

<b>Location</b>	<b>100-104 Lancaster Road Barnet EN4 8AL</b>	
<b>Reference:</b>	<b>18/4633/FUL</b>	Received: 25th July 2018 Accepted: 25th July 2018
<b>Ward:</b>	East Barnet	Expiry 19th September 2018
<b>Applicant:</b>	Mr Benny Hoffman	
<b>Proposal:</b>	Creation of first and second floor to create 2 x 2 bed self-contained flats at No 104 Lancaster Road and creation of second floor to create 1 x 2 bed self-contained flat at Nos 100-102 Lancaster Road.	

**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:

Location Plan 1:1250

16-1135-01B - 104 Lancaster Road Floor Plans and Elevations as Existing

17-1247-01A - 100-104 Lancaster Road Elevations as Existing

17-1247-02A - 100-104 Lancaster Road Floorplans as Existing

17-1247-03A - 100-104 Lancaster Road Ground Floor as Proposed

17-1247-100 - 100-104 Lancaster Road First and Second Floor as Proposed

17-1247-101 - 100-104 Lancaster Road Elevations as Proposed

17-1247-102A - 100-104 Lancaster Road Elevations and Sections as Proposed

17-1247-103 - Comparison between refused and current plans (First floor)

17-1247-104 - Comparison between refused and current plans (Second floor)

Planning & Design Statement, Mialex, July 2018

Transport Statement (Highways Technical Note, June 2017, Paul Mew Associates)

Noise Impact Assessment, 24 Acoustics, 30th June 2017

Sustainability/Energy Statement

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), including terraces and privacy screening, 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 and details as approved under this condition.

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

- 4 Before the flats within the extensions hereby permitted are first occupied the proposed second floor window in the south elevation of no. 104 Lancaster Road (serving corridor to Flat 2 and above the terrace of Flat 1 below) 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 2016).

- 5 Other than the terraces shown on the approved plans, the roofs of the extensions 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).

- 6 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. 17-1247-03A submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of

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

- 7 No dwelling within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with London Plan Cycle Parking Standards.

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

- 8 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).

- 9 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 2016).

- 10 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).

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

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

- 12 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.

- 13 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.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the site.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

- 16 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).

- 17 No flat shall be occupied until the mitigation measures, demonstrating how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration, and detailed in the Noise Impact Assessment, by 24 Acoustics, dated 30th June 2017 Ref: R6993-1 Rev 0, has been fully implemented on site and incorporated into the development.

The mitigation measures as detailed in the report shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

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

## 18 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

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

## **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](http://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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins.
- 4 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 5 For a proposal for any new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises two buildings (No. 104 and Nos. 100-102) located on the western side of Lancaster Road. The street is primarily residential in character with commercial premises at No.100-102, 104 and 106-108. The area is primarily characterised by brown brick buildings or buildings finished in a mixture of brown brick and render.

Both properties that are subject of this application are part single/part two storey flat roofed buildings and are former commercial premises which have the benefit of prior approval for conversion to residential use.

The buildings are not listed and the site is not within a Conservation Area.

No. 104 is the narrower building on the left of the two as viewed from the streetscene.

### **2. Site History**

#### 100-102 and 104 Lancaster Road

18/0065/CON

100-104 Lancaster Road, Barnet, EN4 8AL.

Submission of details of conditions 3 (Materials) 6 (Terrace Sub-Division) pursuant to planning permission 17/6771/S73 dated 19/12/17

Decision: Approved

Decision Date: 1st February 2018.

17/6771/S73

100-104 Lancaster Road, Barnet, EN4 8AL.

Variation of condition 1 (Plan Numbers) of planning permission 17/0521/FUL dated 30/01/2017 for planning permission for 'Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. alterations to fenestration including retention of 4no. additional windows in the side elevations of no.104.' Amendments include additional window to east elevation of building 104

Decision: Approved subject to conditions

Decision Date: 19th December 2017

17/4478/FUL

100-104 Lancaster Road, Barnet, EN4 8AL.

Creation of first and second floor to create 2no self-contained flats at No 104 Lancaster Road and creation of second floor to create one self-contained flat at Nos 100-102 Lancaster Road

Decision: Refused and dismissed at appeal

Decision Date: Refused 30.10.2017. Appeal dismissed 16.07.2018.

Reasons for refusal:

1. The proposed second floor rear extension to 100-102 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the neighbouring properties, particularly 98 Lancaster Road and the first floor facing flats within 100-102 Lancaster Road, contrary to Policy CS5 of

Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance and Sustainable Design and Construction SPDs (2016).

2. The proposed first and second floor rear extension to 104 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the first floor flat/s within the facing front part of 104 Lancaster Road, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance and Sustainable Design and Construction SPDs (2016).

3. The proposed development fails to provide reasonable levels of outlook from habitable room windows and provides inadequate private amenity space for future residents. The proposal would therefore provide a poor quality of accommodation for future residents which would be contrary to CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), and the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

4. The proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general. As such, the proposed development would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012) and policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012).

Details of the dismissed appeal (APP/N5090/W/18/3195977) are set out in the 'Assessment of Proposals' section below.

17/0521/FUL

100/102 and 104 Lancaster Road, Barnet, EN4 8AL.

Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear.

Decision: Approved

Decision Date: 11th May 2017.

16/7260/FUL

100/102 and 104 Lancaster Road, Barnet, EN4 8AL.

Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. alterations to fenestration including insertion of 4no. additional windows in the side elevations of no.104.

Decision: Refused (The proposed cladding by reason of its design and materials would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and wider street scene).

Decision Date: 10 January 2017.

### 104 Lancaster Road

15/02662/PNO: 104 Lancaster Road, Barnet, EN4 8AL. Change of use from Class B1 (Office) to Class C3 (Residential) (6 Units).

Decision: Prior approval required and approved.  
Decision Date: 16 July 2015.

15/05804/FUL: 104 Lancaster Road, Barnet, EN4 8AL. Installation of additional windows to an existing building and the removal of some existing windows.  
Decision: Approved subject to conditions.  
Decision Date: 9 November 2015.

16/5007/RCU: 104 Lancaster Road, Barnet, EN4 8AL. Demolition and rebuild of single storey rear projection. Installation of additional windows to an existing building and the removal of some existing windows (retrospective application).  
Decision: Approved subject to conditions.  
Decision Date: 22 September 2016.

### 100-102 Lancaster Road

15/07008/PNP: 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use from (Class B8) to (Class C3) Residential, to provide 7no. units, including alterations to fenestration.  
Decision: Prior Approval Required and Refused.  
Decision Date: 7 January 2016. Appeal allowed.

15/04450/PNO: First Floor 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use of front section of the first floor from Use Class B1 (office) to Use Class C3 (residential) to provide (2 Units)  
Decision: Prior approval required and approved.  
Decision Date: 27 August 2015.

### **3. Proposal**

This proposal is for:

- Two storey extension (First and second floors) to the rear part of No. 104 Lancaster Road to create 2 no. 2 bed flats
- Single storey extension (Second floor) to the rear part of 100-102 Lancaster Road to create 1 no. 2 bed flat
- Provision of 1 no. car parking space to serve the 3 no x 2 bed units.

The current application follows refused application reference 17/4478/FUL, which was also dismissed at appeal (solely on grounds of living conditions for future occupiers).

The current application differs from the refused application reference 17/4478/FUL in the following ways:

Proposed First Floor Flat (No 104 Lancaster Road):

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

Proposed Second Floor Flat (No 104 Lancaster Road):

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

Proposed Second Floor Flat (No 100-102 Lancaster Road):

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

#### **4. Public Consultation**

Consultation letters were sent to 147 neighbouring properties. 10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Loss of light/overshadowing
- Out of character
- Overlooking / Loss of Privacy
- Overbearing and sense of enclosure
- Will cause Traffic and Parking issues
- Loss of outlook
- Noise from construction work
- Concerns about waste collection

#### **5. Planning Considerations**

##### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

##### 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 Government's 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.

### Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to 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

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The Appeal decision relating to refused application 17/4478/FUL
- 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 living accommodation for future residents
- Highways and Parking
- Environmental Health

## **5.3 Assessment of proposals**

The Appeal decision relating to refused application 17/4478/FUL

Application 17/4478/FUL was refused by the Local Planning Authority on 30th October 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 16th July 2018.

Although the appeal was dismissed, the Inspector's Decision forms a material planning consideration for the current application.

In summary, the Inspector found the development proposed by refused application 17/4478/FUL to be acceptable in all respects other than the living conditions for future occupiers (lack of natural light and oppressive outlook and inadequate outdoor amenity space).

Key extracts from the Planning Inspector's Report are as follows:

Future occupiers' living conditions:

Paragraph 8 - "One bedroom in the proposed second floor flat at No 100-102 would directly face a blank wall to the proposed flat at No 104 at a distance the Council advise would be 1m. This would create an enclosed and oppressive space with little access to natural light in that room. A similar distance would separate bedroom windows in both proposed flats at No 104 from existing and proposed brick walls opposite at Nos 100-102 with the same result. In the latter case, whilst a limited oblique view could be afforded past the corner of the opposite building from those rooms, this would not sufficiently relieve the lack of natural light and oppressive outlook that would ensue."

Paragraph 9 - "Although occupiers of those affected flats would have access to other rooms not so affected, the effects on the occupiers of those bedrooms would be so restrictive that this would not adequately mitigate the adverse effects."

Paragraph 10 - "The outside terraces of all three flats would be small and only provide limited opportunities for occupiers to enjoy the outdoors and carry out outdoor domestic tasks. The terrace proposed for the first floor flat at No 104 would be enclosed on three

sides with the walls extending vertically upwards as part of the proposed flat above. Furthermore it would look directly onto the flank elevation of the adjoining commercial building which is in very close proximity. Therefore while the space would be outside, it would be dark, enclosed and oppressive, and not provide an attractive place to relax. The tapering configuration of the terrace to the flat at Nos 100-102 would limit its usability, particularly towards the narrower end, also limiting the outdoor space available for occupiers."

Paragraph 11 - "The terraces at No 104 would fall below the 5m<sup>2</sup> per habitable room requirement set out in the Council's Design and Construction guidance<sup>2</sup>. Although that at Nos 100-102 would, according to the figures on the appellant's plans, achieve the minimum area, its tapering shape would in part not appear to achieve the minimum 1.5m depth set out in that guidance nor the Council's Residential Design guidance. By not being designed to allow for adequate daylight, sunlight and outlook for potential occupiers and users or demonstrating compliance with the outdoor amenity space standards in the Council's guidance, the development would not comply with Development Management Policies<sup>4</sup> (DMP) Policies DM01 and DM02."

Paragraph 12 - "Mature trees lining the adjacent railway embankment would restrict the outlook from, and to an extent light reaching, windows and terraces facing them. However, the effects would be less marked when trees were not in leaf and an outlook into tree foliage and canopies would not in itself be harmful. They would also provide a degree of separation from the adjacent railway lines. Proposed kitchen windows in flank elevations of the proposed flats at No 104 would have virtually no outlook and admit very limited natural light due to their proximity to walls opposite. Nevertheless, unlike the aforementioned bedrooms, other less restricted windows would also serve those rooms and this would avoid a unacceptable effect on occupants. However, lack of material harm in these respects would not change that which would arise as a result of other aspects of the proposed configuration."

Neighbours' living conditions:

Paragraph 13 - "The outlook to the rear of adjacent properties on Lancaster Road and in the block of flats at Mariners Close would be changed by the additional storey on the nearest building on the appeal site. However, this element would be offset from, and situated some way to the rear of, 96 and 98 Lancaster Road and their rear gardens as well as being separated from properties in Mariners Close by that developments' parking court. The combination of the distance the development would be from those properties and in particular the offset and perpendicular relationship with the rear of Nos 96 and 98 would mean that the development would not be unacceptably intrusive or create a harmful enclosing effect."

Paragraph 14 - "The development's relatively simple elevation facing those properties would essentially be a vertical continuation of the existing treatment and this aspect would not create a visually intrusive effect. The elevated flank window and terrace in the proposed flat would enable views over the parking court and the rear of flats in Mariners Close, as well as oblique views of Nos 96 and 98 and their rear gardens. However, the separation distances and angle of viewpoints involved would mean that there would not be harmful loss of privacy to adjoining occupiers. The extent of mutual overlooking would not be materially more intrusive to that which already exists from the various dwellings with windows looking into the space bounded by the appeal site and adjoining buildings on Lancaster Road and Mariners Close."



Paragraph 15 - "The considerable degree of setback of both extensions within the site would be such that there would only be very limited effects on light reaching, privacy within and outlook from properties on the other side of Lancaster Road opposite the site. There would not be a materially harmful effect on the living conditions of occupiers of adjacent residential properties. The development would therefore avoid conflict with DMP Policies DM01 and DM02 in these respects."

Living conditions of other flats on the appeal site:

Paragraph 16 - "The addition of a two storey building, particularly the stair block, in close proximity to the rear of the first floor flats under conversion at No 104 would introduce a substantial mass of brickwork opposite doors shown on the drawings as being glazed. This would effectively limit outlook from those doors to a very small area, significantly reduce the levels of daylight entering flats from that direction at certain times of the day and the height of the extension in such close proximity to the doors would introduce an overbearing effect."

Paragraph 17 - "However, those doors would be only one source of light and outlook from the flats. Even taking into account that light to and outlook from flank windows is likely to be restricted to a degree by the proximity of adjacent buildings, and in the absence of any evidence to the contrary, the flats would not be greatly dependent on those doors in creating acceptable living conditions. Considering the flats as a whole, occupiers would have other opportunities for access to an acceptable outlook and natural light."

Paragraph 18 - "The flats under conversion at Nos 100-102 already face a single storey building from which it is set farther away than the proposed arrangement at No 104. Given their situation relative to one another, occupiers of that flat would only have a very limited outlook of sky above the existing building opposite when close to the windows. These circumstances mean that outlook would not be materially more restricted by the additional height. There would be a more marked effect on natural light at certain times of the day. However, in the absence of any evidence to the contrary, those flats opposite would also have access to other windows which would not be affected in the same way by the development."

Paragraph 19 - "The living conditions that future occupiers of other flats in the process of conversion could reasonably be expected to enjoy would not be unacceptably harmed by the proposed arrangement. Accordingly, the development would avoid conflict with DMP Policies DM01 and DM02 in these respects."

Character and appearance:

Paragraph 20 - "The existing flat roof buildings have a functional and rectilinear form, an appearance which would be reflected in the conversion scheme underway and the proposed extensions. This arrangement sets them apart from the pitched roof arrangements of most of the surrounding dwellings. Although the increase in height of the rear parts of both buildings to three storeys would be notably taller than the existing configuration, these elements would be set well back within the site. This would mean they would not be particularly conspicuous or prominent from along the predominantly two storey Lancaster Road where they would be viewed in the context of the intervening two storey front elements of the buildings on the appeal site and other buildings lining the street."

Paragraph 21 - "The increase in height would be more apparent to the side adjacent to the open area of the Mariners Close parking court. However, in the context of the three storey height of that part of Mariners Close opposite the side of the development the proposed arrangement would not appear at odds with this built context nor harm the streetscene. The additions to the building would project existing walls up which are close to the site's boundaries. However, the position of the taller elements to the rear and their context of commercial buildings to one side, a parking court to the other and tree lined railway line to the rear, would avoid a harmfully cramped or overdeveloped appearance resulting. The development would consequently avoid conflict with the place shaping and character requirements of Core Strategy5 (CS) Policies CS1 and CS5 and DMP Policies DM01 and DM02."

Overall balance:

Paragraph 22 - "The development would have benefits of delivering three new homes in an accessible location and make efficient use of land by developing on an existing housing site. However, these benefits would be significantly diminished by way of the proposed accommodation not providing suitable living conditions for future occupiers. Avoidance of harm in other respects is not a positive consideration in support of the appeal. Overall the benefits would not outweigh the harm that would be caused and I have not found that other considerations would indicate that a decision other than in accordance with the development plan should be made. Consequently the development would not accord with CS Policy CS NPPF."

In order for the proposal to be considered acceptable the applicant is required to have addressed the Inspector's concerns in respect of living conditions for future occupiers.

The current application has been revised as follows:

Proposed First Floor Flat (No 104 Lancaster Road)

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

Proposed Second Floor Flat (No 104 Lancaster Road)

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

Proposed Second Floor Flat (No 100-102 Lancaster Road)

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

### Two storey extension to No. 104 (at first and second floors)

No. 104 is the narrower building on the left of the two as viewed from the street. It is currently two storeys where it fronts Lancaster Road and single storey towards the rear.

The existing building is a former commercial premises which has the benefit of prior approval for conversion to residential use comprising 6 no units with 3 no car parking spaces.

Planning permission has also been granted (17/0521/FUL) for a small first floor extension to the front part of the building.

This application proposes an additional two storeys to the rear part of the building to form a 3 storey rear element, creating 2 additional 2 bed flats.

The proposed extension would be 7.1m wide, 6.7m deep and 4.9m high.

### Single storey extension to No. 100-102 (at second floor)

No. 100-102 is the wider building on the right of the two as viewed from the street. It is currently two storeys where it fronts Lancaster Road reducing to single storey in the middle section before rising to two storeys at the rear.

The existing building is a former commercial premises which has the benefit of prior approval for conversion to residential use comprising 7 no units with 4 no car parking spaces.

This application proposes an additional storey to the rear part of the building to form a 3 storey rear element, creating 1 additional 2 bed unit.

The proposed extension would be 8.6m wide, 11.3m deep and 4.9m high.

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

In refusing application 17/4478/FUL, Officers considered that the proposed development by virtue of its height, size, scale, bulk and massing would constitute an overdevelopment of the site that would fail to relate to the immediate context of the site and would harm the character and appearance of the streetscene and the locality in general.

However, when considering the subsequent appeal, the Inspector states (Paragraphs 20 and 21) that, as the proposed 3 storey elements would be set well back within the site, they would not be particularly conspicuous or prominent in the streetscene. He goes on to say that whilst the additions would be more apparent from Mariners Court parking court, they would not be out of context here given the 3 storey height of Mariners Court itself before concluding that due to their position to the rear of the site and the surrounding context, the proposed extensions would not result in a harmfully cramped or overdeveloped appearance.

Given the Inspector's conclusions as summarised above, the proposed development is considered to be acceptable in character and appearance terms.

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

In refusing application 17/4478/FUL, Officers considered that the proposed second floor rear extension to 100-102 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the neighbouring properties, particularly 98 Lancaster Road (and its rear garden) and the first floor facing flats within 100-102 Lancaster Road. To a lesser extent the rear gardens of 96 Lancaster Road and the neighbouring flats would also be impacted in terms of loss of visual amenity. Similarly, it was considered that the proposed first and second floor rear extension to 104 Lancaster Road would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the first floor flat/s within the facing front part of 104 Lancaster Road.

However, when considering the subsequent appeal, the Inspector states (Paragraphs 13, 14 and 15) the Inspector states that, whilst the outlook of the occupants of 96 and 98 Lancaster Road and Mariners Court would be changed by the proposed additions, the development would not be unacceptably intrusive or create a harmful enclosing effect.

He goes on to say that the proposed development would not be visually intrusive, nor would it result in harmful loss of privacy nor light.

In respect of impact on living conditions of occupiers of other flats on the appeal site, the Inspector notes (Paragraphs 16-19) that the addition of a two storey building, particularly the stair block would introduce a substantial mass of brickwork opposite the glazed doors of the existing flats at No. 104 and that this would limit outlook, light and introduce an overbearing effect, he goes on to say that as those doors are only one source of light and outlook from those flats, occupiers would have other opportunities for access to outlook and light.

Similarly, the Inspector finds (Paragraph 18) that the flats under conversion at 100-102 would not experience unacceptable levels of loss of outlook or light as a result of the proposed development.

The changes to the scheme proposed by this application in order to address the Inspector's concerns in respect of future occupiers living conditions comprise re-positioning windows, enlarging terrace areas and introduction of an additional bedroom window to the 2nd floor rear elevation of No. 104. It is not considered that any of these amendments would have a harmful impact on any existing or future neighbouring occupiers.

Based on the above it is concluded that the proposed development would not unacceptably harm the living conditions of any existing or future neighbouring residents.

### Whether the development would provide suitable living accommodation for future residents

In refusing application 17/4478/FUL, Officers considered that the proposed development would result in a poor quality of living accommodation as follows:

#### 2nd floor flat within 100-102

- The only window within the second bedroom (12 sq m) would face directly on to the brick flank elevation of No. 104 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.

- The rear facing windows of the living area and terrace area would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook and amenity space.

#### 2nd floor flat within 104

- The kitchen window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The window in the northernmost bedroom would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The terrace and living room window would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook and amenity space. The area of the amenity space (10 sq m) falls below the required level of provision based on 5 sq m per habitable room.

#### 1st floor flat within 104

- The terrace and southernmost bedroom's only window would face directly onto the flank elevation of the neighbouring warehouse building at a distance of approximately 1.0m providing an unacceptably poor quality of outlook and amenity space. At 11 sq m the private amenity space also falls below the required level of provision based on 5 sq m per habitable room. The terrace would be enclosed on 3 sides and provide no outlook.
- The kitchen window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The northernmost bedroom's only window would face directly on to the brick flank elevation of No. 100-102 at a distance of approximately 1.0m therefore providing an unacceptably poor quality of outlook from this habitable room.
- The rear facing living room windows would face onto the branches of trees on the railway embankment in close proximity, providing an unacceptably poor quality of outlook.

The proposed development fails to provide reasonable levels of outlook from habitable room windows and provides inadequate private amenity space for future residents and is therefore unacceptable in terms of quality of living accommodation for future occupiers.

When considering the subsequent appeal the Inspector (Paragraphs 8 - 12) agreed that outlook from windows and quality of amenity space would be unacceptably poor, but stated that outlook into tree foliage and canopies would not in itself be harmful.

The Inspector dismissed the appeal on the sole ground of living conditions for future occupiers.

The current application seeks to address these concerns by making the following amendments:

#### Proposed First Floor Flat (No 104 Lancaster Road)

- Reconfiguration of internal room layout to provide new 15 sqm amenity terrace to rear of property.
- Reconfiguration of window layout to relocate 2 x northern side elevation windows serving living space and bedroom and 1 x southern side elevation bedroom window

#### Proposed Second Floor Flat (No 104 Lancaster Road)

- Reconfiguration of window layout to remove 2 x northern side elevation windows serving living space and bedroom and installation of new bedroom window in eastern front elevation.
- Reconfiguration of internal room layout to provide enlarged 15 sqm amenity terrace to rear of property.

#### Proposed Second Floor Flat (No 100-102 Lancaster Road)

- Removal of southern side elevation window and reconfiguration of layout to increase rear terrace from 15 sqm to 26 sqm (incorporating a minimum width of 2 metres).

The changes to both buildings would result in provision of 3 no. 2 bed flats as follows:

Flat 1 (104, 1st Floor, 2 bed 3 person) - 66 sq m GIA plus a total of 26 sq m amenity space.

Flat 2 (104, 2nd Floor, 2 bed 3 person) - 66 sq m GIA plus a total of 15 sq m amenity space.

Flat 3 (100-102, 2nd Floor, 2 bed 4 person) - 75 sq m GIA plus 26 sq m amenity space.

It is considered that the amendments to the scheme as described above overcome the previous concerns of Officers and the Planning Inspector in respect of outlook, amenity space and light.

The proposed units all meet the minimum required space standards.

The proposed development is now considered to be acceptable in terms of living conditions for future occupiers.

#### Highways and Parking, Cycle Parking and Refuse

1 no. of street car parking space is proposed; to serve the 3 no. 2 bed units.

This would be in addition to the 7 no. spaces proposed to serve the 13 no. units created under the previous Prior Notification applications.

The proposed development for 3x2bedroom units would require parking provision of between 3 to 4.5 parking spaces in accordance with the DM17 Policy.

The site is located within a Public Transport Accessibility Level (PTAL) of 2. Therefore 4 parking spaces in accordance DM17 is required. The parking provision of 1 parking space is resulting in a shortfall of 3 parking spaces.

However, the applicant undertook a parking beat survey in accordance with the Lambeth Methodology which indicated average overnight parking stress in the region of 67% with a total of 43 cars parked in the 64 available unrestricted spaces.

Therefore, on balance, the proposed application with provision of a one parking space is acceptable on highway grounds as the proposal is unlikely to result in any additional detrimental impact on public highway compared to the approved applications.

It appears that the block of 5 no. car parking spaces proposed would result in a crossover width in excess of the maximum permitted 4.8m.

Cycle parking needs to be provided in accordance with London Plan Cycle Parking Standards. A condition is proposed accordingly.

A condition is also proposed to secure Refuse collection arrangements.

### Environmental Health

Environmental Health were consulted and considered the submitted Noise Impact Assessment for the proposed extensions, concluding that the Noise Impact Assessment (dated 30th June 2017, Ref: R6993-1 Rev 0) has addressed the impact of traffic, industrial and rail noise on the proposed extensions. The proposed ventilation and glazing system being proposed will protect the occupants of the building from noise disturbance.

A condition should be added to any planning permission in order to secure the mitigation measures.

Environmental Health also requested that Conditions be attached to any planning permission as follows:

- Works on site between 0800-1800 Weekdays and 0800 -1300 Saturdays and no noisy works on Sunday and bank holidays.
- Construction Method Statement
- Contamination.

## **5.4 Response to Public Consultation**

Comments relating to planning considerations have been addressed in the above report.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed amended scheme has addressed the concerns of the Planning Inspector in relation to the refused / dismissed scheme and the proposal is considered acceptable in terms of future

occupiers' living conditions, neighbours' living conditions, living conditions of other flats on the appeal site and character and appearance.

The proposal is therefore recommended for Approval.

