

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 13TH JULY, 2020**

**AT 7.00 PM**

**VENUE**

**VIRTUAL MEETING**

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<https://tinyurl.com/y8u55oox>

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

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

Laurie Williams  
Richard Cornelius

Reema Patel  
Roberto Weeden-Sanz

Tim Roberts

**Substitute Members**

Alison Cornelius  
Thomas Smith  
Lisa Rutter

Paul Edwards  
Jo Cooper

Pauline Coakley Webb  
Julian Teare

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

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [chippingbarnet@barnet.gov.uk](mailto:chippingbarnet@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Development At Rear Of No. 252 And 254 East Barnet Road. Barnet EN4 8TF (East Barnet)	11 - 22
7.	65 York Road Barnet EN5 1LN (Oakleigh)	23 - 40
8.	28 Prospect Road Barnet EN5 5AL (High Barnet)	41 - 56
9.	19 Harmsworth Way London N20 8JT (Totteridge)	57 - 72
10.	Jewish Community School, Castlewood Road EN4 9GE (East Barnet)	73 - 94
11.	Any item(s) the Chairman decides are urgent	

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# **Decisions of the Chipping Barnet Area Planning Committee**

10 June 2020

Members Present:-

**AGENDA ITEM 1**

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

Councillor Laurie Williams	Councillor Roberto Weeden-Sanz
Councillor Richard Cornelius	Councillor Tim Roberts
Councillor Reema Patel	

## **CHAIRMAN'S INTRODUCTION**

The Chairman welcomed everyone to the meeting and outlined the procedure for holding this virtual meeting.

### **1. MINUTES OF LAST MEETING**

**RESOLVED** that the minutes of the meeting held on 11 February 2020, be agreed as a correct record.

### **2. ABSENCE OF MEMBERS (IF ANY)**

None.

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

Councillor Richard Cornelius declared a non-pecuniary and non-prejudicial interest in agenda item 7, relating to Church End House, as his wife was speaking on this item and he was a lifelong member of St. Andrew's Church.

### **4. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

### **5. ADDENDUM (IF APPLICABLE)**

Items contained within the addendum would be dealt with under individual agenda items.

### **6. 9 GRIMSDYKE CRESCENT BARNET EN5 4AH (HIGH BARNET)**

The Committee received the report and addendum.

The Area Planning Manager, repeated some of her presentation, as Councillor Prentices connection to the meeting was temporarily lost.

Representations were heard from Paul Collins (Applicant) and Jeremy Lederman (Objector).

Councillor Prentices connection was lost again. Consequently, there was an adjournment to try and resolve the problem. However, Councillor Prentice was still unable to re-join the meeting when it re-convened and she was unable to take any further part or vote on this application.

The Committee voted on the Officer recommendation to approve the application (with Councillor Prentice unable to vote), subject to the Conditions detailed in the report:

For	6
Against	0
Abstained	0

**RESOLVED** that the application be approved, subject to the conditions detailed in the report, the addendum 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 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).

## **7. CHURCH END HOUSE 44 TOTTERIDGE VILLAGE LONDON N20 8PR (TOTTERIDGE)**

The Committee received the report and addendum.

Councillor Prentice confirmed that she was present for the whole of the Officer presentation, having lost connection during the previous item. Consequently, she was able to partake and vote.

Representations were heard from Robert Newton (Objector), Councillor Alison Cornelius (Ward Councillor), Councillor Caroline Stock (Ward Councillor) and Fausto Furlotti (Applicant).

The Chairman proposed that the application be approved, subject to a personal occupancy condition being added. However, a seconder was not forthcoming.

The Committee voted on the Officer recommendation to approve the application, subject to the Conditions detailed in the report:

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

It was moved by Councillor Richard Cornelius and seconded by Councillor Roberto Weeden-Sanz that the application be refused for the following reasons:

The proposed development, by reason of its size, siting, mass, bulk and design is considered to cause detrimental harm to the character and appearance of the site and the surrounding locality; failing to preserve or enhance the character and appearance of the Totteridge Conservation Area contrary to policies CS NPPF and CS5 of the Core Strategy 2012 and policies DM01 and DM06 of the Development Management Policies 2012, Totteridge Conservation Area Character Appraisal Statement, and policy 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016.

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

**RESOLVED** that the application be **REFUSED** for the reasons detailed above.

## 8. 25 RAVENSCROFT PARK BARNET EN5 4NH (HIGH BARNET)

The Committee received the report.

Representations were heard from Alex Conrad (Objector), Deborah Parrott (Objector) and Michael ((Agent).

The Committee voted on the Officer recommendation to approve the application, subject to the Conditions detailed in the report and an additional condition, which was moved by Councillor Richard Cornelius and seconded by Councillor Tim Roberts, for an opaque roof light.

For	5
Against	2
Abstained	0

**RESOLVED** that the application be approved, subject to the conditions detailed in the report, the additional condition detailed above **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 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).

## 9. 14 WOODSIDE AVENUE, LONDON, N12 8BG (TOTTERIDGE)

The Committee received the report and were requested to vote on the recommendations for 3 separate trees.

A representation was heard from Tony Sullivan (Agent).

1. Holly Oak

The Committee voted on the Officer recommendation to approve pruning the Holly Oak tree subject to the condition detailed in the report:

For	7
Against	0
Abstained	0

**RESOLVED the proposal to prune the Holly Oak Tree be approved, subject to the condition detailed in the report.**

2. Acer

The Committee voted on felling the Acer tree and treating the stump, subject to the conditions detailed in the report:

For	6
Against	1
Abstained	0

**RESOLVED that the proposal to fell the Acer tree and treat the stump, be approved, subject to the conditions detailed in the report.**

3. London Plane

The Committee voted on felling the London Plane tree and treating the tree stump, subject to the conditions detailed in the report:

For	6
Against	1
Abstained	0

**RESOLVED that the proposal to fell the London Plane tree and treat the stump be approved, subject to the conditions detailed in the report.**

10. 66 WOODSIDE PARK ROAD LONDON N12 8RY (TOTTERIDGE)

The Committee received the report.

A representation was heard from Joe Henry (agent).

The Chairman sought confirmation, regarding the ability to impose an additional condition to restrict residents parking permits and it was confirmed by the Lawyer present that this was acceptable.

It was moved by Councillor Cornelius and seconded by Councillor Sowerby, that the application be approved, subject to an additional condition restricting residents permit parking:

For	4
Against	3
Abstained	0



**RESOLVED** that the application be approved subject to the conditions detailed in the report, the additional condition detailed above, Section 106 **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 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).

**11. APPLGARTH MANORSIDE BARNET EN5 2LD (UNDERHILL)**

The Committee received the report.

There was a temporary adjournment, as Councillor Cornelius lost connection to the meeting. However, Councillor Cornelius was unable to reconnect and did not partake or vote.

Representations were heard from Graham Eades (Agent).

The Committee voted on the Officer recommendation to approve the application, subject to the Conditions detailed in the report:

For	3
Against	3
Abstained	0

**The Chairman used his casting vote, to vote in favour of approving the application.**

**RESOLVED** that the application be approved, subject to the conditions detailed in the report **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).

**12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 9.45pm

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<b>Location</b>	<b>Development At Rear Of No. 252 And 254 East Barnet Road. Barnet EN4 8TF</b>		<b>AGENDA ITEM 6</b>
<b>Reference:</b>	<b>19/5611/FUL</b>	Received: 17th October 2019	
		Accepted: 21st October 2019	
<b>Ward:</b>	East Barnet	Expiry 16th December 2019	
<b>Applicant:</b>	Mr Tasos Alecou		
<b>Proposal:</b>	Demolition of existing double garages. Erection of, two storey dwellinghouse, including, off street parking, refuse and recycle store, cycle store and associated amenity space		

**Recommendation:** Refuse

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

- 1 The proposed development, by reason of its restricted plot size would result in the development having a cramped appearance. The proposed dwelling would erode the gap between the houses in Middle Road and buildings on East Barnet Road, which is also mirrored on the opposite side of the street. The proposal would significantly reduce the plot size at 252-254 East Barnet Road resulting in an incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene. The proposal is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

**Informative(s):**

- 1 The plans accompanying this application are: 1347/02, 1347/03 REV A, 1347/04 REV A, 1347/03 REV A, 1347/05 REV A, 1347/06 REV A, 1347/07 REV A, Design and Access Statement.
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **Officer's Assessment**

This application would normally be determined under the Council's Delegated powers but has been "called in" by Councillor Felix Byers who wishes the matter to be considered by Planning Committee for the following reasons:

- Consistent with Policy CS4 in the Barnet Local Plan, the proposed development will deliver a 'family home' that 'does not undermine suburban character or local distinctiveness' in this part of East Barnet ward. The proposed architecture is consistent with and will complement the existing architecture on Middle Road, whereas I am unsure as to whether any dissimilar proposals - e.g. for a bungalow, on a road where I am not sure there are currently any - would.
- Consistent with Policy CS5 in the Barnet Local Plan, the proposed development is 'attractive', is sensitive to the distinct and historically noteworthy architectural character of East Barnet Village, and delivers those benefits in a sustainable way including provision of off-road parking in an area where such is in short supply (per Policy DM17).
- Consistent with Policy DM01, these are proposals that demonstrate an 'understanding of local characteristics', 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.' This is unsurprising given that the developer and his representative are both based in East Barnet Village.
- The various public comments submitted in support of the application demonstrates that the new building is largely deemed 'good design' and can be considered 'acceptable to communities'.
- I am not aware of any objections by those properties affected by the assumed 'erosion of the visual gap'.
- The application will make a net contribution to amenity by removing derelict and structurally deteriorating garages, that attract trespassers and generally negatively impact the street scene, and substituting a sensible family home on a site in high demand.
- The current land use has a negative impact on community amenity for the aforementioned reasons.
- There is precedent for having approved perhaps denser plans in the vicinity, e.g., the flats at 236 East Barnet Road, EN4.

### **1. Site Description**

The application site is to the rear of two storey buildings which front East Barnet Road and are within the East Barnet Village local shopping frontage. The site is to the rear on a corner plot between East Barnet Road and Middle Road. The two storey buildings to the front of the site contain, at ground floor level, a takeaway pizza restaurant and a shoe repair shop.

The rear of these units, and the land subject of the current application, comprises a detached double garage block which fronts onto and has vehicle access onto Middle Road. The surrounding area is of a mixed usage comprising of commercial on the ground floor with residential above on the main East Barnet Road. Middle Road comprises of predominantly terrace dwellinghouses regular in pattern, design and siting with reasonably deep rear gardens. Middle Road is sited on a gradient that slopes down towards East Barnet Road.

The property is not listed and is not located within conservation area.

### **2. Site History**

Reference: B/01507/12

Address: Rear Of 252/254 East Barnet Road, Barnet, EN4 8TD, Decision:

Decision: Refused

Date: 29 September 2016

Description: Erection of a two storey dwelling house with associated parking.

Reference: B/01507/12

Address: 256 East Barnet Road, Barnet, EN4 8TD

Decision: Refused

Date: 21 June 2012

Description: Erection of a two storey plus lower ground level dwellinghouse.

Reference: 16/1505/FUL

Address: Rear of 252/254 East Barnet Road, Barnet, EN4 8TD

Decision: Refused and Dismissed at appeal

Date: Refused 29 September 2016.

Appeal dismissed 20 July 2017.

Description: Erection of a two-storey dwelling house with associated parking.

Reasons for refusal:

1. The proposed development, by reason of its restricted plot size and resultant cramped appearance, and its design, scale and form would be a visually incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene. The proposal is contrary to policy DM01 of the Development Management DPD, policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

2. The proposed dwelling, in the absence of the provision of off-street parking will result in additional overspill parking on the surrounding congested and highly-parked up highway network, to the detriment of highway and pedestrian safety and the free-flow of traffic. The proposal is contrary to policy DM17 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

3. The proposed dwelling, by reason of its cramped layout, its proximity to the site boundaries and its orientation would result in the provision of cramped outdoor amenity spaces with a poor quality outlook at ground floor level and a dark and cramped amenity space which would not be useable. The proposal would not provide sufficient quality of amenity for future occupants, contrary to policy DM01 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and Sustainable Design and Construction SPD (2013).

This application was also dismissed at appeal.

The inspector's conclusions are stated below:

Paragraph 8 - "Although the proposed building plot would have a wider frontage than the surrounding terraced buildings, as it is being created from what was the rear curtilage of numbers 252-254 East Barnet Road, the proposed dwelling would be much larger than the pair of garages currently on the site. As such, the insertion of the proposed dwelling would erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the street. Whilst the plot coverage ratio may be less than the houses on Middle Road, this would be achieved at the expense of

significantly reducing the plot size at 252-254 East Barnet Road. Together with the erosion of the gap, this would result in the development having a cramped appearance."

Paragraph 9 - "Taken as a whole, I conclude that the proposed development would be harmful to the character and appearance of the area, which has a strong local identity and character.

The applicant has also sought advice from the Council's pre-application service, officers have advised that redevelopment of this site would not be supported by Council.

### **3. Proposal**

The proposal includes the demolition of existing double garages. Erection of, two storey dwellinghouse, including, off street parking, refuse and recycle store, cycle store and associated amenity space.

### **4. Public Consultation**

Consultation letters were sent to 156 neighbouring properties.

34 responses have been received, comprising 16 letters of objection (some objectors send multiple objections) and 12 letters of support.

The objections received can be summarised as follows:

- Overdevelopment of site,
- Overcrowding,
- Parking concern;
- Character of the area;
- Visual impact; size and shape of the house including the material will be out of character with the immediate area.
- Cramped overdevelopment;
- Noise;
- Construction inconvenience;
- Air quality impacts
- Private amenity space for apartments over pizza shop will be taken; resulting in cramped outdoor amenity space with poor outlook.
- Loss of privacy;
- Impact on daylight, sunlight privacy and outlook of adjoining property;
- 1.8m tall fence will block light;
- Visual impact;
- Scale of development;
- The proposal is a larger scale than the existing double garages;
- Refuse bin;
- Over- density;
- House will be located on Middle Road;
- Part wall issues,
- Highway safety compromised;
- Security issues with neighbouring properties;
- Right of light,
- Sustainability;
- Concern regarding a tree located on the corner of Middle Road;
- Inaccuracy of proposed address;
- Potential flooding;

An email was received from the Rt Hon Theresa Villiers MP dated 16th May 2020 in which she forwarded an objection from one of her constituents (summarised above) and asked

that the Committee take her constituents views into account before reaching a decision. Theresa Villiers MP went on to say that she too opposes the application and supports the objection submitted by her constituent.

The supporting representations received can be summarised as follows:

- Positively impact the street scene and local communities.
- House would sit comfortably, without any negative impact on neighbouring properties, design is in keeping.
- Existing garages eyesore.
- Positive contribution.
- Add to housing need.
- Rather house than garages.
- More business to local shops.
- Increase house prices.
- Enhance the road.
- These derelict garages attractive all sort from people concluding fly tipping.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although



this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of residential development
- Character and appearance
- Impact on living conditions of neighbouring residents.
- Quality of accommodation proposed

### **5.3 Assessment of proposals**

#### Principle of residential development

The delegated report for the previously refused application ref:16/1505/FUL states:

"There is no objection to the removal of the existing garages and the use of the site for residential development. However, this must be in the context of such residential development being appropriate and in compliance with all other requirements of the Development Plan."

The officers consider the principle of residential remains acceptable on this basis however, subject to compliance with all other requirements of the Development Plan.

#### Character and appearance

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The application site is located to the rear of properties on East Barnet Road which form part of a shopping parade. The area is characterised by a mix of semi-detached and terrace style two storey properties. There are no detached dwellings in close proximity to the site.

The new house would be sited adjacent between the flank of no 1 Middle Road and the rear of 252/254 East Barnet Road. The proposed house would maintain a gap of 1.84m and 3.5m from the flank wall of 1 Middle Road and the rear building line of 254 East Barnet Road respectively.

This application is similar to the previously refused scheme under application ref: 16/1505/FUL involving the "Erection of a two-storey dwelling house with associated parking" under character and appearance grounds. The reason is summarised below.

"The proposed development, by reason of its restricted plot size and resultant cramped appearance, and its design, scale and form would be a visually incongruous and cramped form of development which is unsympathetic and detrimental to the character and appearance of the surrounding properties and the streetscene..."

The applicant appealed against the councils decision and In dismissing the subsequent appeal, the Inspector upheld the LPA's concerns. Paragraph 8 states:

Paragraph 8 - "Although the proposed building plot would have a wider frontage than the surrounding terraced buildings, as it is being created from what was the rear curtilage of

numbers 252-254 East Barnet Road, the proposed dwelling would be much larger than the pair of garages currently on the site. As such, the insertion of the proposed dwelling would erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the street. Whilst the plot coverage ratio may be less than the houses on Middle Road, this would be achieved at the expense of significantly reducing the plot size at 252-254 East Barnet Road. Together with the erosion of the gap, this would result in the development having a cramped appearance."

The house proposed under application ref 16/1505/FUL measured 7.9m high and 5.7m wide. The height of the house currently proposed measured at 8.7m is much higher than the previously refused scheme.

Whilst the proposed house has now been moved further away from 1 Middle Road (1.84m gap between flank walls), this results in the house moving closer to 254 East Barnet Road and also much higher than the scheme previously refused.

Whilst it is noted that the 1.84m gap created would allow some views through the site, this would in turn reduce the gap to the rear of East Barnet Road properties. As noted above the height of the proposed house is higher than the previously refused scheme and by moving the position of the current scheme closer to East Barnet Road properties does not overcome the concerns of the LPA and does not address the Planning Inspectorate comments in respect of the erosion of the visual gap (particularly at first floor level). The proposal would still erode the gap between the existing houses in Middle Road and the buildings on East Barnet Road, which is also mirrored on the opposite side of the site. The proposal would be achieved at the expense of significantly reducing the plot size at 252-254 East Barnet Road.

The Planning Inspector references the site opposite (rear of 256 East Barnet Road), noting that the visual gap currently found at the subject site mirrors that found at 256 East Barnet Road. The Planning History section of this report provides details showing that similar development proposals at 256 East Barnet Road have also been resisted by the LPA on the basis of loss of the visual gap and the proposal having a cramped appearance.

Given the limited size of the plot, the proposed height and width of the dwelling in close proximity to the neighbouring buildings would constitute a cramped form of development. Furthermore, the design and appearance would not respect the appearance, scale and pattern of surrounding buildings, spaces and streets as required by Policy DM1. As such, it is determined that the proposal would be detrimental to the character and appearance of the street scene and the wider locality.

Overall, it is considered that the proposal would have a harmful impact on the character and appearance of the street scene and wider locality. It would not respect the appearance, scale, mass, height or pattern of fenestration to the surround buildings.

#### Impact on Living condition of neighbouring residents

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

The proposed new building would be sited adjacent to the neighbouring properties at Middle Road and would not appear overbearing or visually intrusive when viewed from these neighbouring properties. The front and rear building lines of the proposed house would be consistent with No. 1 Middle Road, the immediate neighbour to the south.

The north elevation of the proposed dwellinghouse is to be sited at a distance of 3.5m from the rear elevation of 254 and 252 East Barnet Road. The windows at this neighbouring site are located away from the proposed dwelling. Those windows in the two storey outriggers to the East Barnet Road buildings face toward the opposite outrigger, and already have a limited outlook and aspect which would not be significantly or demonstrably harmed additionally by the proposed building.

The proposed building would introduce some additional views to neighbouring properties, however having regard to the grain of the area and the presence of existing residential windows with the same or similar outlook, it is not considered that the proposal would be detrimental to the privacy of the occupants of any neighbouring property.

The subdivision of the plot to the rear would considerably reduce the size of the rear gardens of no. 252 and 254 East Barnet Road however given these gardens currently service the commercial units there will be no impact on the residential amenities of the occupiers of first floor units.

#### Provision of adequate accommodation for future occupiers

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

The London Plan (2016) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms.

At 79.8 sqm the proposed house exceeds the minimum London Plan space standards (79 sqm for a 2 storey 2 bed 4-person unit). Both bedrooms exceed the minimum space standard one measuring 11.5 sqm and 12 sqm.

The proposal would allow reasonable levels of outlook are achieved from all habitable rooms. 48 sqm of private amenity space would be provided, which exceeds the minimum requirement for a house with 4 habitable rooms (40 sqm).

#### Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The proposed development will be accessed from Middle Road. Middle Road is a residential no-through Road fronted by a mixture of terraced and semi-detached properties. There are no parking restrictions in the road and vehicles park on both sides. There is evidence of parking stress on the road and the site is not in a CPZ.

It has a PTAL rating of 3 (average) which indicates a moderate level of public transport accessibility. 5 bus routes can be accessed from stops within 2minutes walking distance of the site and Oakleigh Park rail station is about 11 minutes walking distance away.

The demolition of the two existing garages serving 252/254 East Barnet Road and erection of a two-bed single dwelling-house will attract a maximum parking provision of 1.0 -1.5 car parking spaces. The applicant proposes 1 parking space which will be accessed via an existing crossover.

However, demolition of the existing garages would displace two parking spaces onto a road that currently suffers from severe parking stress. Highways would therefore request if the application be recommended for approval that the applicant undertakes a parking beat survey to demonstrate the availability of spaces within a 200 metre radius.

Based on London Plan requirements a minimum of two cycle parking spaces are required. The existing ground floor plan shows cycle parking along the western side access next near the bin storage . Details of cycle parking would therefore requested by way of a condition if the Council are minded to approve the application.

### Refuse and Recycling

The proposed refuse storage is acceptable. If the Council are minded to recommend approval a condition of consent is suggested requesting details of storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection to be approved by Council.

## **5.4 Response to Public Consultation**

The consultation concerns have been addressed within 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**

Whilst the proposal is an improvement on the previous application 16/1505/FUL as it moves the position of the proposed house closer to the East Barnet road properties, this is not considered to have overcome the concerns of the LPA and the Planning Inspectorate in respects of the erosion of the visual gap and would still result in a cramped development which would be unacceptable in character and appearance terms.



**Location**                      **65 York Road Barnet EN5 1LN**

**Reference:**                      **20/0460/FUL**

Received: 29th January 2020

Accepted: 3rd February 2020

Ward:                              Oakleigh

Expiry 30th March 2020

Applicant:                      Mr A Herskovic

Proposal:

Alterations and extension to roof to provide 6no. additional self-contained flats at second floor level within a new mansard roof including new dormer windows to all sides (totalling 12) and rooflights with associated refuse and cycle storage. New double glazed entrances to existing building

## AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

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

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

Drawing 1140/00 - Site Location Plan - Rev A - July 2016

Drawing 1140/01 - Proposed Block Plan - Rev B - July 2016

Drawing 1140/03 - Ground Floor Plan as Existing - Rev A - July 2016

Drawing 1140/04 - First Floor Plan as Existing - Rev A - July 2016

Drawing 1140/05 - Elevations as Existing - Rev A - July 2016

Drawing 1140/06 - Ground Floor Plan as Proposed - Rev A - July 2016

Drawing 1140/07 - Second Floor Plan as Proposed - Rev A - July 2016

Drawing 1140/08 - Elevations as Proposed - Rev A - July 2016

Drawing 1140/09 - Roof Plan as Proposed - July 2016

Drawing JW91 1-102 - Proposed Cycle Store - Oct 2018

Drawing JW91 1-103 - Landscaping Plan - Rev C - Jan 2019

Drawing JW91 1-104 - Planting Schedule - Rev C - Jan 2019

Drawing JW91 1-105 - Landscaping Plan - Rev C - Jan 2019

Drawing JW91 1-102

Planning, Access & Design Statement - prepared by Allen Planning - dated January 2020

Energy and Sustainability Statement - prepared by Energy Rating Services Ltd

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

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

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

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

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

- 4 The development shall be implemented in accordance with the measures detailed within the Demolition, Construction Management and Logistics Plan and JW911-101 (Construction Management Plan) documents by jdw architects approved under condition 18/6310/CON, decision dated 23 November 2018.

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).

- 5 5a) Prior to occupation the development is required to provide cycle parking spaces and cycle storage facilities shall be provided in accordance with 18/6310/CON or in accordance with a revised scheme submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with 18/6310/CON or the details of a revised scheme as approved under this condition and the spaces shall be permanently retained thereafter.

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

- 6 Hard and soft landscaping works shall be undertaken as per the approved details under 18/6956/CON unless otherwise agreed in writing by the Local Planning Authority. In this instance, no development shall commence until revised details of



both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) existing and proposed finished levels or contours and retaining structures for the proposed amenity areas shown on Plan Ref 1140/02 Rev C - January 2019;
- ii) 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;
- iii) hard surfacing materials;
- iv) an implementation programme;
- v) a scheme of management and maintenance.

The landscape works shall be carried out in accordance with the approved details under 18/6956/CON or a revised scheme submitted and approved under this condition, in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.

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

- 7 Prior to the first occupation of the flats hereby permitted, 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 ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 Prior to the first occupation of the new flats hereby permitted they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through 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 used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 9 Prior to the first occupation of the development hereby permitted it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such 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.

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

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

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time liable for a payment under Mayoral CIL.

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

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

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

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

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

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

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

- 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).

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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).

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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)

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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 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

## Officer's Assessment

### 1. Site Description

The subject site is located directly opposite New Barnet Station and is setback approximately from the York Street frontage which allows for a landscaped front yard. The existing building is an L shaped 2-storey building with the "shortest side" fronting onto York Road frontage and the "longer side" extending along the northern boundary. The building is in use as a flatted development with a communal open space within the centre of the site.

The subject site slopes downward from its highest point along the southern boundary of the property to its lowest point along the northern boundary of the site. There is retaining wall along the York Road frontage.

Vehicle access is provided along the southern boundary. The vehicle access provides opportunity for parking within the accessway itself, primarily along the northern side of the accessway. There is an existing fence running along the southern boundary.

Pedestrian access is also provided along the driveway. There are concrete footpaths which cut through the communal open space and along the building edge leading to the two flat entrances. The first entrance is located further west in the southern extent of the longer section of the building, reference on the plans as "Flats Entrance 1". The second entrance is located in the corner formed where the building returns from the longer side to the shorter side at a 45-degree angle referenced on the plans as "Flats Entrance 2".

The bin storage area is located in the south-western corner of the site at the end of the driveway.

This site is not within a Conservation area, there are no listed buildings on site or immediately adjacent to the site and there are no further planning restrictions associated with the site.

### 2. Site History

Reference: 18/6956CON

Address: 65 York Road, Barnet, EN5 1LN

Description: Submission of details of condition 6 (Landscaping) pursuant to planning appeal APP/N5090/W/16/3164391 dated 22/03/17 (planning reference 16/5133/FUL)

Decision: Approved

Decision Date: 08/01/2018

Reference: 18/6310/CON

Address: 65 York Road, Barnet, EN5 1LN

Description: Submission of details of conditions 4 (Demolition and Construction Management and Logistics Plan), 5 (cycle store) pursuant to planning appeal APP/N5090/W/16/3164391 dated 22/03/17 (planning reference 16/5133/FUL)

Decision: Approved

Decision Date: 23/11/2018

Reference: 17/00023/AREF

Address: 65 York Road, Barnet, EN5 1LN

Description: Alterations and extension to roof to provide 6no. additional self-contained flats at second floor level within a new mansard roof including new dormer windows to all sides

(totalling 12) and rooflights with associated refuse and cycle storage. New double glazed entrances to existing building

Decision: Allowed

Decision Date: 22/03/2017

Reference: 16/5133/FUL

Address: 65 York Road, Barnet, EN5 1LN

Description: Alterations and extension to roof to provide 6no. additional self-contained flats at second floor level within a new mansard roof including new dormer windows to all sides (totalling 12) and rooflights with associated refuse and cycle storage. New double glazed entrances to existing building

Decision: Refused

Decision Date: 13/10/2016

Reference: N12665/01

Address: 65 York Road, Barnet, EN5 1LN

Description: Removal and reconstruction of garages and bin store at rear.

Decision: Approved subject to conditions

Decision Date: 19/02/2001

### 3. Proposal

Alterations and extension to roof to provide 6no. additional self-contained flats at second floor level within a new mansard roof including new dormer windows to all sides (totalling 12) and rooflights with associated refuse and cycle storage. New double glazed entrances to existing building

The proposed flats will comprise of:

- 3 x 1-bedroom/studio flats (1 person flat)
- 2 x 1-bedroom (2 person flats)
- 1 x 2-bedroom (3 person flats)

It is important to note that an identical application was previously refused by the officers however this was subsequently allowed on appeal. The permission was never implemented and this application seeks the renewal of the previously allowed decision appeal ref: APP/N5090/W/16/3164391. The drawings submitted as a part of this application are identical to the drawings submitted as part of the appeal decision APP/N5090/W/16/3164391.

### 4. Public Consultation

Consultation letters were sent to 39 neighbouring properties.

15 responses were received comprising 15 letters of objections

The objections received can be summarised as follows:

- Inadequate infrastructure
- Overlooking/loss of privacy
- Amenity space for future occupants of the units
- Car parking issues
- Construction and operational/day-to-day noise pollution
- Size and scale of the development being excessive



- Overdevelopment of site and surrounding area
- Pressure on on-street parking
- Traffic safety and efficiency
- Fire safety of additional units
- Refuse collection
- Structural integrity of the building

Consultee Comments:

Highways - No objection subject to conditions

Tree Officer - No objection subject to conditions

Further to the above, the Rt. Hon. Theresa Villiers MP, provided comment to objecting to the proposal based on inaccuracies regarding the number of new units, proposed amenity space for the new units, and parking availability.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

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

#### Supplementary Planning Documents

- Residential Design Guidance SPD (October 2016)

- Sustainable Design and Construction SPD (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

As noted above, this proposal seeks the same level of development as approved under APP/N5090/W/16/3164391. As such, the main issues for consideration in this case remain the same and are as follows:

- 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 proposed units will provide for reasonable living condition;

- Whether there would be further pressures on local highways; if so, whether any mitigation has been provided and if they adequately manage those effects.

In addition to the above:

- Whether there are any adverse ecological impacts; if so, whether any mitigation has been provided and if they adequately manage those effects.

#### 5.3 Assessment of proposals

As noted above, the proposed development does not seek any changes to the proposal submitted and approved under APP/N5090/W/16/3164391. The following assessment

discusses the impacts of the proposal with respect to the points of appeal under APP/N5090/W/16/3164391 as well as all other relevant aspects of the proposal.

Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality

The subject site is located on York Road, directly opposite New Barnet station. The proposed building is located at the interface between more small scale, detached/semi-detached, suburban residential development. There are currently 10 existing self contained residential units on the site. The proposed development seeks to increase this by six additional units within the new extension at second floor giving a total of 16 self contained units.

As noted above, the proposed design of the building is the same design which was submitted in the initial application [16/5133/FUL and subsequent appeal APP/N5090/W/16/3164391]. While it is acknowledged that this initial application was refused on the basis that the proposed design would be inconsistent with the existing character and amenity of the area, the subsequent appeal decision the inspectors noted that "...the proposed development would not have an unacceptable effect on the character or appearance of the host property, the street scene and the local area".

The subject site is located at the interface between medium-to-high density residential development (e.g. multi-storey apartments/flats) and lower density single-detached or semi-detached, suburban residential development.

The existing building features a hipped roof which will be altered to a new mansard roof with dormer windows across all elevations which will allow for new residential units within the roof space. The revised roof design will result in much steeper roof pitches and a flat top. The overall height of the eaves will remain unchanged from the existing building; however, the overall height of the building will be lower than the existing ridge line of the building.

As such, the revised roof design will result in additional bulk and mass within the roof form. This type of roof design is not a prominent architectural feature of the existing built form within the immediate area, however there are a number of examples of such roofs within the wider area. Furthermore, the topography of the site, as well as the siting of the building within the site/the buildings setback from the boundaries of the site help to mitigate the visual effects of any additional bulk and mass within the roof form. For these reasons, the revised roof design would not appear incongruous within the context of the area.

The initial application made under 16/5133/FUL was refused on the basis and noted that: "The proposed roof extension including new mansard roof and the proposed dormers would individually and cumulatively appear bulky and out of scale with the prevailing character of this section of York Road, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016)."

With respect to the proposed dormer windows, there are examples of dormer windows within the immediate area however there are examples of dormer windows within the wider area. It is important to note; that the proposed mansard roof will reduce the overall height of the building by 0.3m in comparison with the existing hipped roof. This scheme was submitted as a part of the appeal decision in which the inspector concluded that the proposal would help contribute to mitigating any adverse bulk and dominance effects.

Overall, the proposed design of the roof space will alter the character of the building, considering the wider locality and examples of similar development within the wider area, the proposed changes are not considered to result in significant adverse effects on the character and amenity of the area. Any visual amenity impacts can be adequately managed by conditions requiring all materials and finishes to be used on external surfaces to match those used in the existing building. The appeal decision was approved on the basis that the proposal was consistent with the relevant policies of the Local Plan. There have been no changes to policies relating to character and amenity since the appeal decision was allowed and therefore the appeal inspectors conclusion would remain unchanged.

For the reasons, outlined above, the impact of the proposed development would not result in unacceptable adverse effects on the character and amenity of the existing building, streetscape and the wider area. The proposed development would not be contrary to Policy DM01.

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

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

As discussed above, the proposed plans have remained unchanged since the initial application. The building is adequately setback from all neighbouring properties. The distance between the other dormer windows meets the minimum distance requirements and will not result in significant adverse overlooking effects between the subject site and the neighbouring properties. As discussed above, the proposed development will result in noticeable visual amenity effects for neighbouring residents. The scale and nature of the change is not considered to be significant enough to result in significant adverse visual amenity effects on neighbouring properties.

The overall height of the building will be reduced, helping to mitigate any bulk and dominance effects on neighbouring properties. The proposed new roof form and new dormer windows are not of a scale that would significantly increase shading effects on the outdoor amenity spaces of the subject site or of the habitable open spaces of neighbouring properties. As discussed above, a condition requiring all materials and finishes on the building exterior to match the existing building will ensure consistency with the existing character of the building. As such, any visual amenity effects on the neighbouring properties are considered to be acceptable.

The refuse for the proposed additional units will continue to be served by the existing refuse storage and collection facility on the site. Conditions attached to the appeal decision required full details of the refuse storage area to be submitted for approval by the Council. Such details have not yet been submitted as a part of the initial application and would remain relevant to this application and a condition will be attached which would adequately manage the on-going safe and efficient refuse collection while maintaining minimal adverse effects on neighbouring properties.

Overall, any potential adverse effects on the development on the residential development of the surrounding area will be acceptable.

Quality of accommodation for future occupiers

Policy DM02 requires all development to: "...where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents". Of relevance to this application, is the quality of the proposed residential units against Policy DM02, specifically minimum floor area requirements.

The initial application was refused by officers on the basis that: "The proposed residential units labelled as flats 1, 2 and 3 would fail to provide suitable internal floorspace for the future occupiers of the proposed units and the proposal would therefore be directly contrary to Policy 3.5 of the London Plan (2016), policies DM02 of the Development Management Policies DPD (2012) Sustainable Design and Construction SPD (Adopted October 2016) and Residential Design Guidance SPD (Adopted October 2016)."

The proposed studio units rely on the exemption to minimum floor area requirements which allows for a reduction to minimum floor area requirements (39m<sup>2</sup> to 37m<sup>2</sup>) where a shower room is provided instead of a bathroom. The proposed studio units show three studio flats with bathrooms. While this is a technical infringement of the standard, the inspector states that the units could be brought into greater compliance of the standards, however such changes would not result in significant benefits to the quality of the available living areas. The inspector goes on to say "...on balance I consider that the provision of the extra facility of a bath outweighs this technical breach in this case and overall I am satisfied that reasonable living conditions for the occupier of each studio unit would be provided".

All other proposed units comply with minimum floor area requirements. The proposed units are considered to contribute to the variety of unit sizes and housing choice within the Barnet.

Overall, the proposed development will result in reasonable living conditions and amenity for potential residents of the proposed units.

## Highways

The proposal will not be providing further on-site parking for the new residential units. The initial application was refused on the basis that: "The proposal would provide insufficient off-street parking provision and in the absence of justification the lack of parking provision, the development would be likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to Policy 6.13 of the London Plan (2016), Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012."

However, the inspector concluded that the parking shortfall and overflow impacts on the surrounding neighbourhood would be acceptable. Highways were consulted in which they commented that given the appeal decision and given there is no change in policy on balance the proposal is considered acceptable.

Furthermore the site is located directly opposite the New Barnet Train Station and access to various bus routes which are within close proximity of the subject site. The initial assessment noted that overflow parking will have an impact on the capacity for on-street parking within the area. and Providing no further on-site parking as a part of this application is considered a viable option given the transport links within the area.

For the avoidance of doubt, the proposal will continue to provide the 10 cycle spaces in order to comply with the relevant policies of the Local Plan and London Plan. Given the

scale of development remains unchanged, the planning inspector's assessment of the parking effects is still considered relevant.

The proposed location of the cycle storage has not changed from the approved scheme which is located to the north-western corner of the site. The proposed location of the cycle storage area will continue to provide future residents with easy access to and from the storage area. The proposed relocation of the cycle storage area is not considered to have any material impacts on the proposal itself. Furthermore, Highways have not provided any comments raising any concerns regarding the relocation of the cycle storage area.

Overall, notwithstanding the relocation of the cycle storage, the proposal remains unchanged from the approved scheme as allowed under the appeal decision, the proposal is not considered to have any adverse traffic impacts over and above that which was approved. The proposed relocation of the cycle storage area will have no material impacts on the ability for future residents to store and access their bicycles. As such, the proposal will continue to deliver traffic outcomes consistent with the policies of the Local Plan and London Plan.

### Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 20% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a would be attached in the event planning permission is granted to ensure compliance with the Policy

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

No details confirming the implementation of these measures were submitted since the initial appeal decision was issued. As such, any supporting information which confirms the developments compliance with relevant policies is still required for Council's approval.

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

### Trees, Landscaping and Ecology

As mentioned throughout this report, the proposed development remains unchanged, as such the comments regarding the ecological impacts are still considered relevant. The initial assessment concluded that there would not be any harmful effects to any protected species or biodiversity on the site and would not warrant grounds for objection.

The proposed outdoor amenity space for each of the new units remains unchanged also. The initial application was refused on the basis that: "The proposed residential units would fail to provide adequate outdoor private amenity space detrimental to the residential amenities of the future occupiers of the proposed units contrary to policies DM01 and DM02 of the Development Management Policies DPD (2012) Sustainable Design and Construction

SPD (Adopted October 2016) and Residential Design Guidance SPD (Adopted October 2016)."

However, the inspector noted that, "...whilst not ideal I consider that this area, together with the existing open areas, would provide sufficient outdoor amenity space for existing and future occupants provided its quality and usability is improved".

A landscaping plan was submitted in accordance with Condition 6 of the previous appeal decision which was approved by Council in January 2018 [18/6956/CON]. The same approved landscaping plan has been submitted with the supporting documentation of this current application and has been reviewed by Council's Arboricultural Consultant who had no further comments. As such, no further assessment is considered necessary as a part of this application.

Overall, the ecological impacts of the proposal are acceptable.

#### Refuse and recycling storage and collection

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling store will continue to be located in the south-western corner of the site at the end of the vehicle accessway. Condition 6 of the approved decision under APP/N5090/W/16/3164391 required details of the rubbish/recycling storage/collection points to be outlined as a part of the wider landscaping strategy. The condition was subsequently discharged as it found to be in accordance with the various information requirements outlined in Condition 6. Further details of the storage areas and collection strategy will only be required if the applicant wishes to change the proposed location and design of the storage/collection areas.

#### 5.4 Response to Public Consultation

Material planning considerations raised in the objections received have been addressed elsewhere in this report.

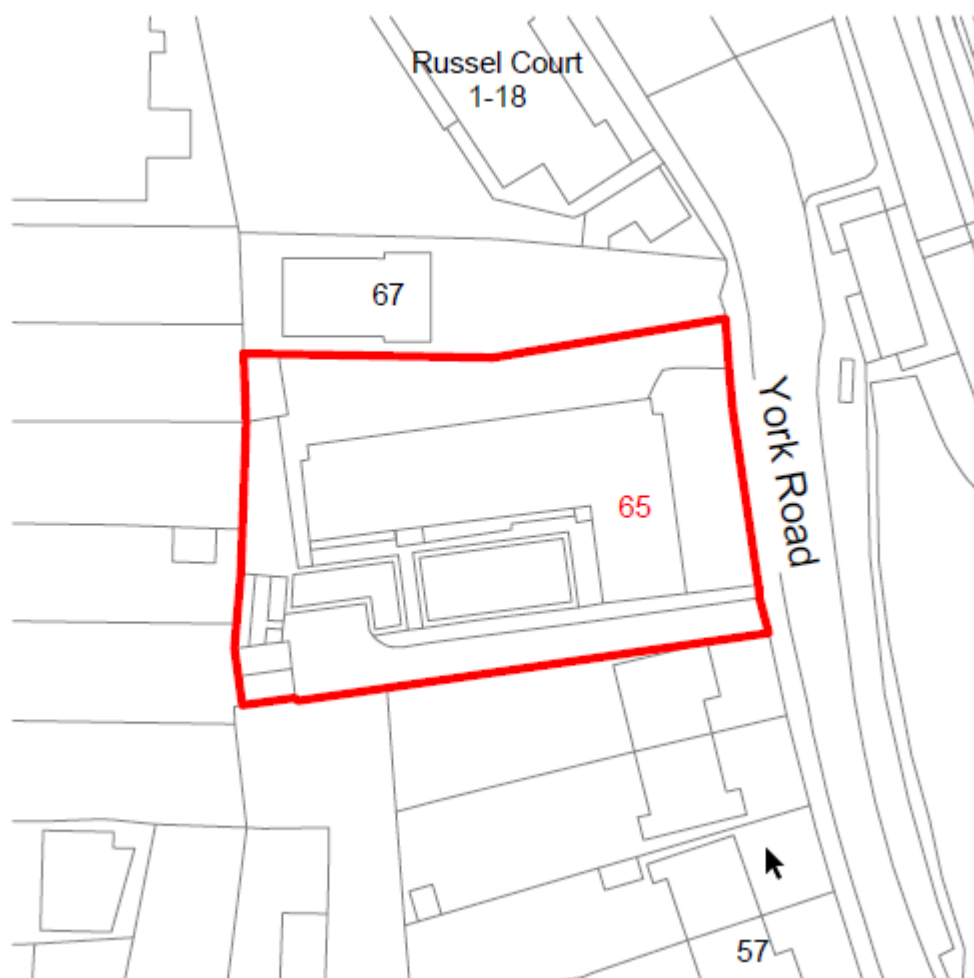
For clarification and the avoidance of doubt, in response to the comments made by the Rt. Hon. Theresa Villiers MP regarding the inaccuracies with the number of new units, proposed amenity space for the new units, and parking availability. The supporting information submitted in support of this application is considered to accurately represent the scale of development being sought and therefore the assessment of the effects of the proposal outlined above are considered to be appropriate.

#### 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

Recommended for approval subject to attached conditions.





**Location**                      **28 Prospect Road Barnet EN5 5AL**                      **AGENDA ITEM 8**

**Reference:**                      **19/6788/FUL**                      Received: 23rd December 2019  
Accepted: 2nd January 2020

Ward:                      High Barnet                      Expiry      27th February 2020

Applicant:                      DR ALUN JOHNS

Proposal:                      Demolition of the existing dwelling and erection of new two storey block with accommodation at roof level to provide no 6 x 2 bed self-contained flats. Associated parking, cycle storage, refuse and recycling and amenity space

**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:
  - o      485118.27; 485118.28; 48511.29; 48511.30
  - o      Parking Survey Report dated 27 September 2019
  - o      Planning, Design, Access & Sustainability Statement by Alan Cox Associates

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

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

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

- 3      a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.  
  
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 4 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 Authority. Thereafter, before the development hereby permitted is occupied, 10 (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 vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles 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.

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the east and west elevation facing nos 26 and 30 Prospect Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 8 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 9 Prior to the first occupation of the new dwelling houses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (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 DM02 of the Barnet Development Management Policies document (2012).

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% 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).

- 11 Prior to occupation of the development the proposed car parking spaces within the parking area as shown in Drawing no.485118-28 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. 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 the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

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

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

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

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

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

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

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

## Informative(s):

### 1 Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### 2 Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

### 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

### 5 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 [nrsua@barnet.gov.uk](mailto:nrsua@barnet.gov.uk) at least 10 days prior to commencement of the development works.

### 6 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.

### 7 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be

made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 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
- 9 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

- 10 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 11 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 12 The applicant is advised to contact the London Fire Brigade Authority to discuss the installation of sprinklers to the building. The installation of a Sprinkler System can significantly reduce the damage caused by fire and the consequential cost to the developer and can reduce the risk of fatalities.

## **Officer's Assessment**

### **1. Site Description**

The proposal site is located on the north-western side of Prospect Road, within the ward of High Barnet. The site consists of a single detached family dwelling house within an extensive plot with a very large rear garden. The property is constructed of a red/brown brick with a tiled hipped roof. There is an integrated garage with off-street parking within the forecourt.

The surrounding area is characterised by a variety of residential properties consisting of semi-detached properties along the north-western side, bungalows to the south and maisonette properties to the south-west further along Prospect Road. The site is bounded by residential properties on either side.

The site is not within a conservation area, nor is there a listed building on or adjacent to the host site. The site lies within a PTAL 2 site, which means that there is poor public transport accessibility. There is no controlled car parking in operation on streets surrounding the site.

### **2. Site History**

No recorded planning history onsite.

### **3. Proposal**

The proposal is for the demolition of the existing building and erection of a new 3 storey building comprising of no 6 x 2 bedroom units. There would be a shared amenity space located to the rear garden which would be accessible for all residents of the proposed development.

The proposed makes provision for 4 off-street parking spaces at ground floor level, located to the front of the site.

### **4. Public Consultation**

Consultation letters were sent to neighbouring properties. A site notice was published on 17.01.2020

58 responses have been received, comprising 38 letters of objection, and 20 letters of support.

#### **Objections**

The objections received can be summarised as follows:

- Exacerbate parking stress on Prospect Road;
- Inaccurate information submitted by the applicant;
- Contribute to traffic congestion in the area;
- Extra people and pressure on resources;
- Flatted developments are not characteristic of the immediate area, which is characterised by single family dwellings;
- The appearance and design of the proposed building would be out of keeping on the street scene;
- The loss of gardens to the back and front would have an adverse impact on ecology and wildlife;
- The existing building is of high design quality and should not be demolished;



- The proposal would provide standard accommodation as the units are too small and there would be a lack of private amenity space to attract families;
- Overdevelopment of the site;
- Lack of provision for family sized accommodation (3 bedroom or more) which is of the greatest need within the Borough; and
- Unsuitable site to contain flats- smaller units should be located closer to a town centre.

## Support

Comments received in support of the application can be summarised as follows:

- The existing property has been vacant for some time and the proposal will make a positive contribution to the regeneration of the site;
- The scale, appearance and overall design which includes features such as a lowered ridge line and mock tutor design is sympathetic and respectful of the character and appearance of the area. The proposal borrows aesthetics from adjacent properties 34C; 34B; 34,32, 30 and 26 Prospect Road, which further enhances the street-scene;
- The proposal provides an appropriate dwelling mix onsite;
- There is sufficient car parking space available in close proximity to the site, and therefore pressure on existing car parking spaces on the street should not a matter of concern;
- Minimal impact on the environment- the proposal takes into account the impact of the environment and wildlife by not covering the entire garden of the existing dwelling;
- “Excellent” standard of accommodation

All planning matters raised were considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

## STATUTORY CONSULTEES RESPONSE

### LBB Highways Team

LLB Highways department have reviewed the proposal and recommend approval subject to the following conditions:

- 1) Access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time.
- 2) Cycle parking spaces shall be provided in accordance with the submitted planning application and shall not be used for any purpose other than parking of vehicles in connection with the approved development.
- 3) Construction Management Plan

(Officers comment: The above would be secured by way of condition).

### LBB Design Team

The proposal is of good design and would not be detrimental to the character and appearance of the area.

### London Fire Brigade Authority

The London Fire Brigade Authority have reviewed the application confirm they are satisfied with the proposal and recommend that sprinklers are installed in this building. It is advised that

the installation of a Sprinkler System can significantly reduce the damage caused by fire and the consequential cost to the developer and can reduce the risk of fatalities.

(Officers comment: Fire Safety matters are dealt with under Building Regulations, which is separate to the planning decision making process).

## **Planning Considerations**

### **Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### **The Mayor's London Plan 2016**

The relevant planning policies are: Policies 3.3; 3.4; 7.4 & 7.6

The London Plan is currently under review. Following examination of the Plan earlier in 2019, the Panel has now published its report, and whilst the Mayor has yet to formally respond, the draft London Plan accompanied by the Panel report is a material consideration in the determination of planning applications.

#### **Barnet's Local Plan (2012)**

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS13

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

#### **Supplementary Planning Documents**

- Sustainable Design and Construction SPD (adopted October 2016)
- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.

- Residential Design Guidance SPD (adopted October 2016).

### **Main issues for consideration**

The main issues for consideration in this case are:

- The principle of the loss of single-family unit and replaced by a flatted development comprising no 6 x 2 residential units;
- The quality of the design and its impact on the character and appearance the area and street scene;
- Quality of residential proposed accommodation;
- Impact on neighbouring amenity; and
- Impact on the local highway

### **Assessment of proposal**

#### **Principle of development and its' impact on the character of the area**

Prospect Road is predominately characterised by single family dwellings. Policy DM01 seeks to protect the character of the borough, which has been informed by the characterisation study undertaken as part of the production of the Local Plan. The supporting text of Policy DM01 states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(i) states that:

"Loss of houses in roads characterised by houses will not normally be appropriate."

The applicant has provided with a clear analysis of residential typology of the Prospect Road and the adjoining street. The survey was conducted in the immediate area only and the analysis concluded that flatted developments comprise of approximately 52%, with maisonettes forming an additional 20% of development along Prospect Road and surrounding area. These flatted developments are as follows:

- Flats 1-16 Brackenwood Lodge, Prospect Road, EN5 5AQ . Brackenwood Lodge lies approximately 30m south-west from the application site
- Flat 1-4 Leonard Court, 2 Prospect Road, EN5 5BP
- Flat1-6 23 Prospect Road, EN5 5AL
- Flats 25-43 (odd numbers) Prospect Road, EN5 5AQ
- Flats 1-8 Teleford Court, 52 Prospect Road, Barnet, EN5 5AD
- Flats 1-16 Cranleigh Court, Woodville Road, EN5 5HE (located on street adjacent to Prospect Road)
- Flats 1-8 Valeside Court, Warwick Road, EN5 5ER (located on street adjacent to Prospect Road)
- Flats 1-36 Highwood Court, Potters Lane, EN5 5BA (located on street adjacent to Prospect Road)

As such, it is evident that there is a mixture in residential typology within close vicinity of the site. Officers therefore consider that the loss of a single-family unit at the host site to be acceptable in principle following the additional information provided.

With reference to the proposed dwelling mix, the Council's Local Plan documents identify 3 bedroom units as being of the highest priority types of market housing for the Borough (Policy

CS4 within Core Strategy & DM08 within the Development Management Document. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8. 2 bedroom units are considered to be of a "*medium priority*" within the market tenure.

The proposal makes provision for 6 x 2 beds, all of which are suitable for occupation by 4 persons. In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment.

The Local Planning Authority has refused planning applications for loss of family accommodation on Prospect Road but have not been successful in defending these decisions at appeal and the Planning Inspectorate has overturned the Council decisions and approved flatted development (large numbers of 2x bedroom units) on this street. Examples of such appeals on similar applications were at no 34 Prospect Road, Barnet, EN5 5AL and no 7 Leicester Road, New Barnet, Barnet EN5 5EL. As such, case law suggests that flatted developments would be considered acceptable in principle.

### **The quality of the design and its impact on the character and appearance the area and street scene**

High quality design underpins the sustainable development imperative of the NPPF, as well as London Plan (2016) chapter 7 'London's Living Places and Spaces'. Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The existing building is not a listed building or of special architectural merit. As such, the proposal demolition of the existing building is acceptable.

Whilst the height of the proposed building follows a similar height as the neighbouring existing buildings, the proposed building is larger in scale in comparison to the other neighbouring properties, especially in terms of width. Nevertheless, the proposed scheme would have the appearance of a single- family dwelling house and the scheme exhibits very similar characteristics of neighbouring properties and its visual impact would not negatively impact on the street scene. The scale, massing and bulk of the building would aesthetically bring back the proposed scheme in line with the character of the surrounding area as it is in line with other neighbouring semi-detached properties in the local vicinity, which is welcomed. The roof and the proposed dormer windows are sufficiently set away from the eaves and ridges and thereby remains subordinate to the proposed development.

The proposal also replicates some of the design features of the neighbouring properties, including the front gable ends with the catslide roof and external detailing on the front gables, a chimney feature on the front elevation as seen on no. 24-26 and 30-32 Prospect Road. This would provide a visual break to the ridge of the roof at the front and further address concerns about the scale.

With reference to materials, the proposal would include brickwork on the ground and render above and timber detailing to the front elevation. The applicant would be required to submit details of the materials to be approved in writing by the Local Planning Authority prior to commencement of development. This would be secured by way of condition.

On balance, the proposed development would respect the relationship between itself and the adjoining buildings to comply with policies CSNPPF and CS5 of Barnet Council's Core Strategy (adopted) 2012; DM01 of Barnet Council's Development Management Policies (adopted) 2012; Policies 7.4, 7.5 and 7.6 of the London Plan (2016, as amended); and guidance contained within the National Planning Policy Framework (2012).

### **Impact on surrounding residential amenity**

Policy DM01 of Barnet's Local Plan and policy 7.6 of the London Plan) seeks to protect the amenity of neighbouring properties with regard to loss of privacy, overshadowing, overbearing and loss of outlook. This will include taking a full account of all neighbouring sites.

The proposal comprises of a number of proposed windows along both side elevations facing the neighbouring properties. However, it is noted that these are either bathrooms or secondary windows. The submitted plans also annotate that side facing windows will be fitted with obscure glazing and only openable above. Therefore, the proposal is unlikely to give rise to any adverse overlooking impacts.

In terms of the increased scale and bulk, the proposal would align with the rear building of No.30 Prospect Road to the south but would project beyond the rear building line of No.26 by approx. 5m. The side windows of both No.26 and No.30 Prospect Road would appear to be non-habitable rooms and therefore are not considered to harmfully result in the loss of light. Further, the proposed windows to the side elevations which face no 26 and 30 Prospect Road serve as small secondary windows to bedrooms and living rooms, and bathrooms (windows to the bathroom would be obscured).

Consideration has also been given to the possibility of designing a building which would have the appearance of a single-family dwelling rather than a block of flats to these windows. Whilst the building would project further beyond No.26, it benefits from a single storey garage separating the building and the closest window at first floor level is bathroom. The proposal would comply with the 45 and 30 degree angles between the neighbouring windows. Officers note a rear section of the development which projects beyond the rear building line of no. 30 Prospect Road, however as this is set in from the side elevation by approximately 2 metres, it is not considered to have a significant impact on neighbouring properties. As such the proposal is not considered to be overbearing on the neighbouring properties, and not considered to result in a sense of enclosure or loss of light.

In summary, the proposal is not considered to significantly harm the residential amenity of the neighbouring properties at Nos. 26 and 30 Prospect Road.

### **Quality of accommodation**

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of The London Plan provides minimum space standards for new dwellings. The proposed 6 x 2 bedroom units would have an approximate Gross Internal Area, which all exceed the Greater London Authority's (GLA) minimum requirements. Further, all the proposed units would be dual aspect, and adequate access to daylight and sunlight. There are two bedrooms on the second floor which contain velux windows, rather than traditional windows. However, the position of these velux windows of the roofslope ensure that outlook can be achieved to both habitable rooms. On balance, it is considered that the proposed units would enjoy good outlook and privacy.

Barnet's Local Plan expects that sufficient and functional outdoor space should be provided for all new homes and flats wherever possible. Barnet's Sustainable Design and Construction

SPD advises that 5sq.m should be provided per habitable room for flats. The ground floor flats benefit from private amenity space whereas the first and second floor flats have use of the communal garden space. Each flat requires 15m<sup>2</sup> of amenity space (5m<sup>2</sup> per habitable room). Both ground floor flats provide 20m<sup>2</sup> of private amenity space and therefore exceeds this requirement, which is welcomed. The proposed no 4 x 2 units on the upper floors do not have access to their own balcony or terrace area. However, the proposal does make provision for 80sqm of good quality and useable garden area which would be a shared private amenity space for the 4 flats on the upper floors only. This communal private amenity space would be partitioned via a fence, details of which would be secured and agreed by way of condition. On balance, and given the other benefits of scheme, the proposal amenity space arrangements are considered to be acceptable.

### **Impacts on the highway**

Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan, except in the case of residential development, where the maximum standards will be i. 1 to 1.5 spaces per unit. The scheme proposed 4 spaces to the front of the site, which would be an under-provision in terms of DM17 policy. Notwithstanding, the applicant has carried out a Car Parking Survey in line with the Lambeth Methodology. Which indicates that there an existing on-street car parking stress of 68%. This means that there currently appears to be sufficient availability on-street to accommodate potential overspill of 4 off-street car parking spaces.

The applicant is proposing to make changes to the existing vehicular access arrangement. The applicant is advised that an application must be made to the Highways Department prior to the commencement of any works on the public highway. An informative to this effect has been included below.

### **Cycle parking**

In accordance with Local Plan policy, the proposal requires a minimum of 12 (2 per property) cycle parking spaces. A bike shed to house bicycles would be located to the rear of the property as shown on the site plan. The applicant would be required to submit details of the quantum, location and type of cycle storage to be approved in writing by the Local Planning Authority, in the interests of promoting cycling as a mode of transport. This would be secured by way of condition.

### **Refuse and recycling**

A communal refuse and recycling area would be provided at the front of the property along the boundary to no. 26. This would be hidden to the occupants of no. 26 by the replaced 1.8m high fence along the boundary, details to be submitted to and approved by the Local Planning Authority prior to occupation, to be secured by way of condition.

### **Response to Public Consultation**

It is considered that the concerns raised have been addressed within the report. The objections and concerns raised from residents have been considered within the evaluation above. It is not considered that the use of the site for residential purposes would result in an over intensification of the use over and above the existing use of the site. On balance, it is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; would not have a detrimental impact on highway safety. Further, given that the proposal is only for 6 x 2 bedroom units, it is not considered that the additional population would put undue pressure on resources and social infrastructure, including schools and health care facilities.

Concerns were raised that the details submitted with the application, mainly the Transport Assessment was inaccurate. Officers reviewed all the information submitted, and the LBB Highways team were broadly satisfied with the proposal, subject to conditions as set out in the front of this report. Officers were able to make an assessment of the proposal based on its planning merits, regardless of whether there may be minor inaccuracies detailed with the submission documents.

Some residents expressed concern that the loss of the gardens to the back and front of the site would have an adverse impact on ecology in the area. However, there has been no evidence submitted to support this assertion. Conversely, the proposal would incorporate a green area to the front and greened (soft) communal amenity space to the rear of the property, in accordance with policy.

All representations received from residents were fully considered in the assessment of the application.

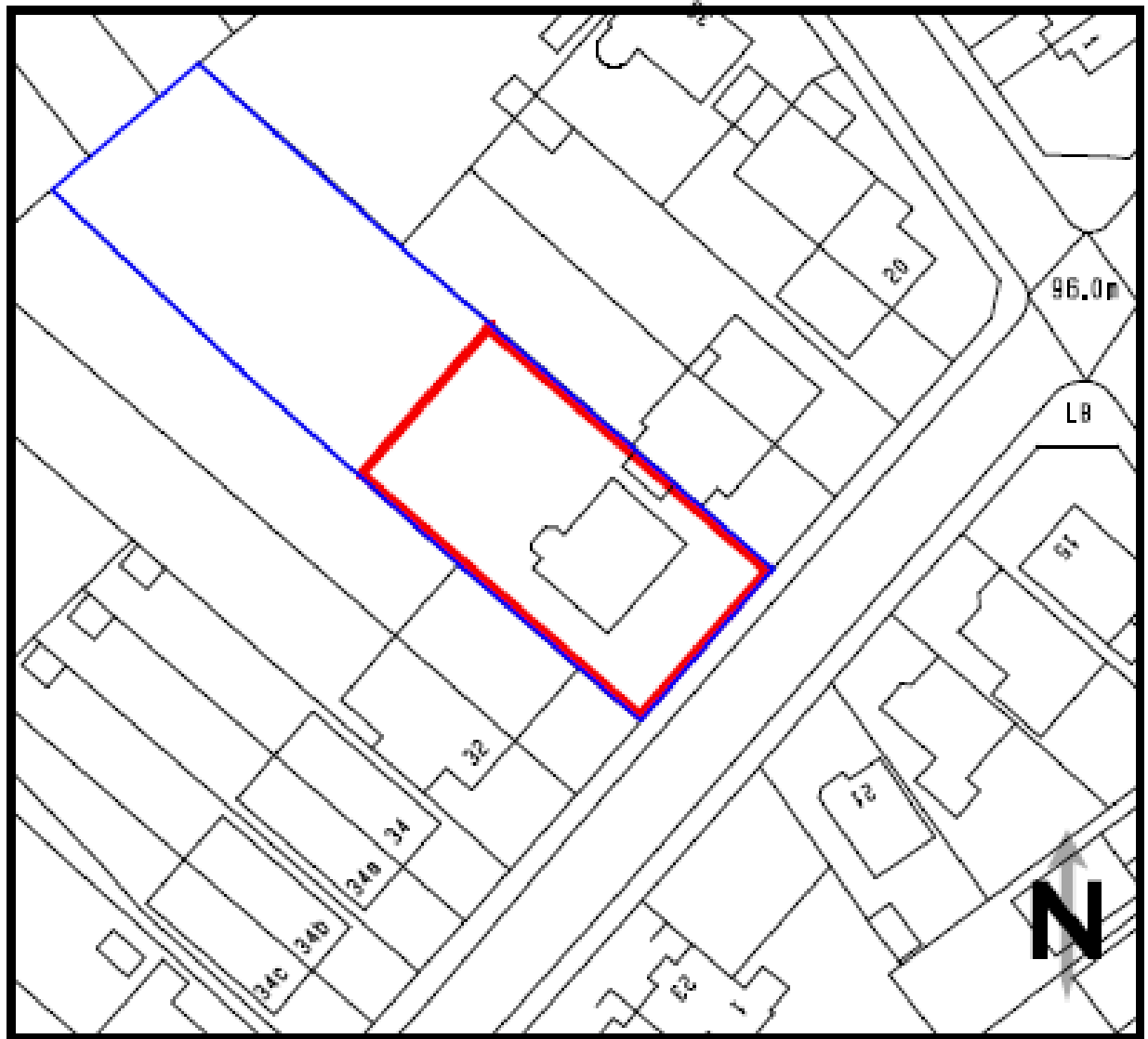
### **Equality and Diversity Issues**

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.

### **Conclusion**

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

## Site Plan



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# LOCATION PLAN 1:1250



**Location**                      **19 Harmsworth Way London N20 8JT**

**Reference:**                      **19/6306/FUL**

Received: 25th November 2019

Accepted: 2nd December 2019

Ward:                              Totteridge

Expiry 27th January 2020

Applicant:                      Mr P Patel

Proposal:                      Demolition of existing dwellinghouse. Erection of two storey dwellinghouse, including, rooms to roofspace, associated amenity space, and refuse and recycle store and 3no. off-street parking spaces

## AGENDA ITEM 9

**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:

- PA-001
- PA-002
- PA-003
- PA-004
- PA-005
- PA-006
- PA-007 Rev D
- PA-008 Rev C
- PA-009 Rev C
- PA-010 Rev C
- PA-011 Rev C
- PA-012 Rev C
- PA-013 Rev C
- PA-014 Rev C
- PA-015 Rev C
- PA-016 Rev B
- PA-017 Rev C
- PA-018 Rev B
- PA-019 Rev D
- Amended Ecology Report by Elite Ecology dated March 2020
- Design & Access/Heritage Statement dated 22 Nov 2019

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 sample materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 In accordance with the recommendations of the report prepared by Elite Ecology dated March 2020, prior to undertaking any works on site, details of the following mitigation measures shall be prepared, submitted to and approved in writing by the LPA:

It is advised that the recommendations made in Section 6.4 of the Elite Ecology Preliminary Roost Assessment Report are implemented in full. This includes:

- The installation of Eco Bat Boxes, Integrated Eco Bat Boxes or Bat Access Tiles on appropriate elevations (southern, eastern and/or western)
- The inclusion of bird nesting provision in the form of bird boxes within mature trees and on buildings; and where new planting is to be included, native species should be selected.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

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

- 6 a) Before the development hereby permitted is first occupied, details of cycle storage provision, including the number of cycle spaces, 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 adequate cycle storage is provided and to comply with the provisions of the London Plan (2016) and accordance with policies of the Adopted Barnet Development Management Policies DPD (2012) and the Adopted Barnet Core Strategy DPD (2012).

- 7 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).

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

- 10 Before the development hereby permitted is first occupied or the use first commences the garage shown on the hereby approved plans shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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

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

- 12 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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

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

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

- 13 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations facing 17 and 21 Harmsworth Way.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 14 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 15 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).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of 19 Harmsworth Way hereby approved.

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

- 17 Prior to demolition a lighting strategy must be designed and implemented to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014). The lighting strategy should be submitted to the LPA for approval

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing NO's 17 and 21 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

#### **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](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. Your planning application has been assessed at this time as liable for payment under Mayoral CIL.

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

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

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

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

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

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



## **Officer's Assessment**

### **1. Site Description**

The application site comprises a two-storey detached dwellinghouse located on the northern side of Harmsworth Way. The neighbouring property No. 17 Harmsworth Way is located to the east of the application site and sits approximately 0.4 metres higher than the subject site. No. 21 Harmsworth Way is located to the west of the application site and No. 24 Alwynds is located to the south (rear) of the application site.

The site is located within the Totteridge Conservation Area and contains Trees to the front and to the rear of site, which are protected due them being within a Conservation area. The application site does not contain a statutory listed building.

The existing dwellinghouse has a depth of 11m at ground and a depth of 6.6m at first floor level. The width of the existing house measures approx 14.2 metres with a ridge height of 8.1 metres and an eaves height of 5.3 metres from ground level. The original dwellinghouse benefits from two attached garages with a combined width of 6.4 metres and a flat roof with a height of 3.1 metres.

### **2. Site History**

Reference: N01991

Address: 19 Harmsworth Way, London, N20

Proposal: two-storey side extension.

Decision: Refused

Decision Date: 20.08.1969

Reference: N01991A

Address: 19 Harmsworth Way, London, N20

Proposal: extensions to ground and first floor to provide two bedrooms, bathroom, lounge, study and porch

Decision: Approved subject to conditions

Decision Date: 07.07.1971

Reference: N01991A

Address: 19 Harmsworth Way, London, N20

Proposal: first floor side extension

Decision: Approved subject to conditions

Decision Date: 10.11.1971

Reference: N01991C

Address: 19 Harmsworth Way, London, N20

Proposal: Lobby extension to front door.

Decision: Approved subject to conditions

Decision Date: 15.08.1973

### **3. Proposal**

The application seeks planning permission for Demolition of existing dwellinghouse. Erection of two storey dwellinghouse, including, rooms to roofspace, with dormer windows to front and rear and associated amenity space, refuse and recycle store and 3no. off-street parking space.

The proposed house would be 14.46m in width at ground floor level and first floor level and 15.25m in depth with a total height of 8.5m to ridge height and 5.9m to eaves height. The garage height which abuts the boundary with N021 measures 3.1m in height to a flat roof. The proposed decking to the rear sits at a lower level than the ground level.

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

Consultation letters were sent to 19 neighbouring properties.

6 letters of objection were received which can be summarised as follows:

- The height, mass, bulk and scale of the proposed replacement dwelling is too large for the site is overdevelopment of the site and would create a dominant house out of keeping with adjacent properties.
- Overbearing and loss of sunlight to neighbouring No. 21 including adverse impact to the garden and plants.
- The proposals design including the proposed 3 dormers are out of character with the immediate area.
- This proposal would not conserve or enhance the Conservation Area.

#### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and amended in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

##### The Mayor's London Plan 2016

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

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

##### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM09, DM17.

Policy DM06 of Council's Development Management Plan document deals with Barnet's heritage and conservation. Policy DM06 states that the special architectural and historic interest as well as the character and appearance of conservation areas should be preserved and enhanced. Planning applications which fail to preserve or enhance the character or appearance of a heritage asset or conservation area will not be granted.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

Totteridge Conservation Area Character Appraisal (adopted May 2008)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality, including the Totteridge Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.

### **5.3 Assessment of proposals**

#### Application as submitted

Amendments have been made to the originally submitted plans reducing the height bulk and mass of the proposed scheme as listed below.

The Council's Heritage Officer has been consulted and has made the following comments to the original submission:

- o The proposal in its original form is at odds with the Front Building Line. The projection line is in front of the existing front building line neighbouring properties and not forward of the current building line.
- o Concerns regarding the roof design, particularly given the roof form is an uncharacteristic crown roof, of increased height, which with the additional increase in width of the property at two storeys, creates a very dominant, oversized and oppressive roof form.

#### Amended drawings

The proposal has been amended to take account of the Heritage officers comments as follow:

- o The front projection has been omitted and set back in line with the existing front building line.
- o Reduced the scale, size and bulk of the proposed dwelling. The width was further reduced at first floor and the roof set down further to the side facing No.21.

- o Amendments has also been made to the size of the proposed dormers as well as reducing the number of dormers to 1 at front and 2 at the rear.
- o The roof was amended to a pitch roof form, a comparable roof height to the neighbouring dwellings and a crown element to be erected at the rear. The amendments were a significant improvement from the original plans and the appearance of the roof was considered acceptable, not detracting from the Conservation area.

## Ecology

Ecology have been consulted and have advised the building to have 'Low' suitability for roosting bats.

As a result and in accordance with 'Bat Surveys for Professional Ecologists Good Practice Guidelines (3rd edition), Collins, J.,2016) buildings that have been identified as having low suitability to support bat roosts require a minimum of one emergence or re-entry bat survey to be carried out between May - August.

An Amended PRA dated March 2020 has been provided and Ecology have confirmed they raise no objections to the revised report and as a result the proposal is supported in this regard.

## Assessment

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

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The application site is located within the Totteridge Conservation Area and as such, the Council has a duty to preserve and enhance the special character and appearance of this area.

The character of the road is generally mixed, with some properties benefitting from ample spaces between the buildings which warrant views through the sites and other properties being positioned closer to each other. There is an overall consistency within the road in terms of all properties being detached and two storeys with pitched roofs, and a consistent building line.

As described above, the existing dwellinghouse comprises a two-storey dwelling. The existing structure is built to the common boundary with both No. 17 and with No. 21 the existing garage is set along the boundary. The existing dwelling sits at a smaller scale on the plot than other properties in the road. The existing dwellinghouse does not hold a heritage designation and its demolition would not be harmful to the conservation area, provided a suitable replacement dwelling is proposed.

The replacement dwellinghouse will have a larger footprint than the existing structure however as amended the new building will respect the established building line at front. Whilst the building is deeper to the rear than its original footprint given the size of the plot and the size of other properties within the vicinity of the site and the surrounding area it is

considered the proposal would not detract from the character and appearance of the site nor would it detract from the character and appearance of the Totteridge Conservation Area. The proposal is considered to relate well to neighbouring properties with sufficient distances maintained from their boundaries giving views in and out of site.

The proposed ridge height would be approximately 1 metre higher than that in situ. However, it is noted that the height is comparable to the neighbouring dwellings.

Dormer windows as amended are subordinate features within the roof space and considered acceptable.

As amended the proposal is considered to comply with the principles of DM06 and will preserve the character of this part of Totteridge Conservation Area. Materials will be conditioned to ensure that the external materials, roof covering, and fenestration preserve the character and appearance of the Conservation Area.

Given the above, it is considered that the proposed dwelling would not cause harm to the character and appearance of the application site, the street scene, the wider locality and would harmonise well within the streetscene and locality protecting and enhancing the values of the conservation area.

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

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

It is not considered that the proposed dwelling would result in a loss of light, outlook or privacy for neighbouring occupiers. This determination is based on the positioning of the replacement dwelling on the site in relation to neighbouring properties and distance of neighbouring dwellings from the proposed structure.

The replacement dwelling would project 1.5m beyond the neighbouring building line at ground level and 0.5m beyond the 1st floor level. The proposal would be set further off the common boundary with No. 17 and retain a separation distance of 1.7 metres off the shared boundary and between 3.2-3.6 metres off the flank walls. The separation distance and the depth of the property in comparison to the neighbouring building is considered acceptable to mitigate any adverse impact to the amenity value of this neighbouring occupier.

Towards the other side towards No. 21 the proposed house would project 3.5m beyond the rear of N021 at ground level and 2.5m at first floor level. Similarly whilst the proposed garage abuts the boundary of this property there is at least 2m distance maintained at first floor level from the boundary with a greater distance between the flank walls which is considered sufficient separation distance to mitigate any impact on the neighbouring amenity.

Any windows in the flank walls of the proposed house would be conditioned to be obscure glazed therefore no impact in terms of overlooking or loss of privacy.

As amended the proposal would have no appreciable adverse impact on the adjoining neighbours amenity and considered acceptable

#### Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016.

#### Space standards

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the proposed bedrooms comply with this requirement.

Single bedroom: minimum area should be at least 2.15m wide to comply with the nationally described space standard. Double/twin bedroom: minimum area should be of a minimum width of 2.75 m to comply with the nationally described space standard and every other double (or twin) bedroom is at least 2.55m wide. Each of the proposed bedrooms comply with this requirement.

A minimum ceiling height of 2.5m for at least 75% of the dwelling area is strongly encouraged. The proposal complies with this requirement.

All proposed residential development should provide suitable outlook and daylight for future occupants; the proposal would provide suitable outlook and dual aspect and in this regard is considered to be acceptable.

#### Amenity Space

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that dwellinghouses with more than seven habitable rooms require 85 m<sup>2</sup> of private amenity space. The proposal meets this requirement and is therefore acceptable in this respect.

#### Highways

Highways have been consulted and have raised no objection the application. The car parking spaces provided are sufficient and in accordance with policy DM17.

There is sufficient space on the front drive to accommodate 2 no. cars and the proposal is therefore acceptable in this respect.

#### Cycle parking

It is unclear how many cycle spaces the application proposes, but it would need to comply with the minimum standards outlined in table 6.3 of chapter 6 of the London Plan (2016) as advised by the Councils Highways Consultees. A condition will be attached to any planning permission in order to secure these.

### Refuse Storage

Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building. In this instance the applicant has provided refuse storage facilities and siting for the units to the front of the property within its curtilage and a condition will be attached for the submission and approval of a waste bin storage facility and to ensure bins are stored in the designated approved storage area, other than on collection days.

### Sustainability

#### Water Consumption

A condition will be attached to any planning permission in order to secure water consumption. The proposed replacement dwelling will have 100% of its water supplied through a water meter and will incorporate water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G2 of the Building Regulations, to ensure that a maximum of 105 litres of water is consumed per person per day.

#### Accessibility

The proposed replacement dwelling has been designed to meet the requirements of Part M4(2) of the Building Regulations - the 'Accessible and adaptable dwellings' category. A condition will be attached to any planning permission in order to secure this.

#### CO2 Emissions

The proposed replacement dwelling will have a detailed SAP calculation carried out to ensure that it meets the minimum requirements set down in Part L1A of the Building Regulations. A range of environmental and thermal efficiency measures are being researched for the technical design stage in order to target a significant improvement on the Part L1A design standards and a corresponding reduction in CO2 emissions. A condition will be attached to any planning permission in order to secure this.

### **5.4 Response to Public Consultation**

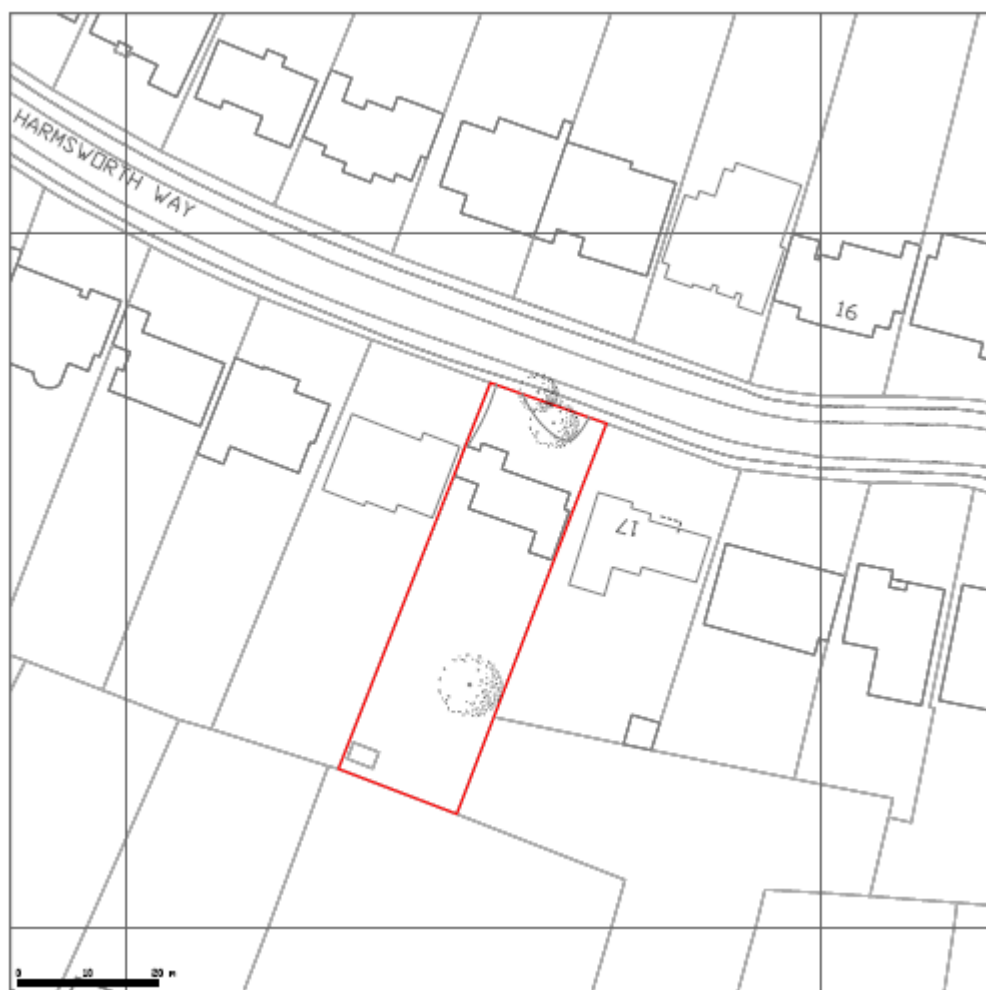
Addressed within the report.

### **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 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 including the Totteridge Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory. This application is therefore recommended for APPROVAL.





**Location**                      **Jewish Community Secondary School Castlewood Road Barnet EN4 9GE**

**AGENDA ITEM 10**

**Reference:**                      **19/6855/FUL**

Received: 23rd December 2019

Accepted: 30th December 2019

Ward:                              East Barnet

Expiry 24th February 2020

Applicant:

Proposal:                      Erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure

**Recommendation:** Approve subject to s106

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

**RECOMMENDATION I:**

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

1.      Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2.      All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3.

JCoSS Travel Plan Heads of Terms should include:

- Full School Travel Plan (STP) to be submitted and approved prior to occupation
- STP to meet the criteria in the TFL booklet 'What a School Travel Plan should contain'
- STP to include all previous data and a summary and evaluation of previous measures
- /initiatives implemented
- Prior to occupation consultation with all members of the school community - staff, pupils and their families, Governors, residents and other stakeholders including Livingstone

School

- STP Champion in place for the life of the STP
- Annual staff and pupil hands up survey
- Annual STP review and approval by the Council until the 5th STP review and STARS

has been approved

- To maintain current Gold level STARS or equivalent for at least 5 years.
- £5,000 STP monitoring fee

#### RECOMMENDATION II:

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

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

(898)0100\_PL01  
(898)0101\_PL01  
(898)1010\_PL01  
(898)1011\_PL01  
(898)1012\_PL01  
(898)0201\_PL01  
(898)0202\_PL01  
(898)0203\_PL02  
(898)2002\_PL02  
(898)2001\_PL02  
(898)4001\_PL02  
(898)4002\_PL02  
10682\_a\_00\_020 revision J  
11898\_TG\_P\_001  
11898\_TG\_P\_100  
11898\_TG\_P\_300

Design and Access Statement (17/12/2019)

Planning Statement

Landscape Strategy

Arboricultural Impact Assessment (18/12/2019) (11898\_R03a\_JP\_MM)

BREEAM Pre -Assessment

Energy and Sustainability Statement (December 2019)

Transport Statement (18/12/2019)

Parking Stress and Active Travel Environment Review

Geo Environmental Assessment of New Annex Building at Jewish Community Secondary School, East Barnet

Ecological Assessment (11898\_R02\_CC\_AS)

Structural Engineering Report

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

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

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

5 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown in Arboricultural Impact Assessment (18/12/2019) (11898\_R03a\_JP\_MM) under dwg no 11898/P04a has been erected. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be fully implemented in accordance with the protection plan and method statement.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

6 a) Before the development hereby permitted is first occupied or brought into use, a School Travel Plan incorporating measures to reduce trips to the school by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority. This should include reference to the changes made to the school building/s and the impact this will have on travel and access, the contact details of the School Travel Plan Champion and appropriate actions to ensure that the STP will meet at least Bronze level in the Transport for London STARS (Sustainable Travel Active Responsible Safe) accreditation scheme for the following 3 years.

The School Travel Plan shall include SMART targets and a clear action plan for implementing the measures. The School Travel Plan shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

8 a) The proposal hereby approved should be implemented according to the approved Ecological Assessment Report ((11898\_R02\_CC\_AS).

b) lighting strategy must be designed to minimise impacts on bats (as well as other nocturnal fauna) and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>. The lighting strategy should be submitted to the LPA for approval.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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 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.

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

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

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

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

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

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

12 a) The non-residential development is required to meet the BREEAM \*\*\*\* level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

13 a) No development other than demolition works shall take place until a scheme indicating the provision to be made for disabled people to gain access to the development has been submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under this condition shall be implemented in its entirety before the first occupation of the development or commencement of the use and retained as such thereafter.

Reason: To ensure adequate access levels within the development in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policy 7.2 of the London Plan 2016.

14 Prior to occupation of the development details of coach parking monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

15 Upon occupation of the development hereby approved, there should be no more than 30 additional pupils admitted into year 7 each year up to a total of 90 additional pupils within years 7-11 over a five year consecutive period and no more than an additional 40 pupils shall enter into the 6th form (comprising 20 pupils in year 12 and 20 pupils in years 13) without the written prior consent of the local planning authority.

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

### RECOMMENDATION III:

3 That if an agreement has not been completed by 01/11/2020 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 19/6855/FUL under delegated powers for the following reasons:

The development fails to provide a legal undertaking to provide travel plan and contribution towards the associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD

### Informative(s):

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

- 2 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Therefore, if site clearance work is proposed to be undertaken in the spring and summer months the site should be subject to a pre-site clearance check for nesting birds. It should be noted that if there is a hiatus between site clearance and construction and the site is left cleared then if construction starts during the spring and summer months an additional check for nesting birds should be undertaken before work starts.
- 4 Working methods sensitive to badger and hedgehog should be used during the construction phase. Hedgehog fence panels and/or 'hedgehog highways' should be used to prevent habitat fragmentation



## **Officer's Assessment**

### **1. Site Description**

The present school comprises one building, with a central curved spine from which four wings radiate to the rear. The central spine contains the vaulted main reception area, beyond which - along the direct visual axis - there is a courtyard and beyond which there is an existing Multi Use Games Area (MUGA), which is the location for the new proposed North Wing extension. The vaulted central spine creates a curved exterior roof structure, whilst the elevations are finished in a combination of buff coloured masonry and brickwork with grey metal elements - with a combination of darker material and white render to Wing D.

The broader site comprises hard and soft landscaped grounds including sensory garden, allotment and a further, smaller MUGA. To the rear of the site is a large open playing field, over which the school has recently signed a joint access agreement. Principal access to the site is via a dedicated approach from Castlewood Road, leading to a one-way loop incorporating parking and drop-off spaces. A second gate to the south exists, principally for pedestrian and emergency access.

To the immediate east of the site is Livingstone Primary School, whilst to the west the east coast main line separates the site from Tudor Park. To the south the school adjoins a residential development known as the Bevan estate, built in the 1950's and predominantly comprising two storey semi-detached houses. To the north side lie Hadley Woods - an area of mature woodland.

The site is in Metropolitan Open Land. Green belt lies to the north of the site. The site is not located in conservation area and the building is not listed.

### **2. Site History**

Reference: N02587K/07

Address: East Barnet School Westbrook Crescent Cockfosters Barnet Hertfordshire EN4 9AR

Decision: Approved following Legal Agreement

Date: 09 December 2008

Description: Demolition of buildings and erection of a new secondary school (six form entry) and special resources unit, external works including construction of new outdoor all-weather sports pitches and games area, formation of new North-East access driveway off Castlewood Road and use of existing access from Westbrook Crescent for emergency vehicles only, parking, landscaping and other enabling works

Reference B/05671/14

Address: Jcross (Jewish Community Secondary School), Castlewood Road, Barnet, Herts, EN4 9GE

Decision: Approved subject to conditions

Date: 10 December 2014

Description: Extension to wing D at second floor above the Sports Hall, to provide 5 new classrooms and associated circulation and storage areas

### **3. Proposal**

The application seeks planning permission for erection of a north wing to provide new educational space (use Class D1) comprising a multi-functional hall, classrooms, circulation, break-out and administration areas with associated landscaping and ancillary infrastructure. The proposal benefits from a pre- application advice.

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

Consultation letters were sent to 135 neighbouring properties.

40 objections and 109 support received

Summary of the comments received:

Comment in support of the proposal

- The school is oversubscribed and need extension
- More cost efficient than opening a new school
- Will meet the need of the growing number of children
- School will be able to offer more places for children
- The community would be benefitted
- There is need for more secondary school places
- There is significant demand for high performing faith schools in London
- The current building does not have the capacity to cope
- The school has the land and should be allowed to build

Objections received as below:

- Likely Impact on traffic
- Congestion
- Large coaches park while drop off and pick up are big for the narrow roads and create congestion
- Roads will be clogged by parked cars
- No consideration given to the residents by coaches, parents, staff and sixth formers.
- The coaches in the morning cause chaos for local residents and cause damage to cars, footpaths and grassed areas.

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

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

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

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS8, CS9, CS10, CS13.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM15, 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 Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. 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 emerging policies and draft site proposals.

#### Supplementary Planning Documents

Sustainable Design and Construction (2016)

Green Infrastructure (2017)

Planning Obligations (2013)

## **5.2 Main issues for consideration**

- Principle of development
- Impact on the Character of the Existing Building and the Area
- Impact on Amenity of Neighbouring Occupiers
- Impact on Amenity of Future Occupiers
- Impact on Highways
- Impact on Trees & Landscape
- Impact on Ecology

### 5.3 Assessment of Proposals

#### Principle of Development

Paragraph 133 of the National Planning Policy Framework (2019) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The site is located entirely upon Metropolitan Open Land (MoL). With regard to Policy 7.17 of the London Plan (2016) and Policy DM15(a)(i) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the same level of protection is afforded to MoL as to the Green Belt. Consequently, development is subject to the considerations set down in Section 13 of the NPPF (2019).

Paragraph 145 of the NPPF states that the construction of new buildings as being inappropriate in the Green Belt, but also lists a number of exceptions which include:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy DM15 of the Local Plan echoes these provisions, stating:

- i. Development proposals in Green Belt are required to comply with the NPPF. In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).
- ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.
- iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:
  - a. Agriculture, horticulture and woodland;
  - b. Nature conservation and wildlife use; or
  - c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.
- v. The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL.

The applicant in the submitted planning statement mentions that, the proposal would fall under exception c of Paragraph 145 of NPPF and further mention that, "the Application Site falls within a wider, established and self-contained campus. Whilst there are small areas of land without buildings, when considered as a single planning unit, the campus as a whole falls within the definition of Previously Developed Land ("PDL") as stipulated by the NPPF."

In a submitted calculation the applicant showed the cumulative increase in floorspace is only 10% and volume is 7%.

However, the opinion of the LPA the proposal would not benefit from the provision of the exception at Paragraph 145(c) for the following reasons, which was mentioned during the pre-application stage;

- Whilst the proposal may be an 'extension' to the total existing quantum of buildings on the site, it is in the form of a new building and not a contiguous physical extension.
- Notwithstanding that fact, the baseline for extensions must be the original building and not the current building (or building which replaced the original building).

The pre- app advice further states that, the proposal must be considered inappropriate development and - by virtue of Paragraph 143 of the NPPF (2019) - is, "by definition, harmful...and should not be approved except in very special circumstances".

The applicant subsequently submitted very special circumstances in the submitted planning statement with the current planning application.

The statement states that, Institute for Jewish Policy Research ("JPR") in February 2019<sup>1</sup> has assessed the gap between first preference applications and admissions across the four state-funded mainstream Jewish secondary schools in North West London and Hertfordshire. The research shows there is a gap greater than 150 between applications and admissions which represent unmet need in the Jewish Community. This gap exceeded year-on-year since 2013/14. The statement further mentions that there is average 11% increase in applications for Year 7 entrants in 2018/19 and increase of 14% in years 2020/21 and 2021/22.

The statement further mentions that, to meet the quantitative deficiencies, the only viable means of doing so in state-funded mainstream Jewish secondary schools in North-West

London and Hertfordshire is via the expansion of existing schools and JCoSS is one of two schools identified which have the capacity and desire to expand.

The submitted statement mentions that, JCoSS is the most over-subscribed Jewish school in London, with an average of 4 applicants per place, 73% of which put JCoSS as their first or second preference. JCoSS does not have enough classrooms and associated facilities to meet this growing demand. The proposal would therefore facilitate the growing demand.

It is further mentioned that the proposed class rooms are designed for smaller class sizes which are ideal for teaching 6th form lessons, which would free up standard size classrooms within the existing school building. The proposed multipurpose hall will provide a large flexible space which can be configured for assemblies, performances, indoor sports, cafeteria seating, examination and study space.

The current number of students at the school is as follows:

Y7: 187 pupils

Y8: 217 pupils

Y9: 218 pupils

Y10: 187pupils

Y11: 187pupils

JCoSS currently admits 187 students each year for years 7; 10 and 11, but due to the high demand for places the school would like to increase an extra 30 places each for year 7 ,10 and 11 for each academic year consecutive 5 years. Initially the increase would be an extra total of 90 students for year 7, year 10 and year 11 for every academic year.

Once the additional 90 students will reach year 11, JCoSS estimates that 20 of them will continue into year 12 and then into year 13, totalling 40 additional students in the 6th form. At that time after 5 years there will be total of 130 additional students per academic year (90 in years 7,10 and 11 and 40 in the 6th form).

Currently the 6th form has a total of 300 students in year 11 and year 12. Initially total number of students in the school would be 1386 for the next consecutive 5 years. After 5 years total number of students would be maximum 1426.

National policy states that local planning authorities should "give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications" (National Planning Policy Framework 2019: paragraph 94). It also states that local planning authorities should "work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted".

London Plan Policy 3.18 (Education Facilities) states that in Point C that "Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes."

CS10 states that, the council will "ensure that our programmes for capital investment in schools and services for young people address the needs of a growing, more diverse and increasingly younger population." Paragraph 15.7.6 of the Core strategy states, "We will

continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places."

With regard to Policy CS10 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), the proposal will bring forward capital investment expanding the provision of education facilities and would meet the growing demand.

It is clear that national, London and local policy is strongly in favour of improving school facilities, and this is a material consideration in the determination of this planning application.

Furthermore, the proposal would bring Economic benefit, as it will create up to 7 new teaching jobs as well as some additional hours for other site staff including cleaners, and maintenance workers. Jobs will be also created throughout the construction work.

It is therefore considered that, due to the very special circumstances stated above, the proposal is considered acceptable in the Metropolitan Open Land (MOL).

#### Impact on the character of the existing building and wider Area

Policy DM01 of Barnet's Development Management Policies Document (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal has been modified after comments received during pre-application stage. However, the location and overall design concept of the proposal remains same as proposed in the pre application stage.

The proposed two storey extension would be sited at the rear of the central court yard on the place of existing Net Ball Court. It would be sited at the rear of two existing wings and would connect those wings with an open colonnaded corridor. Though the proposal would enclose the open central court yard, it would maintain permeability and allow angular views to the open field and woodland beyond through the open colonnaded corridor.

The proposal will respect the eaves height of the existing building. It would feature a flat roof with mechanical room and skylight on the rooftop.

The proposed exterior would be of buff colour brick to match the existing masonry of the school with infill panels in a light grey render to coordinate with the painted metal framing to windows. The material is considered to complement the existing palette.

Principal entry for the new extension is on the front elevation facing the central courtyard.

It is considered that the proposal would respect the character of the existing building and the Area.

The additional mass of the extension would not be seen from the streetscene and would be buffered by the presence of the existing school building because of siting at the rear of the existing school building.

The proposed extension is considered to be of an appropriate scale, have been designed to match the design of the existing architecture of the school building and will be constructed in matching materials. Consequently, they will blend in with their immediate surroundings.

### Impact on Amenity of Neighbouring Occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed extension will be sited to the north of the site at the rear of the existing school building, away from existing residential properties sited to the south of the site and would not be visible from the residential properties. There are no residential properties to the north of the extension.

Given the separation distance between the extension and the nearest residential buildings it is not considered that the proposed extension and the proposed use would have an unacceptable impact on the amenities of neighbouring occupiers.

The proposed new building is considered to provide an acceptable space for the proposed multi-functional hall, classrooms, circulation, break-out and administration area.

With the direct re-provision of the MUGA, the scheme would also entail no material reduction in overall amenity space.

It is mentioned in the submitted Planning statement that, "the school has recently agreed to a lease with Barnet Council to use the grassed playing field land immediately to the west for sports and recreation. This has the benefit of allowing rugby and football, which were previously being played on the 3G pitch within the campus, to be moved onto a more appropriate grassed surface, thereby freeing up capacity on the 3G pitch for other sports such as netball and hockey."

The proposed ground floor will feature a large, double height, multi-purpose Hall which opens to the school's central courtyard. 4 classrooms are arranged to the north and one to the south beside the proposed multipurpose Hall and served by a circulation space.

All the proposed Classrooms would meet the standard provided by Department for Education's Building Bulletin 103 (BB103) - Area Guidelines for Mainstream Schools.

Each of the new classrooms will have around 30 pupils. The school already has capacity issues and so the proposed extension will help to relieve some of this pressure within the main building.

The rooms are well lit and ventilated and benefit from northern light. Class rooms will not overheat due to solar gain because of it siting on the northern side.

The proposed first floor contains 4 classrooms and an office suite including a new boardroom. There is lift access to the first floor. There are DDA compliant WC facilities on each floor.



All proposal would be disability compliant in order to cater for the needs of existing and future pupils and staff.

### Impact on Highways

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

The Local Highway Authority have no in-principle objection to the proposal.

The submitted Transport Statement prepared by Markides Associates confirms that the predominant mode of transport for pupils attending the school is public transport, with a total mode share of 37%. This is achieved via the implementation of the school's existing Travel Plan which discourages drop-off and pick-up activity around the South Gate, encouraging instead this be undertake at the dedicated East Gate.

The Transport Statement confirms that the additional trips associated with the proposed expansion, both in terms of drop-off and pick-up activity and car parking demand associated with additional sixth formers and staff parking, can be accommodated on the local highway network based on the observed parking stress levels.

The statement further mentions that, JCoSS will continue to make reasonable endeavours to achieve even greater number of pupils travelling by sustainable modes by reinforcing its existing Travel Plan measures to new pupil intakes and will investigate the potential for further methods such as:

- Establishing a car-sharing database to match parents travelling along the same routes with potential car-sharing partners;
- Recruiting Youth Travel Ambassadors (YTAs) to launch their own campaigns to help increase sustainable travel;
- Promoting additional events such as 'Walk to Work / School' day to encourage both pupils and staff to adopt sustainable modes; and
- Create and distribute posters and leaflets sharing sustainable travel information.

It is further mentioned that, the school is currently consulting on changing their admission criteria so that the expansion will create additional spaces for those living closest to the school, ensuring that more pupils will be able to walk and cycle to school.

The applicant submitted Parking survey and Councils Highway officers agrees that the parking surveys show that additional space can be accommodated.

The applicant submitted Accident Data which mentions, based on a review of London Collision Data for the past 5 years for the study area that encompassed the walking route. There were no serious or fatal injuries within this time and only two slight incidents, only 1 of which involved a pedestrian. Based on this frequency alone there is no concern regarding accident patterns.

Regarding Cycle Routes, the submitted Transport Assessment provided a brief review of cycle routes surrounding the site. This confirms that many of the residential streets are

recommended by cyclists, with local green spaces linking these routes. Recommended cycle routes within the area connects the majority of local residential communities to the site.

Regarding Buss Route, the development proposals will result in an additional 26 pupils accessing the school using the public bus. There are 6 x 384 services between 07.00-09.00, 3 an hour. This amounts to less than 9 pupils a bus if spread across 3 services. Whilst the 384 service is in a state of flux, with TfL currently consulting on extending the route, the most recent update to the consultation is that the route to JCoSS (Westbrook Crescent) is protected and the existing route around Northfield Road, where some concerns may be raised about conflicts with parked cars, is to be removed. In justifying the proposed route extension, it is stated that "passenger numbers on route 384 are low." First hand experience of witnessing buses arrive at the school also shows that they are not full.

The applicant suggested an informal drop kerb crossing with tactile paving on Lawton Road east of the Victoria Park entrance and west of the crescent, supported by waiting restrictions to prevent parking in the visibility splay.

It is further mentioned that the proposal would not increase number of pupil staying after school for after school activity as the proposed class rooms would not be used for such activities. The proposal would therefore would not increase any trip generation after school hours.

Councils Highway officers were consulted on the proposal. Highway is satisfied with the parking survey, accident data, cycle routes and busses.

Highway officer informed that subject to S106 agreement for School Travel Plan the proposal is considered acceptable.

JCoSS Travel Plan Heads of Terms should include:

- Full School Travel Plan (STP) to be submitted and approved prior to occupation
- STP to meet the criteria in the TFL booklet 'What a School Travel Plan should contain'
- STP to include all previous data and a summary and evaluation of previous measures /initiatives implemented
- Prior to occupation consultation with all members of the school community - staff, pupils and their families, Governors, residents and other stakeholders including Livingstone School
- STP Champion in place for the life of the STP
- Annual staff and pupil hands up survey
- Annual STP review and approval by the Council until the 5th STP review and STARS has been approved
- To maintain current Gold level STARS or equivalent for at least 5 years.
- £5,000 STP monitoring fee

## Trees & Landscape

Policy DM01 states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. Point j of Policy DM01 sets out various requirements regarding hard and soft landscaping.

The submitted arboricultural Impact Assessment prepared by Tyler Grange states that the removal of 13 trees of low arboricultural value (Category C) is necessary to facilitate the Proposed Development. The remaining 18 trees within the vicinity of the Application Site will be retained. Landscaping Strategy proposes 14 new trees to be planted as part of the Proposed Development.

Councils Arboriculturist was consulted on the proposal. The officer informed that, the proposal requires the removal of trees planted around the new school buildings. These trees have established but have not develop any significant visual tree amenity at this stage. Therefore, the impact of the proposal on visual tree amenity can be offset with new tree planting of a similar size.

The officer further informed that, the submitted planting plan dwg no 11898\_TG\_P\_300 provides a good level of replacement tree, shrub and roof top planting.

The submitted arboricultural method statement on dwg no 11898/P04a should be fully implemented throughout all phases of the development and the planting plan should be fully implemented.

The proposal is considered acceptable subject to attached conditions.

### Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

The submitted Ecological Assessment prepared by Tyler Grange mentions that the majority of habitats within the Application Site largely consist of buildings and hardstanding, both of which are of negligible ecological importance and pose no constraint to the Proposed Development.

It is further mentioned that, a Preliminary Bat Roost Assessment ("PBRA") and Great Crested Newt ("GCN") eDNA survey have been undertaken as part of the Ecological Assessment. The PBRA confirms that the existing buildings either had negligible potential for roosting bats or that no bats were recorded emerging from them during the dusk emergence survey. The eDNA survey also returned a negative result for the presence of GCN.

Councils Ecologist assessed the submitted report and informed that, the site is not within a statutory or non-statutory site. However, Monken Hadley Common, is directly adjacent to the site along its northern boundary and Pymmes Brook SINCS is 300m to the east of the site. Therefore, as a consequence of the close proximity of the SINCS and the ditch (D1 which feeds into Pymmes Brook) to the proposed development, the implementation of a Construction and Environmental Management Plan and sensitive lighting plan are required to mitigate any potential Impacts that could arise as a result of the construction and operation phases of the proposed development.

The officer informed that, in line with the National Planning Policy Framework (NPPF) 2019 in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006; the recommendations provided in Section 4.22 of the PEA report are considered sufficient to provide this required enhancement.

#### **5.4 Response to Consultation**

Addressed in the report

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

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

#### **7. Conclusion**

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



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