to them spilling out onto Uplands Road; too far from proposed houses; the space

for all the bins will be unsightly; and, will not be removed from collection site till residents have returned from work.

Officer Response: The proposed pick up location was a temporary storage point. As refuse collections and recycling collections often take place on different days it is not considered that the proposed set-down point would have result in obstruction of the pedestrian footway. Storage locations are enforceable by means of planning condition. Notwithstanding this, the applicant has removed this proposal from the scheme, following discussions from the Planning Committee on 13th November 2018 – this is no longer a factor.

- Overstretched drains and sewerage could pose a health hazard. Currently the sewers cannot cope and 62 West Walk experiences unclean water coming up the garden path, if more properties are added to the sewer then it is likely that contaminated water will reach the fountains of the house and cover the front garden.

Officer Response: A drainage strategy condition will be recommended requiring the applicant to submit further details of the drainage strategy for the proposed development and demonstrate that it will not cause surface water flooding or sewer flooding issues.

- House value loss for surrounding area

Officer Response: This is not a material planning consideration.

- Developer has trespassed on private land and chopped down plants belonging to other local residents without seeking their permission

Officer Response: Third party land, property and trespass disputes are not a material planning consideration, and are outside the scope of consideration for this assessment.

- Concerns that vehicles will use proposed pedestrian access

Officer Response: A planning condition requiring the use solely for pedestrian access can be recommended, thereby preventing access by vehicle.

- Concerns of access for emergency services

Officer Response: Access is deemed adequate for emergency services and additional fire measures have been put in place for the Fire Services, as deemed appropriate by the London Fire Brigade

- Infringement of private land and ownership rights

- The private track is owned by freeholders and the developer wants to run services along this proposed pedestrian access which currently has no permission for

- To provide pedestrian access, the planning application requires the developer to demolish the garage which is on his land beside no.29 Uplands Road. One of the main walls of this garage is part of a fence which separates no.29 Uplands from the private space track behind 12 of the properties in West walk. If this wall is not replaced by a fence, the occupants of the 5 houses built will trespass

Officer Response: Installation of services are not a material planning consideration and therefore outside the scope of consideration in this assessment. A condition will be recommended to detail the boundary treatments to ensure the pedestrian access is

separate from the private access track, although it should be noted that there is no Planning requirement to ensure that this necessary.

- Neighbours did not receive public notification of this development (i.e. no public consultation letter)

Officer Response: The Local Planning Authority conducted the public consultation process in accordance with its statutory duty, providing letters by post to all relevant parties and displaying a site notice close to the application site. Furthermore, the applicant has signed Certificate B certifying that they have given requisite notice to all parties who have an interest within the land to which the application relates.

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.

Site Location Plan



COMMITTEE REPORT

LOCATION: 42 Woodside Avenue, London, N12 8AX.

REFERENCE: TPF/0364/18

Received: 1st August 2018

WARD: Totteridge

Expiry: 26th September 2018

CONSERVATION AREA N/A

APPLICANT: MWA Arboriculture Ltd

PROPOSAL: 2 x Conifer (applicant's ref. TG1) - Remove. Group G106 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed removal of 2 x Conifer (applicant's ref. TG1) – Group G106 of the Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of two replacement trees shall be agreed in writing with the Local Planning Authority and these replacement trees shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the tree(s) is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 9th August 2018

Consultees:

Neighbours consulted: 3

Replies: 0

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Work to the 2 x Conifer (Thuja) Group G106 of Tree Preservation Order.

TREN05349L – An application to undertake works to 2 x Thuja trees standing in Group G107 and 2 x Thuja trees standing in Group G106 of Tree Preservation Order necessary to lay a duct within the adjacent footpath as indicated on Plan Drawing No. R82 C08.

- Conditional approval 1st September 1997

Building works at 42 Woodside Avenue, London, N12 8AX since the making of the Tree Preservation Order.

N05349F – Retention of existing house and the erection of 7 three-bedroomed houses at the rear of the site with parking provision for 8 cars (Outline).

- Conditional approval 25th May 1977

N05349G – Retention of existing house and the erection of 7 three-bedroomed houses at the rear of the site with parking provision for 8 cars.

- Conditional approval 25th January 1978

N05349H – Application to discharge details required under condition 4 of the planning permission granted on the 25th January 1978 “Retention of existing house and the erection of 7 three-bedroomed houses at the rear of the site with parking provision for 8 cars.”

- Approved 24th May 1978

N05349J – Single storey rear extension.

- Conditional approval 17th June 1986

No relevant development applications for 25, 26, 27, or 28 Claire Court.

Please note that there has been work to other Tree Preservation Order trees in the vicinity of 42 Woodside Avenue / 25, 26, 27 and 28 Claire Court details of which are not listed within this report.

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of “TG1 of MWA Arboricultural report” at 42 Woodside Avenue adjacent to the boundary with 25, 26, 27 and 28 Claire Court in connection with alleged property damage at 25, 26, 27 and 28 Claire Court was submitted via the Planning Portal in May 2018. Trees TG1 are described in the MWA report as “Cypress group” without clarification of number of trees. However, the position of the trees corresponds with group G106 of the Tree Preservation Order which comprises 2 Thuja – for the avoidance of doubt the trees are identified as “2 x Conifer” for this application.

There were various discrepancies and shortcomings in the information - clarification and additional information was thus requested. Following the receipt of further information and correspondence from the agent the application was registered on the 1st August 2018.

The application has been submitted by MWA Arboriculture Ltd acting on behalf of loss adjusters dealing with alleged subsidence at 25, 26, 27 and 28 Claire Court.

Claire Court is a development comprising 32 maisonettes which have been constructed on the former properties of 46 to 56 Woodside Avenue. Historic Ordnance Survey maps indicate that the Claire Court development was constructed between 1962 and 1969. The block including 25, 26, 27 and 28 Claire Court is located near to the south-eastern corner of the site close to the roadway (Woodside Avenue) and also the boundary with 42 Woodside Avenue.

It should be noted that there are mature Lime trees located in the Woodside Avenue pavement to the front of Claire Court. The street Limes are Council owned / maintained trees not included in a Tree Preservation Order. The potential involvement of the Highways Limes in the alleged property damage at Claire Court is being currently investigated and assessed by the Council’s Greenspaces / Insurance teams as a separate claim.

This application was originally listed as an agenda item for the meeting of the Chipping Barnet Area Planning Committee on the Thursday 13th November 2018 and a committee report was prepared for that meeting.

However, on the 12th November 2018 the Council received further information from the agent and also the owners of flats 25 and 27 Claire Court. The additional information required structural engineer assessment and further site investigation which could not be undertaken prior to the Committee meeting and as such consideration of the application was deferred to this current meeting of the Committee.

2. Appraisal

Tree and Amenity Value

The subject Conifer trees stand at 42 Woodside Avenue in front of the house and adjacent to the flank boundary with 25, 26, 27 and 28 Claire Court. They stand to the left of the

driveway entrance/egress onto Woodside Avenue (the driveway of 42 Woodside Avenue can also be accessed from another entrance/egress onto Little Cedars).

The Conifer trees subject of this application have both been identified on site as Thuja. They are mature trees approximately 18 to 20 metres in height. The tree closest to the roadway has a trunk diameter of over 66cm (at 1.5 metres above ground level) and the other tree in the group has a trunk diameter of 64cm. Both trees have had some minor previous lifting treatment to provide clearance over the driveway and public footpath in front of the property. Both trees appear in reasonable health with foliage of good form, colour and density showing throughout the vast majority of their crowns. There are a couple of very small isolated patches of brown foliage and also some very minor deadwood close to the trunks of the trees - which is typical of the species. These two trees have no obvious major structural faults.

The two trees stand next to each other and have a collective group amenity value that exceeds the value of the individual trees. They are clearly visible from along Woodside Avenue (with views of the trees being increased during the winter months due to their evergreen nature). Along with other mature trees adjacent, these subject Conifer trees make a very important contribution to the character and appearance of the area – helping to screen and soften the built form of the adjacent residential dwellings next to a very busy roadway, which is part of a thoroughfare running almost parallel and to the west of the main High Road (A1000). Retention of mature trees, such as the subject Conifers, helps to retain the suburban feel to the roadway, which is becoming increasingly urbanised in character.

The application

The application submitted by MWA Arboriculture Ltd was registered on the 1st August 2018. The reasons for the proposed removal of the two Conifer (Thuja) trees (applicant's ref. TG1) cited on the application form are:

The above trees are considered to be a contributory cause of root induced clay shrinkage subsidence damage to the subject property.

Investigations in to the damage have been conducted and the following information/evidence obtained:

- 1. Engineering opinion is that damage is due to clay shrinkage subsidence.*
- 2. Foundations are bearing on to clay.*
- 3. The clay subsoil has a medium to high volume change potential (NHBC Guidelines).*
- 4. A comparison between moisture content and the plastic and liquid limits suggests residual desiccation in TH/BH2 (March 2018) located to the right of the building and close to TG1.*
- 5. Live Cupressaceae spp. (cypress/thuja)) roots were recovered from below foundation depth in TP/BH2 to a depth of 3.0m below ground level, significantly below the foundation depth of 1.0m.*
- 6. The observed desiccation is coincident with recorded root activity.*
- 7. Desiccation is at depths beyond ambient soil drying effects and consistent with the soil drying effects of significant vegetation.*
- 8. Level monitoring for the period 15/06/2017 to 03/05/2018 has recorded a cyclical pattern of movement to the front of the building indicative of the contributory influence of TG1 on*

soil moisture and volumes. The uplift phase of the building can only be attributable to an expanding clay soil from a desiccated (shrunken) state due to the soil drying effects of vegetation.

9. Drains can be discounted as a causal factor given the recorded desiccation and by reference to the level monitoring data.

10. No tree works have been carried during the claim, monitoring period or in the recent past.

11. A root barrier has been considered and discounted due to the separation distance between the trees and the building..

12. The technical evidence establishes there to be a nuisance and the damage makes it an actionable nuisance which needs to be abated.

Established evidential and legal tests pertinent to subsidence damage claims have been met and the evidence confirms that on the balance of probabilities the cause of the movement and associated damage is clay shrinkage subsidence with the subject trees being a contributory cause.

Given their proximity to the property, removal offers the only predictable arboricultural solution in abating their influence.

The supporting documentation comprises:

- MWA Arboriculture Ltd “Arboricultural Appraisal Report Subsidence Damage Investigation at: 25-28 Claire Court Woodside Avenue London N12 8TD” dated 2nd May 2018.

- CET “Site Investigation Factual Report” for site investigations undertaken on 6th March 2018 (including trial pit / borehole data 06/03/2018; soil testing report 12/03/2018; root id 09/03/2018).

- Crawford “Technical Report of a suspected subsidence claim 25-28 Claire Court Woodside Avenue, London, N12 8T” dated 8th March 2017.

- Crawford “Addendum Technical Report... 25-28 Claire Court Woodside Avenue, London, N12 8TD dated 3rd April 2018.

- Crawford “Addendum Technical Report... 25-28 Claire Court Woodside Avenue, London, N12 8TD dated 23rd July 2018

- E-mail from the agent dated 25th May 2018 in which they state: *“please note that the repair costs are 22k for superstructure repair only and approx. 100k if a localised underpinning scheme is required to stabilise the property.”*

- Letter from the agent dated 28th June 2018 in which they state: “The property has not been underpinned and no building work undertaken” and made some further comments about the information in the other reports submitted as part of their application.

- Knight Associates Level Monitoring – 8 sets of Relative Survey Readings taken between 15th June 2017 and 9th November 2018.

- Letter from the agent dated 12th November 2018 written in response to the Committee Report published for the meeting of the Chipping Barnet Area Planning Committee on the Thursday 13th November 2018.

In addition to the submissions received from the agent the Council has also received:

E-mails dated 12th and 14th November 2018 with 10 photographs attached from the owner of 27 Claire Court.

E-mails dated 8th and 28th November 2018 with 7 photographs and a sketch plan of the layout of 25 Claire Court from the owners of 25 Claire Court.

The named applicant - Crawford and Company – is the loss adjuster dealing with the insurance claim made by the owners of 25 Claire Court and their neighbours at 26, 27 and 28 Claire Court; the agent their arboricultural consultant. It is clear from the submissions that this application has been submitted on behalf of the owners of 25 Claire Court and their neighbours at 26, 27 and 28 Claire Court - thus the owners of 25 and 27 Claire Court cannot be deemed as “third parties” for this application and their comments photographs and plan are being treated as additional application submissions rather than as neighbours expressing support for the application.

The owners of 25 Claire Court have confirmed that their submitted photographs were taken “at the end of October and in early November” and have also stated in their e-mails:

We “are writing to express our extreme concern about the existing, and ongoing, subsidence damage to our home at no 25, and our neighbours' homes/properties at nos 26, 27, and 28 Claire Court, adjacent to no 42 woodside avenue, caused by their conifers and the 3 council owned lime trees situated on the pavement in front of nos 25-28 claire court...As you know MWA arborists (their report of 2/5/18) recommended that all of the trees causing the damage to our properties should be felled and we hereby strongly request that you allow the tree preservation order on our neighbours' trees to be removed to that end. We understand that there has been no response from them regarding this matter, which is most alarming. We would also request that the council owned trees are removed, as per MWA's report and do not find the suggestion of a root barrier satisfactory. Naturally, we want our properties restored to their original condition, and market value, as soon as possible.” “We would ask that you please expedite the structural engineer assessment and site inspection you mentioned, in time for the meeting in January, of all 4 flats this time, as the damage is worsening/spreading. We have also noticed that our floor has become uneven here and there, internal doors are no longer closing properly...plaster has burst in more than one place, gaps have appeared in our parquet flooring, and there is a gap appearing between the wall and the ceiling in one corner.”

The owner of 27 Claire Court has confirmed that their submitted photographs were taken on the 1st November 2018 and has also stated in their e-mails:

“[I] wish to draw the Committee's attention to the worsening condition of the land surrounding the block of four flats in Claire Court after a particularly dry summer season.

I attach photographs illustrating some of the holes that have opened up in the earth and the enormous tree roots running over the land, front and back, leading right up to the doorways to my property. These roots are now much more visible and protrude above ground so that they are hazardous underfoot. In addition to my obvious concerns about the

damage to my property, I am also worried that the roots and holes are going to cause someone to fall and injure themselves. Even our pathways, where we should be safe, are being broken up by these roots...

Inside my property, the cracking caused by these tree roots is causing alarming deterioration...

With our properties now so undermined (and their value severely impacted) I am anxious that any remedy taken to address these problems will restore the stability of the four properties for the LONG TERM future.

The owners of these properties have a right to see their properties fully safeguarded and to be protected from yet further upheaval that will occur if properly effective action is not taken now.

With dry summer conditions reported to be a continuing feature of our weather pattern, I am keen to understand:

- 1. the action that will be the MOST EFFECTIVE in protecting our properties*
- 2. if the Committee will authorise that particular action*
- 3. if an alternative remedy is authorised instead, what guarantee the Committee will provide regarding its effectiveness*
- 4. how the London Borough of Barnet will compensate the owners of these properties for further damage and upheaval in their lives in the event of tree root damage continuing or re-occurring.*

I would be very grateful for an answer to the above questions.

In the meantime I strongly urge the Committee to take rigorous action that will ensure our properties and their value can be fully reinstated for the future, and our personal safety assured."

The Council's Structural Engineer having assessed all the submitted information, notes:

"1. There is some evidence of clay soil desiccation below the foundations. Ideally, if we had control borehole results and additional types of testing (as BRE recommended) e.g. Oedometer or soil suction tests the extent of soil desiccation could be confirmed.

2. Cypress [Cupressaceae spp.] roots identified at underside of foundation. Note Lime tree roots extend full depth of borehole 2.

3. Borehole relatively shallow and BH2 did not extend beyond zone of roots.

4. Some of the cracking to this wall can be attributed to the type of brick used, i.e. calcium silicate, and a lack of movement joint.

5. Level monitoring does show seasonal movement.

On basis of the above Thuja likely to be implicated as a contributory factor in some of the observed the damage, on basis of root ID the Lime probably the more significant factor."

In the Crawford “Technical Report of a suspected subsidence claim 25-28 Claire Court Woodside Avenue, London, N12 8T” dated 8th March 2017 it is stated:

“[the policy holder] advised that external cracking was noted by the previous owners of number 25 [Claire Court] in 2013. They contacted insurers at that time and Cunningham Lindsey were appointed to inspect. We viewed their report at the initial visit which confirmed that they inspected all of the flats. Only external cracking was present at that stage and they declined the claim on the basis the external cracking was not the result of foundation movement. A further inspection took place in May 2013 when [the policy holder] purchased number 25. The surveyor at the time noted only external cracking and considered this to be the result of thermal movement. The current internal cracking was noted in flat 25 by [the policy holder] over summer 2016. This progressed and insurers were notified.”

The Crawford report dated 8th March 2017 includes photographs and an “abbreviated description” of the damage which is summarised below:

- Flat 25
Diagonal (hairline, 3mm and 4mm) cracks in the Dining Room.
Cracking in the Porch, *“unrelated water ingress damage to ceiling.”*
Hairline cracks in the Kitchen and Bathroom - *“not subsidence related damage.”*
- Flat 28
Diagonal and vertical cracks (hairline, 1mm and 2mm) in the Rear Right-hand Bedroom, Rear Left-hand Bedroom, Hallway, Bathroom and Dining Room / Lounge.
- Flat 27
Diagonal and vertical cracks (hairline, 1mm and 3mm) in the Dining Room, Lounge, Rear Left-hand Bedroom, Rear Right-hand Bedroom and Hallway.
- Flat 26
Vertical cracks (2mm and 3mm) in the Kitchen and Dining Room (some crack(s) previously repaired).
- EXTERNAL
Vertical and stepped/tapering cracks (1mm, 2mm, 3mm, 5mm, 7mm) in the Rear Elevation, Right-hand flank and Left-hand flank of the building (some cracks previously repaired).

The Crawford report dated 8th March 2017 states that: *“the damage falls into Category 3 of Table 1, Building Research Establishment7 Digest 251, which describes it as “moderate”.*”

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 3 damage as *“Cracks which require some opening up and can be patched by a mason. Repointing of external brickwork and possibly a small amount of brickwork to be replaced. Doors and windows sticking. Service pipes mat*

fracture. Weather-tightness often impaired. Typical crack widths are 5 to 15mm, or several of say, 3mm.”

The majority of the cracks referred to in the Crawford Report dated 8th March 2017 are stated to be less than 3mm (which would correspond to Categories 0, 1 and 2 of the BRE classification).

However, from the photographs submitted by the owners of flats 25 of 27 Claire Court and subsequent site inspection of all four flats it appears that some of the cracks at 25, 26 and 27 Claire Court have progressed – with the worst damage being at flat 25, which is further from the subject TPO Thuja trees than flats 27 and 28. There are only a few very minor cracks apparent at Flat 28 (most of which do not appear to be related to subsidence).

In addition, a number of the observed cracks may not be attributable to vegetation related subsidence damage.

In the discussion section of the Crawford report dated 8th March 2017 it is stated:
“The external leaf of the cavity wall appears to be constructed using calcium silicate brickwork. This type of brick is prone to cracking as a result of thermal movements and a number of previous external repairs are evident around this property and the other blocks in the development where such movement has taken place in the past. Cracking is evident in areas which have previously been re-pointed and there is cracking visible which has not been repaired previously to all elevations. This external cracking could be due to further thermal movement or could be indicative of localised foundation movement. The pattern and nature of the relatively recent internal cracking noted within flats 25, 26 and 28 appears to be indicative of an episode of subsidence however further investigations will be required to confirm this.”

As stated above our own structural engineer has commented that: *“Some of the cracking to this wall can be attributed to the type of brick used, i.e. calcium silicate, and a lack of movement joint.”*

In their letter dated 12th November 2018 the agent criticised the Committee Report previously written and published for the meeting of the Chipping Barnet Area Planning Committee on the Thursday 13th November 2018 because:

“The officer’s report makes several references to the Crawford Technical report date 8th March 2017. This report was written without the benefit of site investigation results or level monitoring.

The Crawford Addendum report submitted with the application, was written once the above information was available allowing the engineer to confirm their opinion as to the cause of damage, i.e. root induced clay shrinkage subsidence.

It is concerning that the officer has not referenced this more pertinent document in their appraisal to give the committee a comprehensive understanding. The selective consideration of the technical information submitted questions whether a balanced view has been presented to the committee on which to base their decision.”

In their letter dated 28th June 2018 the agent has stated that: *“Thermal movements were identified as one possible cause of the damage together with clay shrinkage subsidence in*

the Crawford initial Technical report prior to further investigations being undertaken. Following site investigations the cause of the damage has been confirmed as root-induced clay shrinkage subsidence by investigation engineers.”

It should be noted that the later Crawford reports (dated 3rd April 2018 and 23rd July 2018) have clearly been written as addenda to the report dated 8th March 2017 and do not contain any updated description or photographs of the damage. In addition, as noted above having reviewed all of the available information own structural engineer is still of the opinion that some of the observed damage can be attributed to the use of calcium silicate bricks and a lack of movement joint.

Details of the site investigations that have been undertaken on the 6th March 2018 are included within the submitted CET “Site Investigation Factual Report.”

The “Investigation layout plan” contained in the CET “Site Investigation Factual Report” appears to have incorrectly identified the location of the four flats (numbers 25 to 28) within the block and other submitted plans are also misleading.

Flats 25 and 27 are located on the ground floor of the building with Flat 25 occupying the northern half and flat 27 occupying the southern half of the building footprint. Flats 26 and 28 are on the first floor with Flat 25 occupying the northern half (above Flat 25) and Flat 28 occupying the southern half (above Flat 27).

Boreholes/trial pits were dug – Trial Pit 1 (TP1) was dug adjacent to the front elevation of flat 25 Claire Court (incorrectly stated to be flat 28 on the “Investigation layout plan” of the CET “Site Investigation Factual Report”). Borehole 1 (BH1) was dug next to this trial pit. Trial Pit/Borehole 2 (TP2/BH2) was dug adjacent to the front elevation of 27 Claire Court. The submitted root identification indicates that *Tilia* spp. (Lime) roots were found in Borehole 1. *Tilia* spp. (Lime) roots and *Cupressaceae* spp. (a family of plants which includes a number of sub families and genus’) were found in TP2/BH2.

The Thuja trees subject of this application are within the *Cupressaceae* family. However, there are a number of other trees in the vicinity of 25 to 28 Claire Court that are also included within this plant family (including other Thuja and Cypress trees). The agent has not submitted any DNA testing to demonstrate that the *Cupressaceae* spp. roots found in TP2/BH2 at the underside of the foundations belong to the subject trees, however, “TG1” are the closest.

The excavation of Trial Pit 1 was abandoned at 1.7 metres although the underside of foundation had not been found and consequently the depth of the foundations of flat 25 Claire Court have not been established. The depth of the foundation for the 27 Claire Court corner of the building (as found in the Trial Pit/Borehole (TP2/BH2)) appears to be 1 metre. It is unclear why the depths of the foundations at either end of this block of flats are different as the agent has stated that: *“The property has not been underpinned and no building work undertaken and this would have been advised in the application if relevant.”*

As noted above, the Crawford report dated 8th March 2017 includes details of damage at flats 25 and 26 Claire Court – both on the opposite side of the block of flats from the Thuja

trees that are subject of this application (as noted above during the recent site visit the most extensive damage observed was to Flat 25). Indeed, it appears from the submitted information that the insurance claim was initiated by the owner of flat 25 Claire Court. It is thus unclear why, when asked for clarification, the agent asserted: *“[Trial Pit 1] TP1 is on the opposite side of the building from TG1 and is irrelevant in the context of the application.”*

In addition to incorrect identification of trees, there were other weaknesses in the application – for example, with reference to the site investigations submitted, our Structural Engineer noted: *“Ideally, if we had control borehole results and additional types of testing (as BRE recommended) e.g. Oedometer or soil suction tests the extent of soil desiccation could be confirmed.”* - however, the agent declined to provide this information.

Given their inclusion in the Order, it appears likely the Thuja predate the construction of Claire Court - thus the Local Planning Authority requested that the agent submit a ground heave assessment with this application. In their letter of the 28th June 2018 the agent responded: *“The technical information required under the guidance is listed in your letter. Heave assessment is not one of them. This is not a valid reason for refusing to register the application. Further, the trees do not predate the property and as such present no significant risk of heave.”*

It appears that the agent has not sought to undertake investigation or assessment to establishing the depth of foundations for the 25 Claire Court part of the building, why the building has differential foundations and whether this is having any impact on the observed damage, or trying to confirm exactly what of the observed damage is attributable to which trees and which to thermal movement.

Our Structural Engineer has confirmed that the submitted levels monitoring “does show seasonal movement” and that the “Thuja [are] likely to be implicated as a contributory factor in some of the damage.”

However, the observed damage appears to be attributable to more than one cause (i.e. some of the damage appears to be attributed to thermal movement of the calcium silicate brickwork and other damage could be attributed to other trees that are not subject of this TPO application) and the subject Thuja trees cannot be said to be the “effective and substantial” cause of or “materially contributed to” all of the damage at Flats 25, 26, 27 and 28 Claire Court.

In the circumstances it appears that removal of the TPO Thuja trees that are subject of this application would not address all of the observed damage and the properties of 25 to 28 Claire Court are likely to still suffer damage even if this application were to be approved (indeed removal of the subject Thuja trees could result in additional heave damage to the properties).

The owner of Flat 27 Claire Court has raised concerns about several surface roots apparent within the lawn areas of Claire Court and underneath the footpath at the property. From a site investigation it is apparent that most of the roots shown in the photographs

submitted by the owner of Flat 27 Claire Court do not belong to the 2 TPO Thuja trees that are subject of this application.

The “council owned trees” referred to by the owners of Flat 25 Claire Court are not included within the Tree Preservation Order (TPO). They are not, and cannot be, subject of this TPO application.

3. Legislative background

As the two Thuja trees are included in a Tree Preservation Order, formal consent is required for their treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree(s) 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 trees are 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 the agent’s e-mail dated 25th May 2018 it is stated: *“please note that the repair costs are 22k for superstructure repair only and approx. 100k if a localised underpinning scheme is required to stabilise the property.”* In their letter dated 28th June 2018 the agent states: *“The options are superstructure repairs only (crack repair, redecorating etc) and underpinning. The repair costs for superstructure works only and underpinning should the trees not be removed were advised to the council via email on the 25th May. To confirm, the estimated costs are £22k and approx. £100 respectively.”*

However, as noted above, even if it is concluded that the Thuja are implicated, the damage appears to be attributable to more than one cause (i.e. some of the damage appears to be attributed to thermal movement of the calcium silicate brickwork and other damage could be attributed to trees that are not subject of this TPO application). It would not be possible to claim several times over for the same repairs, so there would be some apportionment between multiple causation.

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 removal. Unlike the Council owned / maintained street Limes, the Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO Thuja that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the Thuja trees is so high that the proposed removal 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 *"Thuja [are] likely to be implicated as a contributory factor in some of the damage"* - albeit that he has advised there are other causative factors in the damage e.g. *"Some of the cracking to this wall can be attributed to the type of brick used, i.e. calcium silicate, and a lack of movement joint."*

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, or rectifying damage which is not attributable to the subject trees, would not be subject of a compensation payment.

If it is concluded that other factors (e.g. the use of calcium silicate bricks and lack of movement joint, and / or other trees that are not subject of this TPO application) were a substantial cause of damage and / or addressing such factors together with pruning would resolve the alleged problem, regardless of the proposed Thuja removal; or if the removal of the Thuja trees 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 remove the subject Conifer trees (applicant's ref. TG1).

However, if it is concluded on the balance of probabilities that the roots of the two Thuja trees are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the trees' removal, there may be a compensation liability if consent for the proposed felling is refused - the applicant/agent indicates repair works for 25, 26, 27 and 28 Claire Court may be an extra £78,000 if the subject Conifer trees are retained (reference to underpinning costing only £100 in the agent's letter dated 28th June 2018 is likely to be a typographic error).

COMMENTS ON THE GROUNDS OF OBJECTION

N/A.

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 application would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

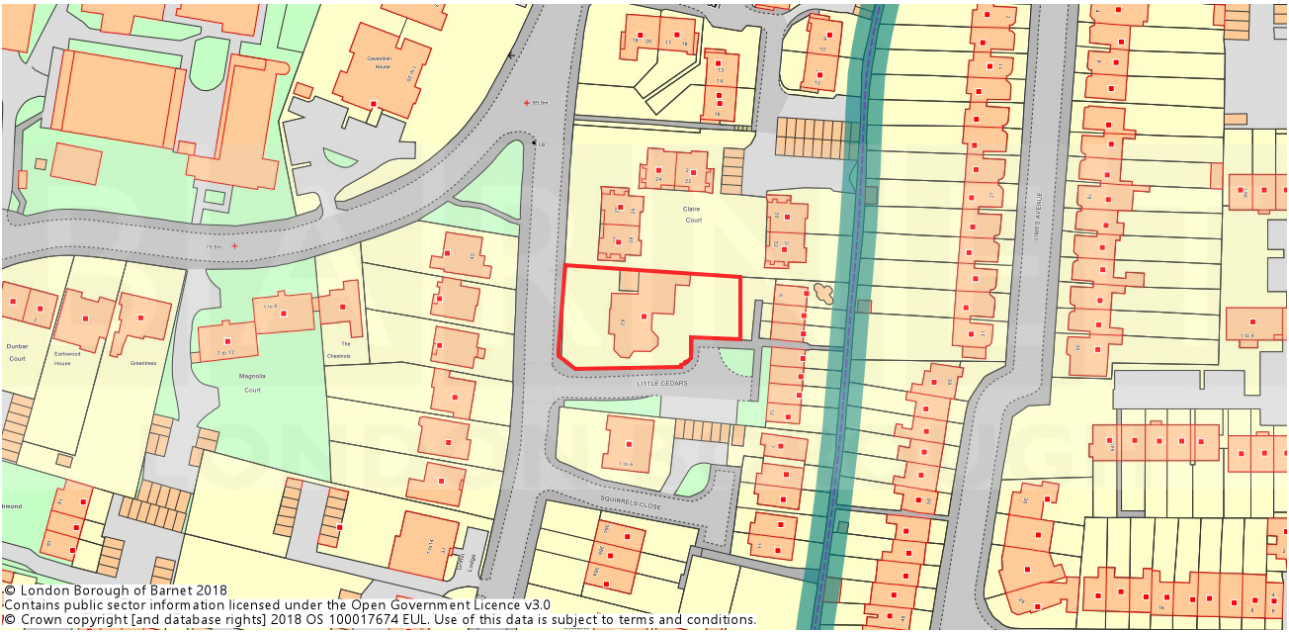
The agent, MWA Arboriculture Ltd, proposes to remove two Conifer (Thuja) trees standing at 42 Woodside Avenue because of their alleged implication in subsidence damage to 25, 26, 27 and 28 Claire Court.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Conifer trees are likely to be implicated as a contributory factor in some of the observed damage. However, there are shortcomings in the information provided, other trees could be contributory factors in the damage, and some of the damage noted can be attributed to the thermal movement (expansion/contraction) of the calcium silicate brickwork – not *“of root induced clay shrinkage subsidence.”*

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the subject Conifer trees, it is necessary to consider whether or not the proposed removal of these trees 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 two Thuja trees' roots are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the removal of these two trees, there may be a compensation liability (the applicant/agent has indicated that repair works to 25, 26, 27 and 28 Claire Court may be an extra £78,000 if the trees are retained) if consent for the proposed tree removals is refused.

However, particularly given the amenity value of the trees, if it is concluded on the basis of the available information that removal of the two Thuja trees is excessive and has not been demonstrated to be necessary; or if the removal of these trees 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:** ROADSIDE VERGE LEECROFT ROAD ADJACENT TO HERTSWOOD COURT HILLSIDE GARDENS, OLD RECTORY COURT 61 WOOD STREET, AND 2 – 36 LEECROFT ROAD, BARNET EN5
- REFERENCE:** 18/TPO/037
- WARD:** Underhill
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order, without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet Roadside Verge Leecroft Road adjacent to Hertswood Court Hillside Gardens, Old Rectory Court 61 Wood Street, and 2 – 36 Leecroft Road, Barnet EN5 Tree Preservation Order 2018 without modification.
 2. That the person(s) making representations be advised of the reasons.

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 Service Director – Planning and Building Control dated 3rd August 2018

Background Information/Officers Comments

On 25th June 2018 the Local Planning Authority (LPA) received a completed application form submitted by a tree surgeon acting on behalf of the residents at Hertswood Court Hillside Gardens, Barnet, Herts, EN5 4AU which specified treatment to trees located both at Hertswood Court and also in the roadside verge of Leecroft Road adjacent.

As the trees were within the Wood Street Conservation Area, but not in a Tree Preservation Order, two separate s211 notices of intended tree works were registered (to reflect the different sites on which the trees were standing):

- **TCP/0426/18** - “Several saplings - Cut back along chain link fence adjacent to Hertswood Court” at Leecroft Road Adjacent To Hertswood Court Hillside Gardens, Barnet, EN5 4AU.

- **TCM/0421/18** - “1 x Pine - (Deadwood), Prune back overhang to chain link fence (approx. 2.5 - 3 metres); (1 x Pine - Deadwood); Several saplings – Remove; 1 x Lime - Prune back overhang by 2 metres” at Hertswood Court, Hillside Gardens, Barnet, EN5 4AU.

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.

For these two s211 Notices, the date of registration was 25th June 2018 – thus the six week notification period would expire on 6th August 2018.

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.

Section 198 of the Town and Country Planning Act 1990 (as amended) empowers a Local Planning Authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘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 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.”

- The Guidance suggests the following criteria should be taken into account: “*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.
- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

The LPA received eleven objections to the proposed treatment of trees standing in the roadside verge of Leecroft Road (subject of TCP/0426/18). The grounds for objection can be summarised as:

- Leecroft Road is a private road and is maintained by the Leecroft Road Residents Association (LRRRA). No permission has been sought from or granted by LRRRA to carry out work to trees within the Leecroft Road verge.
- Hertswood Court have previously tried to “decimate” the trees in the roadside verge which LRRRA have prevented/resisted.
- The canopy of trees at the top of the road are very important in making the roadway a “*desirable place to live, both visually and to the many species of birds and wildlife we enjoy.*”
- “*There is no attempt to define which “saplings” need cutting back (e.g. diameter of less than 5cm) and I fear they will interpret this very liberally and cut back mature trees.*”
- “*The road itself dates back to 1895, possibly older and although there have been buildings since then, the majority of the vegetation, trees and wildlife are well established. In a suburb under extreme pressure to develop, this is one haven of peace which should be protected and allowed to flourish, not cut down as seems to be the true intention!*”
- “*The LRRRA has been maintaining Leecroft Road for many years. All the residents in the road belong to the Association and contribute to the maintenance fund. Leecroft is an unadopted road and led initially over 100 years ago to a farm now the site of Thomas Watson Cottage Homes. The upper part of the road is included in the*

Wood Street conservation area and we have tried to maintain the road in its original state to reflect its historical importance with the conservation area. It is one of the few “country lanes” within Barnet...We (...) wish to object to the planning proposal on the grounds that cutting down the natural regrowth that any wooded area undergoes over time will change the nature of the road within the conservation area. In addition, a number of the larger trees in Leecroft Road have Tree Preservation Orders attached. We point out the Hertswood Court is a relatively new building, and the owners must have known that Leecroft Road at the rear of their property was in a conservation area...As an association we spend c£4k per annum in maintaining the road voluntarily contributes by the residents. Barnet Homes is one of the contributors. In doing so we wish to maintain the principles of conservation in Leecroft as one to the last country lanes in Barnet.”

On site inspection, it was evident that the trees standing within the verge adjacent to Leecroft Road are of a variety of species (including Pine, Sycamore, Maple, Prunus sp. Laburnum and Holly) and ages – ranging from mature trees some 15M in height to young saplings. Individually some of the specimens are of poor form and (in some cases) condition. However, collectively the trees provide a healthy group canopy framing both sides of the roadway leading from the roundabout at the top of the roadway to the bend in the roadway curving past the property of Winyatts Leecroft Road. The trees thus have a collective amenity value that exceeds the value of the individual trees.

As noted in objections received, there are several trees in the vicinity that are already included within a Tree Preservation Order (including those standing at Old Rectory Court 61 Wood Street, Winyatts Leecroft Road and 19 The Croft). However, the trees standing in the roadside verge of Leecroft Road have not been previously assessed for possible inclusion within the existing Tree Preservation Orders.

The trees in the Leecroft Road verge were not assessed during the making of The London Borough of Barnet (Wood Street Barnet, Herts, - Part 1) Tree Preservation Order 1976 - at that time some sites were not assessed because of the nature of the land-use or ownership. The land on one side of the top of Leecroft Road was in Council ownership, the other in institutional use. The London Borough of Barnet (61 Wood Street, Barnet) Tree Preservation Order 1980 only considered trees at that site in connection with redevelopment (the site is now the residential property of Old Rectory Court).

Section 4.4 of the Wood Street Conservation Area Character Appraisal Statement (adopted July 2007) notes:

“Trees make a very important contribution to the character and appearance of the conservation area. Whilst there is a notable absence of street trees, except at the eastern end of Wood Street in front of the Barnet Museum building, hedged and treed boundaries make a significant contribution to the street scene, impacting particularly on long and short range views. They are especially important as the onlooker progresses westwards along Wood Street, providing a strong green barrier to the traffic and a sense of enclosure in the street. They also mark the beginning of a more rural and open character to the conservation area as it leads towards the edges of Hertfordshire. The most notable tree groups within the conservation area are marked on the Townscape Appraisal Map, but the following have perhaps the greatest impact:

- *Good tree boundary from Bells Hill to Hillside Gardens*
- *Hedge and tree boundary to properties at the extreme west of Wood Street (north side)*
- *Tree boundary to Whalebones Park*

- *Various specimen trees in formally laid out parks*
- *Mature trees and specimens at St John the Baptist Church Hillside”*

The trees in the roadside verge of Leecroft Road are clearly visible from the roundabouts at the busy junction between Leecroft Road, Wood Street, Union Street and The Avenue. They contribute significantly to the eastern end of the “Good tree boundary from Bells Hill to Hillside Gardens” (it should be noted that trees adjacent to the top of Leecroft Road are shown in two of the photographs displayed in the Character Appraisal Statement).

As referred to by objectors, the top of Leecroft Road retains the character of a “country lane” and the trees are key in maintaining this almost rural appearance in a densely built location. Significant tree loss/removals from the roadside verge would be of significant detriment to the appearance of the roadway impacting on the long and short range views from the busy Wood Street junction and be of significant harm to the character and appearance of this part of the Conservation Area.

At section 6.5 of the Conservation Area Character Appraisal Statement the key characteristics of “Area 5: Bells Hill (includes the south side of Wood Street)” are listed. Among these “key characteristics” are:

- “Good collection of locally listed buildings set behind substantial hedge and tree boundary found between Leecroft Road and Bells Hill, including the old council offices at no. 61 (formerly the Old Rectory and now flats), the group of locally listed dwellings between nos. 63 and 81, and the picturesque cottages of nos.125-129 Wood Street, all locally listed.”

The trees standing in the roadside verge at the top of Leecroft Road are essential in maintaining and enhancing this part of the Conservation Area as part of the “tree boundary.”

Although the trees currently standing within the roadside verge are not old enough to have been present when Leecroft Road was first constructed in the late 19th Century, they are vital in preserving the character and appearance of the top of this roadway and this part of the Wood Street Conservation Area.

The trees have a common canopy and collective amenity value that exceeds the value of the individual specimens. It is important that the saplings within the verge are retained to maintain the appearance of the roadway in the longer term by naturally replacing mature trees (some of which are in poor condition) as they are lost. Given appropriate silvicultural attention this area of trees is capable of contributing significantly to public amenity for a number of decades.

The Tree Preservation Order was made on 3rd August 2018 in the interest of public amenity following receipt of objections from local residents in connection with a s211 Notice of Intent to undertake treatment to several trees adjacent to Hertswood Court. The making of the Order was considered justifiable both on grounds of amenity and expediency. The Order relates to a designated ‘area’ of trees standing on the verges of the northern end of Leecroft Road - beside Hertswood Court, 2 – 36 Leecroft Road, and Old Rectory Court - to the Wood Street junction.

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.

The Tree Preservation Order secures the protection of the trees 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.

The following representations were received from a Leecroft Road resident in support of the Tree Preservation Order:

- *“I fully support the above TPO in Leecroft Road Barnet.”*

3 letters of representation objecting to the Tree Preservation Order were received from Hertswood Court residents. The grounds of objection raised in the representations are as follows:

- *“I must express my surprise that Barnet Council has acted with such haste in issuing tree preservation orders. Is it now the policy that every and all trees, regardless of where they grow, can have a preservation order? If that is the case then we are indeed in trouble with all the self seeded trees that grow uninvited throughout the Borough.”*
- *“The trees on Leecroft Road have been badly neglected, branches are rotten, overhang other properties and in many instances are festooned with ivy, which will in turn damage the woodland trees for which preservation orders have been issued.”*
- *“You have a duty to all the residents of the Borough, not just people who wish to exert influence and enforce their will on others. I want my property protected from invasive species and the Council has a duty to see that this is the cases.”*
- *“There are two items that detract from the character and scenic interest of the area. That is because the ivy and (evergreen) holly currently growing are not a natural part of such an area. They both appear to be very much more recent additions and were probably planted by birds and then self-seeded. The ivy, if left without any control, will in due course overwhelm the natural trees that form this special amenity. Some of these trees are looking close to dying and will break with the weight of the ivy. Those that are stronger will eventually end up all looking the same – like ivy! The holly that has grown has dominated the other lower bushes and appears to be taking nutrient from both trees and bushes. To maintain the attractive nature of the area a significant cull of the holly trees and bushes should be undertaken. In future years Barnet Council should ensure that these undesirable elements are kept to a minimum as part of normal attention based on silvicultural principles.”*
- *“My other area of concern relates to who is responsible for controlling those branches from the natural trees growing in the area which start to grow over other properties or the road itself and lower branches covering footpaths, thus becoming a potential danger to the public. As far as I am aware the effect of the existing TPO*

is that no attempt is made to control the way the trees in the area develop. The TPO should require the relevant authority (i.e. landowner) to provide an annual report on the actions that have been taken to maintain the special amenity value of the area.”

- *“Trees, like all living plants need to be maintained. The residents (or who so ever) is responsible for the maintenance of the trees on Leecroft Road have singularly failed to fulfil this obligation.”*
- *“Self-seeded, ash, sycamore, wild cherry and ivy have been allowed to proliferate to the detriment of the adjacent property. No attempt has been made to clear any of the detritus from ageing trees and any attempt on the part of the residents of the adjacent property have been met with threats and intimidation.”*
- *“I wish to establish that I have the right to protect my property from the invasion of those self seeded trees without threats of legal action. This in no way affects the rightful status of the planted trees on Leecroft Road. I have the same rights as any other member of this community and outcomes should not be determined by individual resources or influence.”*

In response the Council's Planning Tree and Environment Officer comments as follows:

- (i) The representation in support suggests that resident(s), too, consider that the trees have high public amenity value. Objectors, too, refer to the “character and scenic interest of the area”, “attractive nature of the area”, and “special amenity value of the area”.
- (ii) The contention that “Barnet Council has acted with such haste in issuing tree preservation orders” seems based on a lack of awareness of legislative constraints in respect of protected trees – specifically that if an Order was to be made in response to the s211 Notice, it was necessary so to do prior to the expiry of the six week notification period on Monday 6th August 2018 (the Order was made on Friday 3rd August 2018).
- (iii) There also appears to be a misunderstanding as to the circumstances of the making of the Order – which was not at the behest of “people who wish to exert influence and enforce their will on others” but, as set out in the report, in response to a particular set of circumstances in the light of an assessment of the public amenity value of the area of trees taking account of the adopted Wood Street Conservation Area Character Appraisal Statement.
- (iv) The generalisation about protection relating to “every and all trees” is misplaced – the Order relates to a designated area of roadside trees standing in a stretch of verge about 100 metres in length and 15 metres in width within the boundary of the Wood Street Conservation Area.
- (v) Whilst it is accepted that there is some variation in the conditions of the trees, the Tree Preservation Order was specifically made as an ‘area’ designation as it is considered that the collective public amenity value of the trees in the roadside verge is much greater than the individual trees. It is considered that the integrity of the landscape feature contributes significantly to maintaining the rural character and appearance of this part of the Wood

Street Conservation Area. Removal of deadwood and unsafe branches may become necessary as part of routine maintenance works into the future. Confirmation of the Order would not preclude an application, where necessary, for consent to prune / fell a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation.

- (vi) The inclusion of trees in an Order does not prevent treeworks being undertaken, but means that application(s) for consent for treatment of the designated trees need to be submitted in accordance with planning legislation. Each application would be considered on its merits on the basis of the information submitted at the time and there is no reason to believe that consent would be refused for treatment in accordance with good arboricultural practice.
- (vii) It should further be noted that that there are no restrictions on who can submit a treeworks application – and we often receive applications from neighbours or their agents. Hence, if a neighbour had concerns about e.g. overhanging branches for which the tree owner(s) declined to take any action, the resident or a tree surgeon on his / her behalf could submit an application which, as with all applications, would be considered on its own merits taking account of the reason(s) put forward for the proposed treatment and any supporting documentary evidence. In such circumstances, if Tree Preservation Order consent were to be granted, the applicant / agent would be advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment (as the LPA consent would not supersede ownership rights).
- (viii) The inclusion of trees in an Order does allow the Local Planning Authority (LPA) some measure of control over treatment – in that it can refuse pruning or felling which it considers inappropriate / excessive - but there is an appeal procedure if an applicant is aggrieved by the decision, as well as various specified exemption provisions.
- (ix) However, these powers are reactive rather than pro-active – so whilst the LPA can now approve / refuse application(s); it cannot require that somebody submits an application, nor that any consented treework is implemented – i.e. the making / confirmation of the Tree Preservation Order does not provide the LPA with the right (power or duty) to insist that treework is carried out.
- (x) There is an exemption provision in the tree preservation legislation which relates to removal of deadwood. Treatment of Ivy (a climber) and shrubs is also exempt from tree preservation legislation.
- (xi) Some of the objections show misunderstanding of the legislative provisions relating to the Tree Preservation Order. The inclusion of trees in an Order would not transfer responsibility for the management of the trees from landowner(s) to the Council. Nor does it provide the Council with:
 - Power to require that “property is protected from invasive species”
 - A “duty to see that this is the case”

- Power to “ensure that these undesirable elements are kept to a minimum”
- Power to “require the relevant authority (i.e. landowner) to provide an annual report on the actions that have been taken to maintain the special amenity value of the area”

As set out above, the Order is considered to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. There is local support for the Order and the grounds of objection seem largely based on misunderstanding of tree preservation legislation.

2. EQUALITIES AND DIVERSITY ISSUES

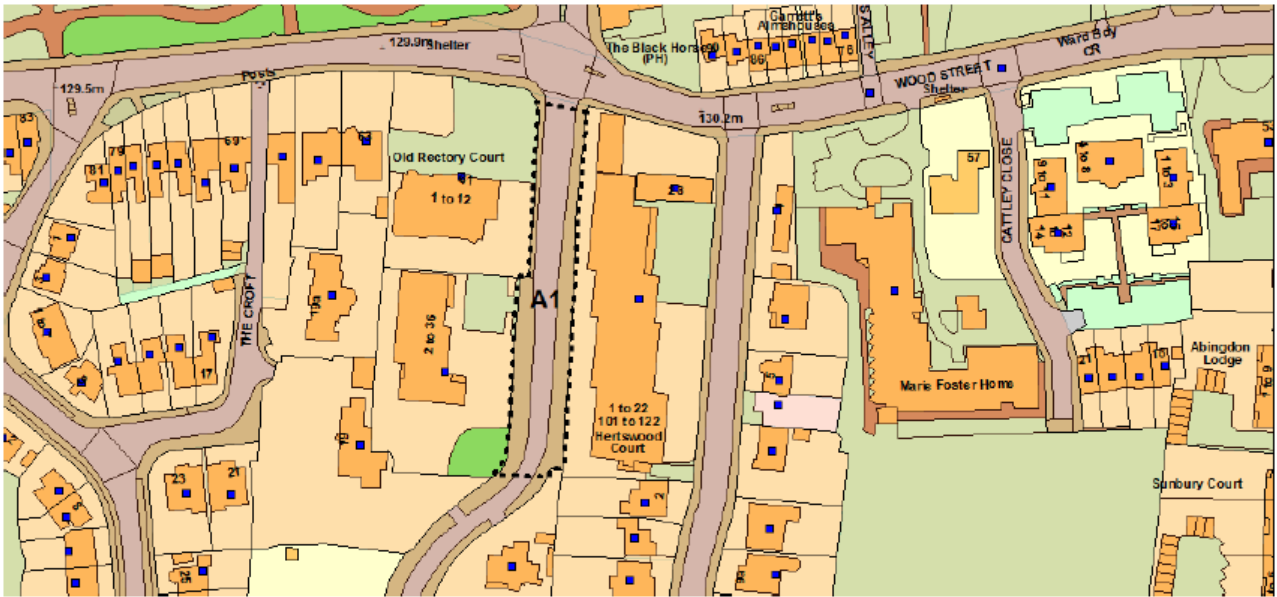
The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender 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 on 3rd August 2018 in the interest of public amenity following receipt of objections from local residents in connection with a s211 Notice of Intent to undertake treatment to several trees adjacent to Hertswood Court. The making of the Order was considered justifiable both on grounds of amenity and expediency. The Order relates to a designated ‘area’ of trees standing on the verges of the northern end of Leecroft Road - beside Hertswood Court, 2 – 36 Leecroft Road, and Old Rectory Court - to the Wood Street junction.

The confirmation of the Tree Preservation Order is considered reasonable in the interests of public amenity and would allow the Local Planning Authority some measure of control over treework that is considered excessive. As set out above, it is considered the trees in area A1 identified in the Order contribute significantly to public amenity as well as to the character and appearance of the Wood Street Conservation Area and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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Location **92 Bedford Avenue Barnet EN5 2ET**

Reference: **18/5301/HSE**

Received: 29th August 2018

AGENDA ITEM 13

Accepted: 17th September 2018

Ward: Underhill

Expiry 12th November 2018

Applicant: Mrs Sally Nash

Proposal: Single storey rear extension

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: 552-01, 552-02, 552-05, 552-03d and 552-04d

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

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

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

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

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

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

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

- 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 flank elevation(s), of the extension(s) hereby approved, facing N0 94 Bedford Avenue.

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. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

Councillor Roberts have called this application in for the reasons of over development, intensification and bulk of the proposed development.

1. Site Description

Councillor Roberts have called this application in for the reasons of over development, intensification and bulk of the proposed development.

The application site is a two storey semi-detached single family dwellinghouse located along Bedford Avenue. The road slopes downwards from north to south. As a result N0 94 is sited at a lower level and N090 at a higher level than the application site. The levels also drop downwards from front to rear of the site (east to west). The property benefits from a 3m deep single storey rear extension and roof extensions.

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

2. Site History

Reference: N12102A/00

Address: 92 Bedford Avenue, Barnet, EN5 2ET

Decision: Approved subject to conditions

Decision Date: 14 March 2000

Description: Retention of rear extension and raised patio including modification to height of patio and boundary wall.

Reference: N12102

Address: 92 Bedford Avenue, Barnet, EN5 2ET

Decision: Approved subject to conditions

Decision Date: 29.05.1999

Description: Single-storey rear extension

3. Proposal

The applicant seeks permission for the erection of a single storey rear extension which will partly extends sideways of the flank wall of the existing extension. The proposed extension will be an addition to the existing 3m deep rear extension.

The proposed single storey rear extension will extend 3.5m from the rear of the existing addition giving an overall rearward projection of 6.5m in to the rear garden from the original rear wall. The proposed extension would extend a metre sideways of the flank wall of existing extension extending rearwards to a full depth of 6.5m. The proposal would have a height of 4 metres.

There are no windows proposed in the flank walls of the proposed extension only a set of doors and steps leading down to the rear garden and a window in the rear wall of the existing extension.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

1no objection has been received. It can be summarised as below

- The existing rear extension at No 92, is already of considerable size in itself and quite imposing
- The proposal is not in keeping with the majority of existing developments or surroundings including the extension at No 90
- disparity in height between the neighbouring buildings
- Not significantly amount of sound deadening/sound proofing
- main sewage (soil stack) - existing or new, is NOT detailed on the drawings submitted
- The applicants hold deeds of purchase which include covenants (in perpetuity) that prevent them from building over, or on any part of their shared driveway/ party wall
- The immediate area outside the proposed extension/patio or decking areas may cause overlooking

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF

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.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Character and appearance on the host dwelling, the wider locality and the street screen

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).

The street is largely characterised by two-storey semi-detached dwellings. It is noted that majority of the surrounding properties within the vicinity of the application site benefits from single storey rear extensions including outbuildings and roof extensions similar to the extension proposed at the host property including a 2 storey rear extension at N098.

The proposal is considered to afford subordination to the original building and is considered to have an acceptable impact and relate well to other extensions and considered to be in keeping with the local character of the area.

The curtilage of the site maintains a large rear garden therefore not considered to be an overdevelopment of the site. Any potential harm that could be perceived on the character and appearance of the host building and those properties immediately adjacent to the site is considered to be minimal, given the existence of other extensions and the modest size of the proposed extension this is not considered to be adversely harmful to the immediate character of the area.

Neighbour Amenity

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 of the Development Management Policies (Adopted) 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.

It is noted that given the sloping of the road no 94 the attached property sits at a lower level than the application property. The application property and this neighbouring property both benefit from a 3m deep single storey rear extension. It is appreciated that the

proposed extension would be an addition to this existing extension giving an overall depth of 6.5m. Whilst this may be construed as contrary to the councils design guidelines which stipulates that extensions to semi detached properties should not be more than 3.5m along the neighbouring boundary the proposed extension would be set in 2.5m from the boundary of this property and would only extend 3.5m from the rear building line of this neighbouring extension. Therefore given the distance maintained from the boundary of no 94 the proposal and the fact that the extension only extends 3.5m beyond this neighbour it is not considered this would have any appreciable adverse impact on this neighbours amenity in terms of overbearing impact, sense of enclosure, loss of light.

N094 sits to the south of the application property which benefits from morning sunlight to the front and afternoon sunlight to the rear all day therefore given the orientation of the sun it is not considered there would be any impact on overshadowing or loss of sunlight to this property.

No windows are proposed in the flank wall facing this property and there is no raised patio therefore not considered to result in any overlooking or loss of privacy.

There would be no additional noise or disturbance associated from the proposed rear extension.

On the other side N090, detached side, which sits at a higher level than the application site also benefits from a single storey rear extension. In addition this property also benefits from a detached garage building measuring 9m deep along the application boundary and therefore the proposed single storey rear extension would not be viewed from this neighbouring garden. Furthermore, the proposed sideward extension would be set off this boundary by 0.8m and 2.5 from this neighbours flank wall and would only run 6.5m along the depth of the existing 9m deep garage wall. Given the proposed extension along this neighbouring boundary would be completely screened by the garage building there would be no impact on the residential amenities of this neighbour.

Given the above the proposal is not considered to have any appreciable adverse impact on the amenities of neighbouring properties and the proposed extension is considered acceptable.

5.4 Response to Public Consultation

Mainly addressed in the above appraisal however following comments can also be made as follows:

- Not significantly amount of sound deadening/sound proofing, This is not a planning matter and will fall under Building Control
- The main sewage (soil stack) - existing or new, is NOT detailed on the drawings submitted. This is not a material planning consideration these matters are generally regulated under building control legislation.
- The applicants hold deeds of purchase which include covenants (in perpetuity) that prevent them from building over, or on any part of their shared driveway/ party wall. Covenants are not material planning consideration and there is no encroachment on to neighbours land

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 planning 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 wider locality Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

