

Location 138 High Road London N2 9ED

Reference: 23/4531/FUL Received: 20th October 2023
Accepted: 23rd October 2023

Ward: East Finchley Expiry 18th December 2023

Case Officer: Andrew Turner

Applicant: Mr Tony Forgione

Proposal: Partial conversion of the existing building into 3no. self-contained flats including first and second floor rear extension. Associated refuse/recycling/cycle storage [AMENDED DESCRIPTION AND DRAWINGS]

OFFICER'S RECOMMENDATION

Approve subject to s106

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

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. Amendment to the Traffic Management Order:
- A contribution of £2738.94 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits

- A contribution of £136.95 towards meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Existing Elevation, drawing number, 1659_311
Existing Plans, 1659_310
Existing & Proposed Block Plan, 1659_301_D
Existing & Proposed Block Plan
Proposed Elevation, 1659_321_D
Proposed Plans, 1659_320_D
Proposed Roof Plans, 1659_322_A
Planning Statement, (DPA)
Location Plan, 1659_310
Location Plan 20-Oct-2023
Transport Statement (entran, October 2023)
Daylight & Sunlight Analysis, ref. Z62804 (Energy Counsel, 12th Feb

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 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 4 Prior to occupation of the development refuse collection arrangements shall be in place in accordance with the submitted planning application.

Reason: In the interest of highway safety in accordance with London Borough of Barnet

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

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

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

- 6 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the

Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies GG3 and SI1 of the London Plan 2021

- 7 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).

- 8 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 9 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 2013 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), Policy SI 2 of the London Plan 2021.

- 10 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).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

- 12 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 13 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%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30th July 2024, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

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.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 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.

- 6 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.

- 7 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 Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- 8 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.

- 9 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry, or other material likely to impede the free flow of water therein.

- 10 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 11 The applicant is advised that (the whole length) 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 Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 12 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

OFFICER'S ASSESSMENT

The application has been referred to committee by Councillor Farrier.

1. Site Description

The application site is on the eastern side of the High Road near to the junction with Leicester Road within the East Finchley Ward. The property is comprised of commercial use for a Thai restaurant on the ground floor with an associated cold room and storage facility to the rear and residential on the floors above.

The property is not listed, nor does it lie within a Conservation Area.

2. Site History

Reference: C00358D/03

Address: 138 High Road, London, N2 9ED

Decision: Approved subject to conditions

Decision Date: 3 June 2003

Description: Erection of single storey Yoga studio with access via Leicester Road.

Reference: C00358E/06

Address: Rear Of 136-138 High Road London N2 9ED

Decision: Approved subject to conditions

Decision Date: 13 April 2006

Description: Amendment to approved single storey yoga studio with access via Leicester Road to include a single storey extension.

3. Proposal

The application initially proposed the 'partial conversion of the existing building into 4no. self-contained flats including first and second floor rear extension. Associated refuse/recycling/cycle storage'. Following negotiations between officers and the applicant, the number of proposed dwellings was reduced from 4no. to 3no. Therefore, the amended proposal seeks permission for the 'Partial conversion of the existing building into 3no. self-contained flats including first and second floor rear extension. Associated refuse/recycling/cycle storage.'

4. Public Consultation

Consultation letters were sent to 147 neighbouring properties.

Objections were received from 5 neighbouring properties, including one from the Finchley Society.

The objections from residents can be summarised as follows:

- Significant impact on Yoga business owing to noise and air pollution
- Impact on health and wellbeing of users of the Yoga Studio
- Overlooking into Yoga House Leicester Road and 2 Leicester Road
- Impact on sewage system owing to impact from users of the system causing additional sewage to be blocked
- Impact on natural light and outlook coming into the kitchen of no 136A High Road 136B High Road
- Impact on the natural light of no 140 High Road inside and out
- Impact on ability of no 136A High Road to store refuse and recycling from additional parking in their storage location
- Neighbours would not agree to scaffolding in a party wall agreement owing to impact on fire escape and bin storage and collection
- Neighbours would not permit access to site through their garden
- Any extractor vents, overflows, water outlets should be directed away from studio flat of no 140 High Road
- Heating vents should be directed away from outside amenity space of the studio flat
- Extra structure could compromise the structural integrity of existing building
- Unacceptable inside bin storage area creating health and safety and odour concerns in the summer months and causing bin collection issues
- Impact on sewage for no 140 High Road
- Insufficient parking for future occupiers and existing stress levels on parking

The objection from the Finchley Society can be summarised as follows:

- Over development: building too narrow to facilitate proposed layout.
- Preferable to give the whole of the ground floor to the commercial unit.
- In sufficient outdoor amenity space for units above ground floor.
- Insufficient outlook for future occupiers with single aspect apartments with only one window for entire flat

5. Planning Considerations

5.1 Policy Context

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 updated 19th December 2023. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) 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 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. 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, DM03, DM04, DM08, DM11, DM12, DM16, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft

development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan. These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- Principle of development
- Impact on the character of the area
- Impact on amenity of neighbouring occupiers
- Impact on amenity of future occupiers
- Whether recycling and cycle storage arrangements are acceptable
- Whether there would be any harm to highways and parking

5.3 Assessment of proposals

The applicant seeks permission for the partial conversion of the existing building into 3no. self-contained flats including a part first and second floor rear extension. Alongside this is the provision of associated refuse, recycling, and cycle storage.

The bedrooms(b)/ persons-bedspaces (p) to essential gross internal area (G.A.I.) would be as follows for the application:

On the ground floor a 1b 2p flat of 50 sqm;
On the first floor a 2b3p flat of 63 sqm;
On the second floor a 2b3p flat of 63 sqm.

These flats all exceed the minimum space standards for flats of these types of dwellings set out in Table 3.1 of the London Plan (2021).

Following discussions, the following amendments were made, inter alia:

- The reduction in the number of proposed self-contained dwellings from 4no. to 3no.;
- The reduction in depth of the ground floor of the rear extension closest to the boundary with no. 140 High Road;
- The reduction in width of the first and second floor elements of the rear extension, coming in off of the boundary with no. 136 High Road;

Principle of Development

Policy DM01 of the Development Management Policies (Adopted 2012) states that new residential developments must harmonise with and respect the character of the area, and the design of the proposal is considered to be consistent with the established character of the area.

Policy DM08 states that maintaining and increasing the supply of family housing is considered a priority in the Borough. Following amendments to the proposed scheme, the application seeks to create 3no. new dwellings on the ground first and second floor. It is also noted that the flats are proposed to be located in an area designated as a secondary retail frontage as per the Council's Local Plan. These properties have commercial, high street uses on the ground floor with flats above. In addition, the existing dwellinghouse is not listed and is not considered to have any particular architectural or historical merit. Planning permission was also granted for the conversion of 1no. to 3no. flats on the upper floors of 132 - 134 High Road (LPA re. 17/5663/FUL). These are all 1no. bedroom flats. This permission also reinforces the principle of flats and the proposed mix of flats (flats with 1no. and 2no. bedrooms) in this locality.

Thus, it is considered that the principle of flats, including the proposed unit mix noted above, would be acceptable in principle, subject to their compliance with relevant design guidelines, as elaborated upon below.

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

No. 136 High Road is the corner property fronting High Road and Leicester Road. It

benefits from a ground plus two storey rear outrigger which protrudes beyond the rear elevation of the proposed ground plus two storey rear extension. The proposed rear extension would also be of a similar bulk, massing and appearance as the existing building at 136. The proposed rear extension is therefore considered to be an acceptably positioned and proportioned extension that would be subservient within the context of the nearby locality and does not appear to be overbearing, disproportionate or out of keeping in the context of its immediate surroundings or the streetscene.

Having reviewed the character of the wider area, the proposal is noted not to conflict with the existing pattern of development. As such, there is no materially harmful impact considered to take place in this regard.

The proposed development would have an acceptable impact to the character of the existing property and the wider area and is therefore acceptable under policies DM01 and CS05 (both of the Barnet Local Plan) and policies D1, D3 and D6 (of the London Plan).

Potential impacts upon the amenities of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 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.

There is an existing ground plus first floor outrigger at no. 138 High Road protruding off the rear elevation with a depth of 2.45 metres. It protrudes right up to the boundary with no. 140 High Road and protrudes 2.53 metres from the boundary with no. 136 High Road. Part of the proposed development is the erection of a part ground part two storey rear outrigger. It is proposed to come 5.03 metres beyond the existing rear elevation of the subject property. The eaves height of the two-storey part of the extension is 9.10 metres and has a maximum height of 10.66 metres.

According to the Council Tax register, no. 140 High Road is split into three flats. This is supported by planning permission granted for the erection of a 'First floor rear extension with Juliette balcony and rear dormer to facilitate conversion of single residential unit into 3 no. self-contained flats' (ref. 16/4523/FUL). It is assumed that these are split between the first, second and third floors of no. 140 High Road above the ground floor retail unit. Concerns were raised by Officers regarding the impact the proposed development would have on the sunlight and daylight which would benefit windows of the second floor flat at no. 140 High Road. Consequently, the applicant commissioned a Daylight and Sunlight Assessment. The report concluded that there would be no undue impact on the daylight and sunlight for the (bedroom) window of no. 140 High Road. Officers are satisfied that the Daylight and Sunlight Assessment used a robust methodology, the BRE method, the recognised methodology for such assessments used in England. The report was also undertaken by Energy Council, who appear to be a suitably qualified person to carry out such a report. This report overcame Officer's concerns in this regard. There is not considered to be an undue impact on the outlook, a sense of enclosure or sense of being overbearing owing to the distance of this window from the boundary with no. 138 High Road. The other second floor window closest to 138 already has limited amount of outlook, daylight and sunlight and serves a stairway. The first floor window (bedroom) in the original rear wall at no. 140 is already restricted in outlook by the extension to no. 140. Therefore, the impact on the residential amenities of the occupiers of the flats at no. 140 High Road are, on balance, considered acceptable.

The rear facing windows of no. 136 High Road at first floor level are not considered to

have any undue loss of visual amenity owing to the existing outrigger at no. 136 High Road which would be approximately 50cm behind the proposed rear extension of no. 138 High Road. There is no loss of privacy owing to there being no proposed windows at first floor or second floor level on the side facing elevation.

According to the Council Tax register, no. 136 High Road is only one flat above the ground floor retail unit. However, there is planning permission which benefits the two-storey rear outrigger. The conversion of the first and second floors above ground level into flats benefits from planning permission (ref. C00627D). However, from speaking to the resident of no. 136A High Road, it appears that the first and second floor units are not in fact functionally self-contained. This is because they both share a communal bathroom. No. 136B was described as a 'bedsit' by the neighbour at no. 136A. This would make sense as it only benefits from a kitchen and bedroom and both properties only pay one council tax between them. As a result, the amenities of no. 136B (the bedsit) was given less weight that it would have been had it been physically and functionally self-contained dwelling. This is because it functions as part of 136A High Road. Together they function as one larger dwelling albeit being occupied by two unrelated individuals and are physically separated. No. 136A has a side facing window which benefits an open plan kitchen. This room also benefits from having an additional window to the rear. No. 136B also has a side facing window which benefits their kitchen. This is the only window benefiting their kitchen.

There are no side windows in the proposed extension. Therefore, there is no loss of privacy for no. 136 High Road. Likewise, both windows do not benefit from any sunlight owing to being north facing windows with a hipped roof above. The siting of the new extension would limit daylight to the existing side facing windows at 136. However, given the windows are not to habitable rooms and do not receive sunlight currently, it is considered that the impact is not so great as to significantly impact the residential amenity to the occupiers.

Officers note that the side facing window of no. 136A already has limited outlook owing to an existing first floor rear outrigger at no. 140 High Road. As noted above, the outrigger at no 136 High Road protrudes a similar distance to that proposed at 138. Amendments were submitted which provided a distance of 90cm between the two side elevations with an addition approximate 10.2 cm to account for the set in of the windows at no. 136 High Road. Officers are mindful of the fact that no. 136 already benefits from a rear extension that exceeds that of the proposed rear outrigger. Likewise, Officers note that the middle of the kitchen window is 3.84 metres from the rear elevation of the proposed rear extension. Officers are also mindful of the dual aspect nature of the kitchen in the first floor flat (no. 136A). Officers are also mindful of the unusual set up of the residential accommodation above the ground floor commercial unit and have, therefore, given less weight to the amenity of both kitchens as a result. However, notwithstanding that last point concerning the set-up of no. 136A High Road and no. 136 B High Road, Officers consider that, on balance, the amended distance between the side elevations would provide an acceptable level of outlook to both kitchens through the side windows of no. 136A and 136B. Therefore, Officers considered the impact on the amenities of the residential properties above the ground floor at no. 136 High Road to be acceptable.

The windows to the rear face the first floor side windows of no. 2 Leicester Road and are approximately 21.6 metres away from them thus complying with Barnet's Residential Design guidance which requires a minimum distance of 21 metres between first floor rear facing windows. Both properties therefore benefit from sufficient levels of privacy. The impact on the Yoga Studio is considered acceptable owing to the loss of privacy only coming via the existing roof lights which face away from the proposed development; and,

the nature of the use being commercial and the distance between the first and second floor of the proposed development and the yoga studio.

Therefore, it is considered that the proposal would not detrimentally harm the amenity of the neighbouring occupiers to a detrimental level. As such, the proposed development is considered to be in accordance with the expectations established in Policy DM01.

Impact on Amenity of future occupiers

As noted above, all of the proposed flats all exceed the minimum space standards for flats of these types of dwellings set out in Table 3.1 of the London Plan (2021) and are compliant with the room sizes as per Barnet's Sustainable Design and Construction SPD (2016).

The ground floor flat is single aspect, contrary to Policy D6 of the London Plan (2021). However, it benefits from two large patio doors facing the rear private outdoor amenity space of 15 sqm, which exceeds the minimum for flats set out in the London Plan (2021) and would benefit from a good degree of privacy. The living area also benefits from a roof light. The bedroom and kitchen/ dining room benefit from large patio doors leading into the rear amenity space as well as a proposed roof light. Following amendments, the distance between the bedroom and the boundary to the rear was increased to 3.488m. It is noted that this proposed flat would be east facing and so would benefit from some natural light and outlook. Likewise, Officers note the fall-back position of being able to secure such a development under the prior approval route. This would not take outlook into account in the appraisal of such a scheme. Therefore, on balance, this flat is considered to provide satisfactory living conditions for future occupiers.

Following amendments, the first and second floor flats benefit from four windows, two to the front of the property and two to the rear of the property. Both are therefore dual aspect. The flats are considered to provide a sufficient level of outlook and natural light.

The first floor and second floor units above the ground floor would not be provided with outdoor amenity space, and therefore is not compliant with the requirements of Barnet's Sustainable Design and Construction SPD (2016). However, the existing ancillary residential accommodation does not benefit from outdoor amenity space. Nor do neighbouring residential flats above the ground floor. Furthermore the proposed units are located in a sustainable location in a Town Centre close to amenities and services. On balance, the absence of outdoor amenity space is considered acceptable in this instance.

Whether recycling and cycle storage arrangements are acceptable

The Council's Highway Officer was consulted on the application and confirmed that:

"The proposed location of the bin store is within 10 metres from public highway with clear and levelled pedestrian access to be provided for the refuse crews on collection days which satisfies the highway requirements."

They also confirmed that:

The proposed development will need to provide 5no. long-stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards. The cycle parking spaces will need to be secured within a storage facility to be located in a safe, well-lit and overlooked area. The design details of cycle parking spaces and storage facilities need to comply with the London Cycling Design Standards (LCDS).

Subject to conditions listed recommended above, the recycling and cycling storage

arrangements are in accordance with policy DM17 of Barnet's Local Plan and Policies T5 and D6 of the London Plan (2021).

Whether There Would Be Any Harm to Highways and Parking

The Council's Highway Officer confirmed that:

"The site lies within a PTAL 3 zone (average transport accessibility), which means that there is average public transport accessibility to and from the site. The parking spaces requirement as per the existing proposal is 2 parking spaces. The parking spaces requirement as per the current proposal is 3.5 parking spaces. The difference is of 1.50 - 2 parking spaces.

It is considered appropriate to modify the traffic order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. A Section 106 or Unilateral Undertaking Agreement contribution of £2738.94 will be required in order to amend the traffic order."

Subject to a Section 106 or Unilateral Undertaking Agreement, the parking arrangements are in accordance with policy DM17 of Barnet's Local Plan and Policies T6.1 of the London Plan (2021).

5.4 Response to Public Consultation

The Officer's response to each of the neighbour objections can be found below:

- Significant impact on Yoga business owing to noise and air pollution

Response: the impact on the financial gains of a business is not a material planning consideration. That said, Officers have included conditions which will mitigate against undue impacts on neighbours during the construction phase.

- Impact on health and wellbeing of users of the Yoga Studio

Response: a Construction Management and Logistics Plan is being attached to ensure the construction phase will be carried out in an appropriate manner which will have an acceptable impact health and wellbeing of users of the Yoga Studio. The proposal is to cease use as a restaurant and replace it with a retail which will not need any ventilation or extraction facilities as a result. Therefore, it is considered that the proposed use will have a net benefit on the health and wellbeing of the users of the Yoga Studio.

- Overlooking into Yoga House Leicester Road and 2 Leicester Road

Response: Any overlooking into the Yoga studio is considered acceptable owing to it being a commercial use, as per the requirements in Barnet's Local Plan. The impact on 2 Leicester Road and Yoga House Leicester Road is acceptable and covered in detail in the body of the report.

- Impact on sewage system owing to impact from users of the system causing additional sewage to be blocked

Response: The application is not proposed to cover a sewage manhole on the complainant's land and the application site is in Flood Zone 1. Applications of this nature where there are proposed to be an additional 3no. dwellings, notwithstanding the cessation of the restaurant use, is not considered to have a significant impact on the

sewage capacity in this area. Any issues with sewage being blocked are in this instance a civil issue and something for the person with a legal responsibility for the drain to deal with.

- Impact on natural light and outlook coming into the kitchen of no 136A High Road 136B High Road

Response: on balance, Officers consider the impacts on natural light and outlook coming into the kitchen on no. 136A High Road and 136B High Road to be acceptable. This is covered in more detail in the body of the report.

- Impact on the natural light of no 140 High Road inside and out

Response: as noted above, a daylight and sunlight assessment was undertaken. The methodology was considered robust and the outcome found any impact on windows to have an acceptable impact. The impact on the other windows of no. 140 High Road is considered acceptable. This is covered in more detail in the body of the report.

- Impact on ability of no 136A High Road to store refuse and recycling from additional parking in their storage location

Response: the locations and arrangements of the refuse and recycling were deemed by the Council's Highway Officer to be acceptable. This view is supported by Officers.

- Neighbours would not agree to scaffolding in a party wall agreement owing to impact on fire escape and bin storage and collection

Response: this is a civil matter

- Neighbours would not permit access to site through their garden

Response: this is a civil matter.

- Any extractor vents, overflows, water outlets should be directed away from studio flat of no 140 High Road heating vents should be directed away from outside amenity space of the studio flat.

Response: There is no extraction or ventilation being proposed. As long as the materials and appearance of the water pipes are considered acceptable, the location of their run offs are considered a civil matter.

- Extra structure could compromise the structural integrity of existing building

Response: the structural integrity of the proposal is not a planning consideration.

- Unacceptable inside bin storage area creating health and safety and odour concerns in the summer months and causing bin collection issues

Response: the bin storage solution was considered acceptable by the Council's Highway Officer. This is not an uncommon arrangement in this retail area where there is no front garden and the gardens back onto one another.

- Impact on sewage for no 140 High Road

Response: The application is not proposed to cover a sewage manhole on the complainant's land and the application site is in Flood Zone 1. Applications of this nature where there are proposed to be an additional 3 dwellings, notwithstanding the cease of the restaurant use, is not considered to have a significant impact on the sewage capacity in this area. Any issues with sewage being blocked are in this instance is a civil issue and something for the person with a legal responsibility to deal with.

- Insufficient parking for future occupiers and existing stress levels on parking

Response: a S106 Agreement or Unilateral Undertaking will be required before any future approval to ensure the proposal would comply with Barnet's parking standards. This is covered in more detail in the body of the report.

- Over development: building too narrow to facilitate proposed layout.

Response: the proposal is compliant with the size standards as per the London Plan (2021). The quality of accommodation of all three flats is, on balance, considered acceptable. This is covered in more detail in the body of the report.

- Preferable to give the whole of the ground floor to the commercial unit.

Response: the proposal will see the removal of a restaurant and introduction of another use within Class E which will have a benefit for neighbouring residential dwellings. The ground floor residential dwelling is considered, on balance, to be acceptable. This is covered in more detail in the body of the report.

- Insufficient outdoor amenity space for units above ground floor.

Response: on balance the lack of outdoor amenity space is considered acceptable in this instance. This is covered in more detail in the body of the report.

- Insufficient outlook for future occupiers with single aspect apartments with only one window for entire flat

Response: following amendments, it is considered that future occupiers will have adequate outlook and air circulation for all flats. This is covered in more detail in the body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. Subject to conditions and a S106 Agreement or Unilateral Undertaking, the development will also have an acceptable impact on highway

and parking. The recycling and cycle storage arrangements are also considered acceptable. This application is therefore recommended for approval.

