

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 1ST SEPTEMBER, 2020

AT 7.00 PM

VENUE

VIRTUAL MEETING

WATCH THE AUDIO AND VIDEO OF THE LIVE STREAM HERE:

<https://bit.ly/30WJSWA>

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

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

Laurie Williams
Richard Cornelius

Roberto Weeden-Sanz
Reema Patel

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

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.	Land Bound By Valley View, Leaside, Northbrook Road And Mayhill Road (Underhill)	11 - 24
7.	Cotswold Lodge, Stapylton Road, Barnet, EN5 4JD (High Barnet)	25 - 44
8.	2 Kenerne Drive Barnet EN5 2NN (Underhill)	45 - 58
9.	New Bevan Baptist Church, Grove Road, Barnet, EN4 9DF (East Barnet)	59 - 82
10.	Any item(s) the Chairman decides are urgent	

Decisions of the Chipping Barnet Area Planning Committee

30 July 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

1. MINUTES OF LAST MEETING

The Chairman welcomed everyone to the meeting, explaining the procedure for holding the virtual meeting.

RESOLVED that the minutes of the meeting held on the 13th July 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 Weeden-Sanz	Non-pecuniary interest by virtue of having attended the Land North of Totteridge Academy to volunteer at a GROW open day.
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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. WOODSIDE PARK UNDERGROUND STATION, STATION APPROACH, LONDON, N12 8SE (TOTTERIDGE)

Before discussion on the application the Chairman informed the Committee Members that an objector had written and asked for the application to be deferred. The deferral request had been made to allow St Barnabus building an opportunity to speak to the Pocket Homes applicants. The Chairman explained this would be procedurally inappropriate and therefore the request would not be granted. The Chairman invited the lawyer to say a few words on the matter.

Ms Mrinalini (HBPL lawyer) reminded Members that the Council had decided to hear the matter afresh, as the light assessment contained within the most recent report had not been before the committee when the permission was previously granted. As several months had passed since then, in the interest of fairness to all parties, it had been decided that the application be reconsidered. Ms Mrinalini stressed the importance that Members must keep an open mind and make their decisions based on good planning reasons. However, where an aspect of the decision was accepted in January, Members should ask themselves whether any new evidence had been produced before them to take a different view in respect of the matter. She urged the committee to take care to avoid any suggestion of perverse or irrational behaviour.

The Committee received the report.

Representations were heard from Mr Chris Plenderleith (objector), Ms Shreya Chaudhuri (supporter) and the applicant.

The Head of Governance explained that the objector had some slides they wished to share with the Committee, which would be done virtually. The Lawyer reminded Members that the alternative scheme proposed by the objector was not before the committee and was therefore not a material consideration.

Following discussion on the item, the Committee voted on the officer recommendation to APPROVE the application subject to the conditions and the s106 agreement for the reasons detailed in the report and the addendum.

For	4
Against	3
Abstain	0

RESOLVED that the application be approved subject to the conditions and the s106 agreement, AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in the officer’s report and addendum, provided this authority shall be exercised after consultation with the Chairman (or in the absence of the Chairman the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

7. JEWISH COMMUNITY SECONDARY SCHOOL CASTLEWOOD ROAD BARNET EN4 9GE (EAST BARNET)

The Committee received the report.

Representations were heard from Mr Ros Howarth (objector), Ms Linda Healy (objector) and the agent.

Following discussion on the item, the Committee voted on the officer recommendation to APPROVE the application subject to the conditions and the Section 106 agreement for the reasons detailed in the report and the addendum.

For	6
Against	1
Abstain	0

RESOLVED that the application be approved subject to the conditions and the 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 the absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

8. FRIERN COURT FRIERN BARNET LANE LONDON N20 0NJ (TOTTERIDGE)

Councillor Williams left the meeting at this point and was therefore absent for the discussion and did not participate in the vote.

The Committee received the report subject to condition 17 amended to insert the following missing text of 36% carbon emissions and condition 19 being changed to an informative

Representations were heard from Mrs Monique Velani (objector) and the agent.

Following discussion on the item, the Committee voted on the officer recommendation to APPROVE the application subject to the conditions as amended and the section 106 agreement for the reasons detailed in the report.

For	5
Against	1
Abstain	0

RESOLVED that the application be approved subject to the conditions as varied and s106 **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in the officer’s report, provided this authority shall be exercised after consultation with the Chairman (or in the absence of the Chairman the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

9. LAND NORTH OF TOTTERIDGE ACADEMY BARNET LANE LONDON N20 8AZ (TOTTERIDGE)

Councillor Williams re-joined the meeting at this point.

The Committee received the report including the addendum amending Conditions 1, 5, 14 and 19 and the addition of 5 new conditions as Conditions 21, 22, 23, 24 and 25. Two new informatives, 11 and 12 were also added.

Representations were heard from Ms Milligan (supporter) and the applicant.

Following discussion on the item, the Committee voted on the officer recommendation to APPROVE the application subject to the reasons detailed in the report and the addendum.

For	7
Against	0
Abstain	0

RESOLVED that the application be approved subject to the conditions as varied and detailed in the report and 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 as set out in the officer’s report and addendum, provided this authority shall be exercised after consultation with the Chairman (or in the absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

10. LAND REAR OF WOODLAND DRIVE AND WEST WALK, EAST BARNET, BARNET (BRUNSWICK PARK)

The Committee received the report.

Following discussion on the item, the Committee voted on the officer recommendation to APPROVE the application subject to the conditions for reasons detailed in the report.

For	6
Against	1
Abstain	0

RESOLVED that the application be approved subject to conditions AND the Committee grants delegated authority to the Service Director – Planning and Building Control or to make any minor alterations, additions or deletions to the recommended conditions or as set out in the officer’s report, provided this authority shall be exercised after consultation with the Chairman (or in the absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

11. THE SPINNEY 22 AND THE RIDGE 28 HENDON WOOD LANE, LONDON NW7 4HR (TOTTERIDGE)

The Committee received the report.

Following discussion on the item, the Committee voted on the officer recommendation that the Council under regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet The Spinney 22 and The Ridge 28 Hendon Wood Lane, London NW7 4HR Tree Preservation Order 2020 without modification.

For	7
Against	0
Abstain	0

RESOLVED the Council under regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet The Spinney 22 and The Ridge 28 Hendon Wood Lane, London NW7 4HR Tree Preservation Order 2020 without modification. AND that the person(s) making representations be advised of the reasons.

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

None.

The meeting finished at 9.55

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Location **Land Bound By Valley View, Leaside, Northbrook Road And
Mayhill Road**

AGENDA ITEM 6

Reference: **20/2535/S73**

Received: 5th June 2020

Accepted: 16th June 2020

Ward: Underhill

Expiry 11th August 2020

Applicant: Frencon Construction Ltd

Proposal: Variation of condition 1 (Approved Plans) of planning reference 18/0546/FUL dated 29/01/18 for 'Demolition of existing garages. Erection of 4no detached single storey self-contained residential dwellings with associated car parking, cycle storage, refuse and recycling storage and soft and hard landscaping.' Proposal is to retain the 'as built' form including the following, Site A; reduced number of approved new trees; changes to landscaping materials. Site B; Road layout (extent of carriageway) alteration; reduced number of approved new trees; changes to landscaping materials; repositioning of new dwelling backing onto 5 Valley View eastwards (retrospective application)(amended description)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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:

41269 MR 010G, 41269 MR 009J, 41269 MR 007G, 41269 MR 008E, 41269 MR 004J, 41269 MR 005K, 50229 004 Rev H, 50229 005 Rev G

and should be read in conjunction with the plans approved under 18/0546/FUL as follows:

Site Location Plan

D12.002 Rev A

D12.010 Rev A

Design and Access Statement

Land Contamination Assessment

Ecological Assessment

Potential Bat roost feature inspection Report

Planning Statement (Including Statement of Community Involvement, Part M

Compliance Statement and Planning Obligations Statement).
Sunlight, Daylight and Overshadowing Assessment
Sustainability Statement with Energy Statement
Transport Statement with Parking Survey
Tree Survey/Arboricultural Impact Assessment and Method Statement including
tree protection plans reference P2631.2 003 and P2631.2 004
Utilities - Site Investigation Report

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

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

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

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the application site hereby approved.

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

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

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

- 5 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 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(3) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. D12.011 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 9 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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).

- 11 The development shall be implemented in full accordance with the details of the materials to be used for the external surfaces of the building(s) as approved under 18/7576/CON, dated 8th March 2019 prior to the first occupation and retained as such thereafter.

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 The development shall be implemented in accordance with the details of levels as approved under 18/7576/CON, dated 8th March 2019, 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.

- 13 Before the development hereby permitted is first occupied enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers together with a satisfactory point of collection shall be implemented in accordance with the details of levels as approved under 18/7576/CON, dated 8th March 2019, 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).

- 14 Before the development hereby permitted is first occupied the means of enclosure, including boundary treatments shall be implemented in accordance with the details as approved under 18/7576/CON, dated 8th March 2019, 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).

- 15 The development shall be implemented in accordance with the Demolition and Construction Management and Logistics Plan details as approved under 18/7576/CON, dated 8th March 2019.

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).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

Pre-existing application site:

The application comprises two sites which jointly measure 0.27ha. Site A relates to garages which can be accessed via the road between no. 3 and no. 5 Valley View and site B relates to garages which can be accessed via the road between no. 15 and no. 17 Valley View. Site A consists of 4 rows of 6 garages (24 in total) and site B consists of 2 rows of 6 and 1 row of 4 garages (16 in total). The garages are in various states of disrepair. The site is bounded on all sides by existing residential development. The immediate street block bounded by Valley View and Northbrook Road is principally characterised by two storey semi-detached properties and short terraces of three dwellings. There are also small blocks of garages interspersed near to the junctions of Mayhill Road but situated on Northbrook Road. Properties are considered to have moderate size gardens with some tree planting.

Pedestrian access to the sites can also be gained from Northbrook Road. The site is covered in hard surfacing and garages, with the exception of a small area of grass verge by the access road.

The surrounding properties are characterised by pitched roofs and gable elements. Materials used on the surrounding buildings are predominantly brick, dark tiled roofs, with some having render elements.

The site is not within a conservation area and there are no statutory listed or locally listed buildings within or adjoining the site. There are no Tree Preservation Orders pertaining to any trees which may constrain the development. There are no other site specific policy designations or allocations for this site.

Applicants' details confirm that according to the Environment Agency's Flood Zone Maps the Sites are located in Flood Zone 1 and as such, there is no significant risk of flooding.

The site is located in a PTAL 1b location (where 1a is low and 6b is high). The site is accessed off Mayhill Road. High Barnet Underground station is located approximately 15--20 minutes' walk from High Barnet at 1.5km distance way from this train station. There are also a number of bus stops in close proximity to the site along Chesterfield Road and Mays Lane.

Most properties to the north side of Valley View have off street car parking by way of an area of hard standing within the front garden of the property. The properties however which front the proposal sites have deep front grassed garden areas with no hardstanding. On street car parking is also available.

2. Site History

Reference: 18/0546/FUL

Address: 17 Valley View, Barnet, EN5 2NY

Decision: Approved subject to conditions

Decision Date: 6 April 2018

Description: Demolition of existing garages. Erection of 4no detached single storey self-contained residential dwellings with associated car parking, cycle storage, refuse and recycling storage and soft and hard landscaping

Reference: 18/7576/CON

Address: 17 Valley View, Barnet, EN5 2NY

Decision: Approved

Decision Date: 8 March 2019

Description: Submission of details of conditions 3 (materials), 4 (levels), 6 (enclosures), 7 (landscaping), 8 (means of enclosure), 17 (Demolition and Construction Management and Logistics Plan), 19 (temporary means of enclosure), pursuant to planning permission 18/0546/FUL dated 05/04/2018

Reference: 19/6651/NMA

Address: 17 Valley View, Barnet, EN5 2NY

Decision: Refused

Decision Date: 31 January 2020

Description: Non material amendment to planning permission 18/0546/FUL dated 29/01/18 for `Demolition of existing garages. Erection of 4no detached single storey self-contained residential dwellings with associated car parking, cycle storage, refuse and recycling storage and soft and hard landscaping.` Amendments include alterations to proposed landscaping

Reference: 20/1175/NMA

Address: 17 Valley View, Barnet, EN5 2NY

Decision: Refused

Decision Date: 31 March 2020

Description: Non material amendment to planning permission 18/0546/FUL dated 29/01/18 for `Demolition of existing garages. Erection of 4no detached single storey self-contained residential dwellings with associated car parking, cycle storage, refuse and recycling storage and soft and hard landscaping.` Amendments include alterations to proposed landscaping

3. Proposal

This application seeks planning permission for the "Variation of condition 1 (Approved Plans) of planning reference 18/0546/FUL dated 29/01/18 for 'Demolition of existing garages. Erection of 4no detached single storey self-contained residential dwellings with associated car parking, cycle storage, refuse and recycling storage and soft and hard landscaping.' Proposal is to retain the 'as built' form including the following, Site A; reduced number of approved new trees; changes to landscaping materials. Site B; Road layout (extent of carriageway) alteration; reduced number of approved new trees; changes to landscaping materials; repositioning of new dwelling backing onto 5 Valley View eastwards (retrospective application)"

The parent application reference 18/0546/FUL sought planning permission for the demolition of all 40 garages and the construction of 4 no. detached single storey self-contained wheelchair adaptable residential dwellings (bungalows) with car parking, cycle storage, refuse storage and amenity space. This development has now been completed, however, minor deviations from the approved plans were implemented.

As such and for the avoidance of doubt, this application is a retrospective application that seeks to regularise the 'as built' form of the development. A comparison of the approved scheme to the submitted 'as built' plans shows the following alterations that this application seeks approval for:

Site A located to the south of no. 15 Valley View and no. 17 Valley View:

- Reduced number of approved new trees
- Amendments to landscaping materials

Site B located to the south of no. 3 Valley View and no. 5 Valley View:

- Alterations to the extent of the carriageway and road layout
- Reduced number of new trees
- Amendments to landscaping materials
- Repositioning of new dwelling backing onto 5 Valley View eastwards

4. Public Consultation

Consultation letters were sent to 147 neighbouring properties.

A site notice was erected on 02.07.2020.

7 responses have been received, comprising 7 letters of objections.

The objections received can be summarised as follows:

- not possible to provide pertinent comments in the absence of clear and explicit details
- Proposed landscape changes are unnecessary and a waste of taxpayers money
- Planning application is unclear as to whether more works are proposed eg. What does extent of carriageway mean, relocation of building?
- strongly opposition and objection to anymore building works after a year and a half of hell
- Numerous documents submitted some dating 2018. Would have been easier to simply have the old plan against the new plan so changes can be followed easily.

Clarity and details required on all the amendments stated in the description, for example what are the changes to the landscaping materials.

-It's highly unfair for you to present this to residents without further clarification of the above points. At the very least it seems the application has been put across in a careless manner and

appears decidedly disingenuous and as such it cannot be supported.

-Based on my understanding I have the following objections: 'Elimination of proposed new trees' - the trees that have been planted on the site have not been looked after and a number

have already died. Instead of getting rid of (eliminating??) them, why have they not simply been

tended? Will replacement trees be planted?

'Relocation of... new dwelling' - is an entire house really going to be demolished and rebuilt?

This

will inevitably bring another period of noise and disruption on our street, to which I have to object.

-The proposed plans will also further delay these houses being available to the vulnerable people

for whom they're intended, begging the question, why was the project not completed and approved properly in the first place?

- I request a copy of all the proposals 2018 and future so I can complain to my MP and the House of

Commons home affairs select community.

- Further letter received is no clearer than the letter dated 24th June 2020 and the statement itself is contradictory!! First it says the proposal is to retain the 'as built' form, and then it says repositioning of new dwelling so I cannot make sense of this. I feel that somebody in the

planning department is not doing their job properly because they keep allowing the developers to submit unclear proposals which are a waste of time and no doubt costly for the Local Authority.

Internal and External Consultation responses:-

Traffic and Development Team: no material impact on traffic or highway safety

Barnet Trees Officer: objection, loss of replacement/enhancement trees contrary to local planning policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. On 13th March 2020, the Secretary of State for Housing, Communities and Local Government proposed a number of directions to the Plan. The London Mayor wrote back on 24th April 2020 and they are now working together on the Plan. In the meantime, Policies contained in the Intend to Publish (ItP) London Plan published in December 2019 that are not subject to a direction by the Secretary of State carry significant weight.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether the development would provide a sufficient level of soft landscaping.

5.3 Assessment of proposals

The principle of the development and other planning issues have been previously considered when assessing the approved scheme under reference 18/0546/FUL, dated 29/01/18 and as such the following assessment relates only to the amendments proposed by the current S73 application.

These are as follows:

Site A located to the south of no. 15 Valley View and no. 17 Valley View:

- Reduced number of approved new trees
- Amendments to landscaping materials

Site B located to the south of no. 3 Valley View and no. 5 Valley View:

- Alterations to the extent of the carriageway and road layout
- Reduced number of new trees
- Amendments to landscaping materials
- Repositioning of new dwelling backing onto 5 Valley View eastwards

The locality and wider area consists of low density residential development within an open and spacious character comprising two storey semi-detached properties and short terraces.

Four single storey, detached bungalows were approved under the parent scheme which were deemed to be subordinate within their context and respect the spacing in the area. Two bungalows would be sited in site A which is located to the south of no. 15 Valley View and no. 17 Valley View and two bungalows sited in site B located to the south of no. 3 Valley View and no. 5 Valley View.

The above cited amendments are addressed as follows:

- Reduced number of approved new trees:

The proposal seeks to reduce the number of trees approved under conditions application 18/7576/CON to both site A & B.

The trees relate to the private trees that would reside in the private amenity space of the approved dwellings as opposed to the street trees.

Within Site A, the number of approved new trees for each bungalow stood at 3 consisting of 2no. Betula Pendula and 1no. Amelanchier trees. The Tree officer considered this scheme to be of a good level of appropriate trees, shrubs and herbaceous plants.

Within Site B, 4 new trees were approved consisting of 2no. Betula pendula and 2no. Malus Golden Hornet.

1no. Betula pendula would be retained/planted whilst the remaining 9 trees across the two sites are proposed to be removed from the scheme.

The applicant contends that with the retained existing trees, the approved street trees alongside the approved shrubs would maintain a sufficient level for bio-diversity improvements in this area. The trees officer has considered the application and objects the loss of the 9 trees which would provide bio-diversity and visual amenity around the buildings.

Whilst it is acknowledged that the addition of these trees would support bio-diversity and have some level of visual amenity, on balance given that these trees would be situated in the rear gardens of the built dwellings there would be little visual amenity to members of the public and passers by. A number of existing trees of high amenity value would be retained across the two sites and in conjunction with the shrubs approved, overall the level of landscaping would be acceptable and not one that would warrant a refusal on this basis alone.

- Amendments to landscaping materials:

The amendments to the landscaping materials relate to the grass verge and pedestrian pavement along the access route leading into the two sites. The proposal seeks to alter the approved pavement material from hazelnut colour block paving to standard concrete slab paving. Whilst this will have a materially different appearance, there is no objection to the use of concrete slab paving given that the surrounding pavements and pathways would be materially the same.

- Alterations to the extent of the carriageway and road layout to Site B:

The access road layout leading into site B would be widened towards the approach of the residing bungalows, this would reduce some of the approved grass verge to one side,

however, would facilitate better manoeuvrability and ease of access into the site. As such, this element is considered acceptable.

-Repositioning of dwelling within site B:

No changes are proposed to the dwelling backing onto 5 valley View with the exception of a shift in its footprint approximately 2.85m eastwards. The proposal would increase the visibility of the bungalow when approaching the new access road, however, this in of itself is not considered to harm the character and appearance of the locality especially given that the dwelling would be at single storey level. It is also further noted, that its re-positioning would approximately align with the building line of the properties to which it back onto on Northbrook Road. As such, this is considered to have an acceptable impact.

Highways and Parking:

The highways officer has stated that the proposed changes in themselves are unlikely to have a significant transport impact.

5.4 Response to Public Consultation

It is evident from the comments received by neighbouring residents that there has been some level of confusion as to the purpose behind this application. This is acknowledged. In effort for transparency and clarity to neighbouring residents a subsequent consultation letter was sent with a revised description stating the proposal to be as a retrospective application. It is acknowledged and noted that residents would not be willing to endure anymore building works and due consideration has been given to this matter, however, given that the proposal is to regularise the 'as built' form it is considered that the comments raised through the consultation process are largely irrelevant to the proposal at hand.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

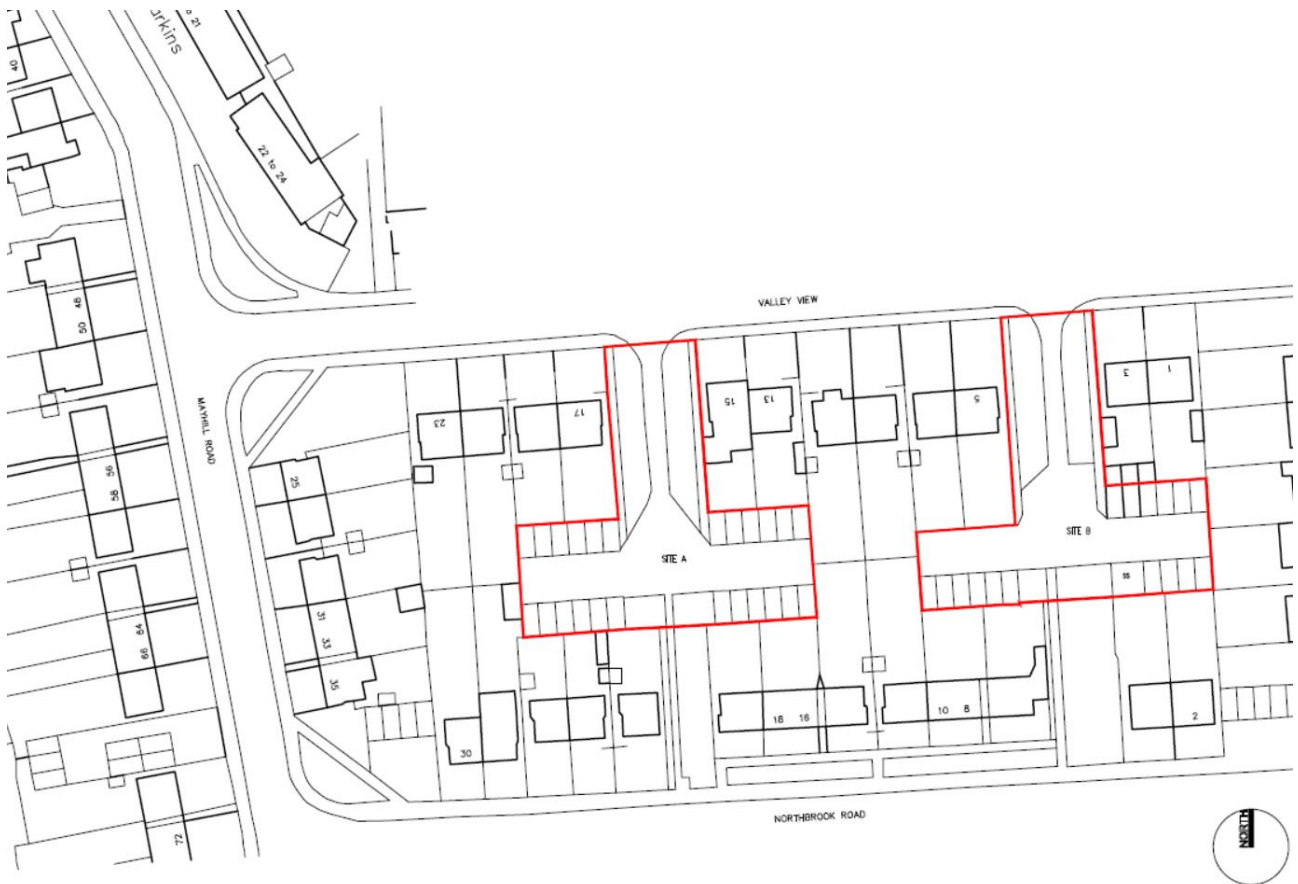
- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation."

Officers have in considering this application and preparing this report had careful regard to the requirements of this Section and have concluded that the proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme.

The proposed development would benefit future occupiers/users with disabilities, who are protected under this act, and therefore would support the Council in meeting its statutory equality responsibilities and is a clear merit of the proposed scheme.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed variation to the approved plans would have an acceptable impact on the character and appearance of the site and would not result in an adverse impact for neighbouring residents nor future occupiers. This application is therefore recommended for approval.



Location **Cotswold Lodge, Stapylton Road, Barnet, EN5 4JD**

Reference: **20/1798/FUL**

Received: 14th April 2020

Accepted: 21st April 2020

Ward: High Barnet

Expiry 16th June 2020

Applicant: Mr Day & Moody

Proposal: Part single, part two storey side extension plus new basement and rooms in the roofspace following demolition of existing extension. Creation of a 4 room HMO (House in Multiple Occupation) at basement and ground floor levels. Alterations and extension to main roof including new rear dormer and 2no. rooflights to front roofslope. Internal alterations to existing 2no. flats at first and second floor levels

AGENDA ITEM 7

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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. Alteration to Traffic Regulation Order - £2,072.55

The alteration will relate to the schedule of addresses for the Controlled Parking Zone where the site is located in order to restrict future occupiers from obtaining resident parking permits.

Monitoring of the Agreement - £100

RECOMMENDATION II:

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

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

SH1 Rev C - Location and Block Plan as Existing
SH2 Rev C - Existing Ground and First Floor
SH3 Rev C - Existing Second Floor and Roof Plan
SH4 Rev C - Existing Front Elevation
SH5 Rev C - Existing Rear Elevation
SH6 Rev C - Existing Side Elevations
SH7 Rev C - Existing Section

SH8 Rev C - Proposed Block Plan
SH9 Rev C - Proposed Ground and First Floor
SH10 Rev C - Proposed Second and Roof Plan
SH11 Rev C - Proposed Basement Plan
SH12 Rev C - Proposed Front Elevation
SH13 Rev C - Proposed Rear Elevation
SH14 Rev C - Proposed Side Elevations
SH15 Rev C - Proposed Section A-A

Design and Access Statement, Alexander Gemini Ltd
Planning Support Statement, PHD Chartered Town Planners, February 2020.

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 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).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

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

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

7 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, a minimum of 8 (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.

8 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).

- 9 Prior to commencement of the development, details of an assessment of the impact of the basement excavation on adjoining properties and the adopted highway shall be submitted to and approved in writing by the Local Planning Authority and this may lead to a need to enter into AIP with the council. The development thereafter shall only be operated in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan 2016.

- 10 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Planning Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Planning Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed by 1 January 2021, unless otherwise agreed in writing, the Service Director - Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution to the associated costs to mitigate the on-street parking impacts in the vicinity of the site, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted 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. A pre-application advice service is also offered. The LPA has negotiated

with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application property, known as Cotswold Lodge, is an end of terrace Victorian property on the corner of Staplyton and Salisbury Roads.

The principle elevation fronts on to Staplyton Road and the proposed side extension would also front Staplyton Road.

Planning permission was granted to convert the original dwellinghouse into four flats in 1989 and the building currently accommodates 4 no. flats (2 x 2 bed and 2 x 1 bed).

The immediate surrounding area is predominantly residential consisting mainly of terraced and semi-detached properties.

The existing site benefits from 1 no. off street car parking space. The surrounding area is a CPZ.

The application property is not listed and does not fall within a Conservation Area.

The site falls just outside of the defined Chipping Barnet Town Centre boundary.

2. Site History

Reference: 19/0586/FUL

Address: Cotswold Lodge, Stapylton Road, EN5 4JD

Decision: Refused and Dismissed at Appeal

Decision Date: Refused 10.04.2019. Appeal dismissed 21.10.19

Description: Two storey side extension following demolition of existing extension. Conversion ground and first floors into 8 room HMO (House in Multiple Occupation). Excavation of a new basement to provide 1no. self-contained flat

Reasons for refusal:

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

2. The proposed development by reason of its size, scale, bulk and massing, siting, and relationship with neighbouring properties would have an overbearing impact and result in a loss of outlook, sense of enclosure and loss of light to adjoining neighbouring properties at 55, 57 and 59 Salisbury Road to the detriment of the visual and residential amenities to the occupiers of these neighbouring properties. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (2016).

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

Appeal Decision 21st October 2019, Summary:

1. Inspector was satisfied that the proposed extension would have an acceptable impact on the character and appearance of the area.

2. Inspector considered that the proposed extension would cause material harm to the living conditions of the occupiers of No. 55.

3. Inspector considered that the living conditions of the future occupiers of the proposed basement flat would be unsatisfactory.

Reference: 18/4731/FUL

Address: Cotswold Lodge, Stapylton Road, EN5 4JD

Decision: Refused

Decision Date: 04.10.2018

Description: Demolition of existing part single, part two-storey side extension and erection of new part single, part two-storey side extension. Roof alterations comprising insertion of 2no rooflights to front roof slope and 1 no dormer to rear roofslope. Conversion of existing 2 no. existing 1 bed self-contained flats and 1 no. 2 bed self-contained flat (Ground and first floors) to 8 room (8 person) House of Multiple Occupation (HMO) (Sui generis) at ground and first floors. Existing 2nd floor 2 bed self-contained flat retained as a 1 bed self-contained flat. Excavation and extension of existing basement level to create an additional 1 bed self-contained flat with separate entrance. Associated alterations to hard and soft landscaping including new raised decking, replacement patios and reduced existing fencing.

Reasons for refusal:

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

2. The proposed development by reason of its size, scale, bulk and massing, siting, and relationship with neighbouring properties would have an overbearing impact and result in a loss of outlook, sense of enclosure and loss of light to adjoining neighbouring properties at 55, 57 and 59 Salisbury Road to the detriment of the visual and residential amenities to the occupiers of these neighbouring properties. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (2016).

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

Reference: 17/5613/FUL

Address: Cotswold Lodge, Stapylton Road, EN5 4JD

Decision: Refused

Decision Date: 15.11.2017

Description: Demolition of existing part single, part two-storey side extension and erection of a two-storey side extension comprising of a new roof. Insertion of 3no rooflights to new roof and 2no rooflights to existing roof to front elevation. Insertion of 3no small chimneys following demolition of existing taller chimney to front elevation and 1no rooflight to rear elevation. Excavation and extension of existing basement level to create an additional self-

contained flat. Associated alterations to hard and soft landscaping including new raised decking, replacement patios and reduced existing fencing.

Reasons for refusal:

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

2. The proposed development by reason of its size, scale, bulk and massing, siting, and relationship with neighbouring properties would have an overbearing impact and result in a loss of outlook, sense of enclosure and loss of light to adjoining neighbouring properties at 55, 57 and 59 Salisbury Road to the detriment of the visual and residential amenities to the occupiers of these neighbouring properties. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (2016).

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

Reference: N03242B

Address: Cotswold Lodge, Stapylton Road

Decision: Approved subject to conditions

Decision Date: 18 October 1989.

Description: Conversion into 4 self-contained one bedroom flats and formation of car parking for three vehicles.

Reference: N03242A

Address: Cotswold Lodge, Stapylton Road

Decision: Refused

Decision Date: 05 May 1989.

Description: Conversion into four self contained flats and formation of parking area for four cars involving alterations to existing vehicular access.

3. Proposal

This application seeks planning permission for:

Part single, part two storey side extension plus new basement and rooms in the roofspace following demolition of existing extension. Creation of a 4 room HMO (House in Multiple Occupation) at basement and ground floor levels. Alterations and extension to main roof

including new rear dormer and 2no. rooflights to front roofslope. Internal alterations to existing 2no. flats at first and second floor levels

4. Public Consultation

Consultation letters were sent to 79 neighbouring properties.

11 responses were received comprising 10 objections and 1 comment in support.

The objections received can be summarised as follows:

- Impact on neighbouring properties arising from excavation / creation of a basement
- Will result in additional parking pressure
- Revised proposal still do not address the issues
- Basement accommodation will still be poor quality
- Overlooking
- Out of character
- Overdevelopment
- Construction noise
- We were not consulted as per page 22 of the DAS
- No identified need for HMO accommodation
- Inadequate amenity space
- Dormer does not comply with residential design guidance
- This dormer does not
- The proposed dormer appears to enclose an existing flank wall in the ownership of 55. Certificate A has been signed on the application form whereas Certificate B should have been signed and Mr and Mrs Thomas notified. They will object to this proposal.
- Need for a Construction Management Plan
- Need for a Basement Impact Study demonstrating how the basement can be constructed without entering the garden to 55 and how this land is to be supported during construction. The depth of the basement floor is now even deeper than that shown on previous schemes and is in excess of 3m below garden level right on the boundary. Permission will not be granted to enter the garden of 55 during construction so compliance with health and safety standards cannot be met.

The letter of support reads as follows:

"The existing extension is shoddy and the appearance is unsympathetic to the main building and the wider area. The replacement design should remedy these defects, and for this reason we support this application.

It is the case that on-street parking in the area is stressed so it is essential that as the number of households will be greater than at present an agreement is entered into preventing residents from obtaining CPZ permits.

We remain neutral on the proposals to convert the interior living arrangements."

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 updated 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.

The Draft London Plan 2017

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of an HMO is acceptable in this location; 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 proposals would provide suitable living conditions for future occupiers of the proposed flats.

5.3 Assessment of proposals

Three similar applications have previously been refused; 17/5613/FUL in November 2017, 18/4731/FUL in October 2018 and 19/0586/FUL in April 2019. 19/0586/FUL was also dismissed at appeal in October 2019. Details are set out in the Planning History section above.

The existing side extension to the original house steps down from the original building in a part two (6m wide, 7m high), part single (3.7m wide, 3.3m high) storey form.

The 19/0586/FUL application proposed a side extension measuring approximately 10m wide (ground floor), 9m wide (1st floor and roof level), with a maximum height of approximately 7.6m.

The side extension proposed by the current application has been reduced compared to the 19/0586/FUL scheme so that the ridge of the proposed extension would be the same height as the ridge of the existing side extension to be replaced. The width has also been reduced to match the width of the existing extension.

The existing building currently accommodates 4 no flats (2 x 2 bed and 2 x 1 bed):

- Flat 1 - 2 bed, 3 person 52 sq m (Ground)
- Flat 2 - 1 bed, 1 person 33 sq m (Ground/First)
- Flat 3 - 1 bed, 2 person 37 sq m (First)
- Flat 4 - 2 bed, 3 person 44 sq m (Second).

The proposed development would provide the following accommodation:

- Basement and Ground Floors - 4 room HMO (5 persons total)
- Room 1 (Basement) 14.5 sq m plus 2.7 sq m ensuite (2 persons)
- Room 2 (Basement) 9.1 sq m plus 2.7 sq m ensuite (1 person)
- Room 3 (Ground) 11.2 sq m plus 2.5 sq m ensuite (1 person)
- Room 4 (Ground) 13.0sq m plus 2.5 sq m ensuite (1 person)
- Communal Kitchen (11.8 sq m)
- Communal Living Room (17.1 sq m)

- First Floor - 2 bed, 3 person flat 63 sq m
- Second floor - 2 bed, 3 person 62 sq m

Based on the above the number of occupants within the existing and proposed scenarios would be 9 persons and 11 persons respectively.

Whether the principle of an HMO is acceptable in this location

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

The applicant has provided limited evidence (within the Design and Access Statement) in terms of demonstrating an identified need for the HMO use, however the following considerations have been taken into account.

1. The site is located just outside of the defined Chipping Barnet Town Centre boundary and has reasonably good access to public transport.
2. The application property is currently in lawful use as self-contained flats.
3. The site is a corner property which limits the potential for impact on neighbouring properties arising from comings and goings.
4. The increase in occupants in the existing and proposed scenarios is limited (from 9 persons to 11 persons).
5. The surrounding area is of mixed character.

Significant weight has been given to the above factors in determining that the proposed HMO use would not harmfully alter the character or amenities of the surrounding area and as such the principle of a HMO use is considered to be acceptable in this case.

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

The delegated report for refused application 19/0586/FUL concluded:

"It remains the opinion of the LPA that the existing extension represents the maximum acceptable extension in terms of scale mass and projection that can be achieved in this location. Any replacement structure should therefore essentially be limited to a like for like form."

However, the Inspector for the subsequent appeal found that the proposal was acceptable in character and appearance terms as follows:

Para 3: "The appeal property is located within a predominantly residential area with a mix of detached, semi-detached and terraced dwellings. The majority of the dwellings are 2-storey although the properties immediately to the west of the appeal property are taller, with the top floor within the roof space."

Para 4: "The appeal property is prominent on the corner of Stapylton Road and Salisbury Road. The existing side extension to the property is clearly visible from Stapylton Road. However, the substantially lower ridge height and set back from the front elevation of the original dwelling result in it being subservient to the original dwelling. The style of fenestration does not match that of the original dwelling, but I do not consider the existing extension to be harmful to the character and appearance of the area."

Para 5: "The proposed extension would be approximately 1.87 m wider than the existing extension reducing the set back from the front elevation of the original dwelling to approximately 0.75 m. The proposed gable to the front elevation would increase the bulk of the roofscape. Although at ground floor level the overall length of the proposed extension would be no greater than that of the existing extension, at second storey level it would extend approximately 3.0 m further. The proposed extension would thus be of a significantly greater bulk than the existing extension and fill part of the gap between the appeal property and its counterpart to the south, Esquina, which is located on the corner of Stapylton Road and The Drive."

Para 6: "However, notwithstanding a slight increase in the ridge height, the proposed extension would still be significantly lower than the original dwelling. The design, finish and fenestration of the proposed extension would harmonise more closely with the original dwelling. I note that both the Barnet Society and the Barnet Residents' Association consider that the proposed extension would represent an improvement on the existing situation. A substantial gap would still remain between the rear elevation of the proposed extension and the rear elevation of Esquina. Notwithstanding the increase in bulk, on balance I consider that the proposed extension would have an acceptable effect on the character and appearance of the area."

Para 7: "Accordingly, I conclude that the proposed development would not conflict with Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (2012) (LPCS) or Policies DM01 and DM02 of the Barnet Local Plan Development Management Policies DPD (2012) (DMP) insofar as they seek to protect character and appearance."

The development proposed by the current application is similar (but reduced in size) to that proposed by the 19/0586/FUL application. Therefore, based on the Inspector's conclusions as set out above, the proposal is considered to be acceptable in character and appearance terms.

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

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

In dismissing the 19/0586/FUL appeal the Inspector agreed with the LPA that the proposed extension would cause material harm to the living conditions of the occupiers of No. 55 Salisbury Road as follows:

Para 8: "The existing extension to the appeal property runs along the side boundary of the neighbouring property, 55 Salisbury Road, for approximately 10.4 m of which approximately 6.4 m is 2-storey. The proposed extension would extend that 2-storey form along the boundary by a further approximate 3 m, which would result in 2-storey form along almost the full extent of rear garden of that property."

Para 9: "The height and length of the ridge of the proposed extension would not be significantly increased compared to the ridge of the existing extension and the eaves height would not be increased along this boundary. A small section of the single storey element of the existing extension would be reduced in height. Nevertheless, I consider that the additional 3 m of 2-storey form in the proposed development would materially increase the bulk of built form relative to No. 55 and that this would be overbearing for the occupiers of that property."

Para 10: "No Daylight / Sunlight Reports or other evidence have been submitted by the appellants, Council or the occupiers of No. 55, who have objected to the proposed development, to demonstrate the effect of the proposed development in terms of overshadowing. However, due to the orientation of the appeal property and No. 55, I believe that the proposed extension would result in additional overshadowing of the rear garden of No. 55 during the morning and possibly early afternoon."

Para 11: "I consider that in combination these effects would unacceptably exacerbate an already less than ideal situation and that the proposed extension would cause material harm to the living conditions of the occupiers of No. 55. However, given the separation of the rear gardens of the properties to the other side of No. 55 from the appeal site, I do not consider that the proposed development would be materially harmful to the living conditions of the occupiers of those properties."

Para 12: "Nevertheless, I conclude that the proposed development would be contrary to criterion e) of Policy DM01 of the DMP which seeks to protect character and amenity, including the living conditions of the occupiers of adjoining properties, and with the advice in the Residential Design Guidance SPD (2016) on maximising sunlight. I find no conflict with Policy CS5 of the LPCS which seeks to protect and enhance Barnet's character."

The height and depth of the proposed extension has now been reduced significantly (to be similar to the existing extension) and on this basis the LPA is now satisfied that the proposed development will not cause material harm to the living conditions of the occupiers of No. 55 or any other neighbouring property and is therefore now acceptable in this respect.

Whether the proposals would provide suitable living conditions for future occupiers of the proposed flats

The 19/0586/FUL scheme proposed a 1 bedroom flat at basement level with poor levels of outlook from all habitable rooms and was refused for this reason.

In dismissing the appeal, the Inspector agreed with the LPA about the poor quality of outlook as follows:

Para 14: "The proposed courtyard would be approximately 2.8 m deep between the rear elevation of the proposed basement flat and the retaining wall and approximately the same distance below ground level. I consider that the proximity and height of the retaining walls to the rear elevation of the proposed flat would be oppressive. The means of enclosure along the boundaries with adjoining properties and to the rear of the proposed wheelie bin storage area above the retaining walls would exacerbate the sense of enclosure and oppression.

Para 15: "I accept that two of the windows in the side elevation would serve the bedroom, but whether looking to the side or the rear, the outlook would be substantially constrained, and there would be no relief from this constraint in any direction. I consider that the living conditions of the future occupiers of the proposed basement flat would be unsatisfactory."

The current scheme replaces the basement flat with 2 no. HMO rooms. Whilst these HMO rooms suffer from similarly poor outlook, the occupiers of these basement rooms would be able to use the shared ground floor living room which enjoys reasonable outlook and this compensates for the poor outlook / light levels experienced from these basement rooms.

The LPA's HMO team have confirmed the same in their comments set out below.

All of the HMO rooms and the 2 x 2b3p flats at first and second floor levels comply with minimum space standards and are considered to provide acceptable accommodation.

No private outdoor amenity space currently exists to serve the existing flats and none would be provided for the proposed flats and HMO rooms.

Given that no amenity space currently exists, that the site is in close proximity to a town centre and the proposed units are not family units, the lack of private outdoor amenity space is not considered to constitute a reason for refusal in this case.

Overall, and on balance, the quality of accommodation proposed is now considered to be acceptable.

Environmental Health and HMO Team

Environmental Health comments:

"There is demolition planned so would recommend C210 Construction method statement to include details of asbestos survey.

As there is a section adjacent to neighbouring premises would recommend as we often get domestic noise complaints when residential premises are attached to HMOs

C245 INSULATION AGAINST INTERNALLY/EXTERNALLY GENERATED NOISE the sound insulation is to be tested between proposed HMO and neighbouring existing premises attached.

Stapylton Road is moderately busy and a bus route and may need some acoustic mitigation for habitable room that face the bus route so propose C250 NOISE OF TRAFFIC FOR SMALL DEVELOPMENTS UNDER 10 UNITS"

HMO Team comments:

- "The basement/ground floor four bedroom hmo would come within the Council's Additional Licensing scheme as it is over two stories and will have four or more occupiers in more than two households. On completion of the works the person managing the flat will have to apply for a licence.
- The basement flats have access to a large living area on the ground floor which would compensate for any limits to natural lighting in the basement and so appears satisfactory.
- The first floor flat may also come within the licensing schemes if it is occupied by four or more people in two or more households. If it is in single family occupation then it would not need to be licensed.
- The construction works to convert the building would have to comply with the Building Regulations including in relation to fire safety. As part of the licensing process we would consult the London Fire Brigade in relation to fire safety and any additional works required would be specified in the licensing conditions."

Highways

The site as currently used benefits from 1 no. off street parking space.

The proposed development would result in the loss of the existing 1 no. off street parking space.

The Highways department commented as follows:

"The site is in a residential road, in a CPZ (Mon-Sat, 8am-6.30pm) and lies in an area with a PTAL score of 3 (average). Also, a total of 8 bus routes can be accessed at stops within 2-5 minutes walking distance from the site.

The creation of a 4 room HMO at the basement and ground floor levels will generate a parking need of between 0-4 spaces and the existing flats on the first and second floor current need 2-3 spaces. In total the development, will require between 2 and 7 spaces.

However, as the site is in a CPZ with long operational hours and lies in an area with good access to bus services so a car free scheme will be acceptable subject to the applicant agreeing to s106 CPZ permit restrictions.

Based on London Plan standards a minimum of 8 cycle parking spaces is requested. Cycle parking must be provided in a secure, covered, lockable and enclosed compound and the type of stands used must allow both wheels and the frame of the bicycle to be locked. Cycle parking is not shown on the basement or ground floor plans but Highways would recommend that details are secured by way of a planning condition.

The ground floor plan does not show any proposals for refuse storage and this must be conditioned. It is anticipated that existing servicing arrangements will remain and this is acceptable.

Given the proximity of the building to the adopted footway the impact of the basement excavation will need to be assessed and this can be secured by way of a condition.

The work will certainly require a demolition and construction management plan and this can be secured by way of a planning condition.

Highways would raise no objection subject to a s106 CPZ restriction and conditions"

On balance, the proposed development would be acceptable on highway grounds subject to permit exemption for the occupiers of the new development.

The applicant has indicated a willingness to enter into a legal agreement.

5.4 Response to Public Consultation

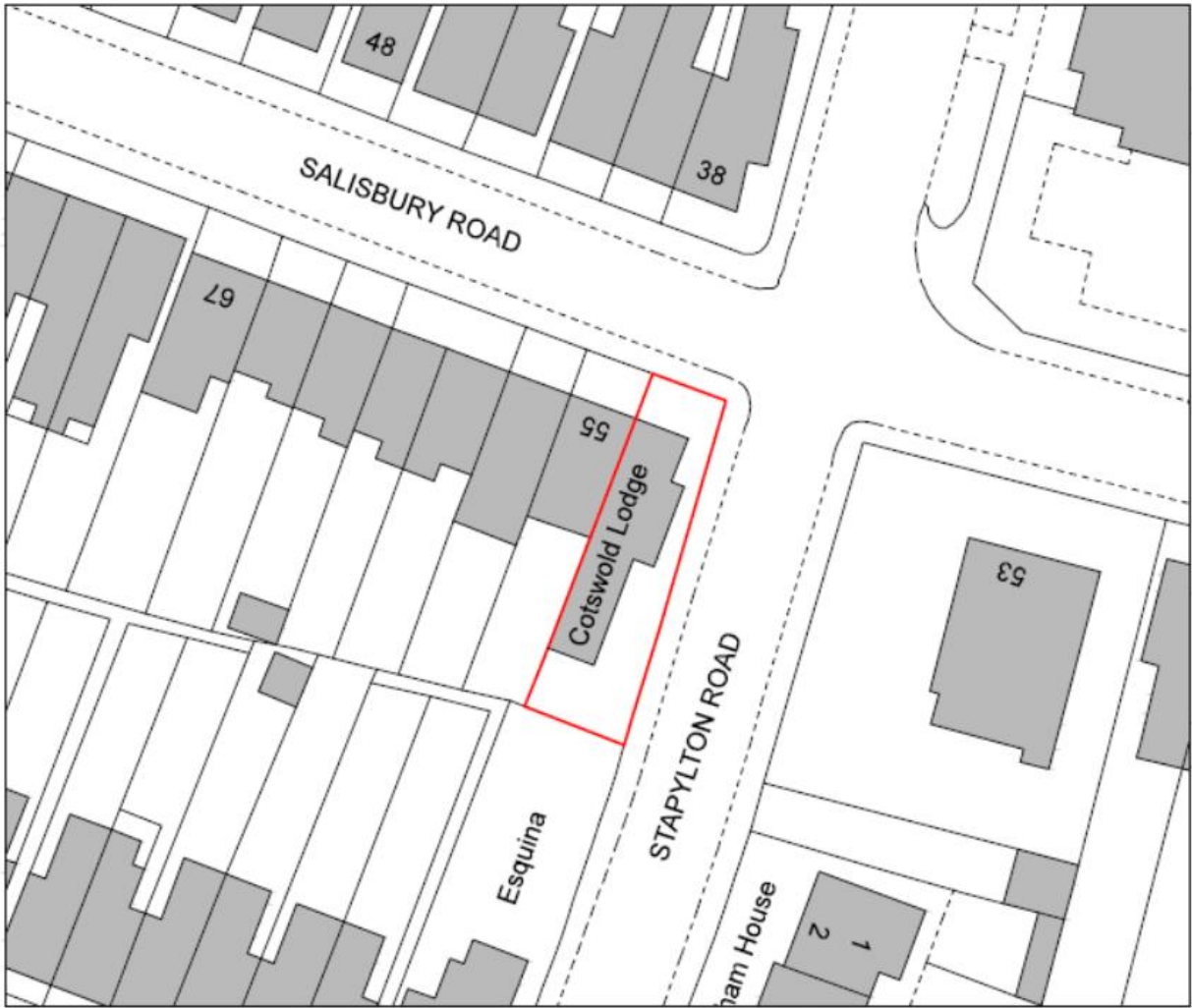
Addressed elsewhere in this report.

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

Recommended for approval.



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Location 2 Kenerne Drive Barnet EN5 2NN

Reference: 20/2674/FUL

Received: 15th June 2020

Accepted: 16th June 2020

Ward: Underhill

Expiry 11th August 2020

Applicant: Mr Steve Bernard

Proposal: Demolition of existing garages and erection of 1no. single family dwellinghouse with associated amenity space, refuse storage, cycle store and provision of off-street parking.

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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 size, siting and design would appear as a cramped and incongruous form of development on a restricted site which is unsympathetic and at odds with the established pattern of developments detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012) and the Supplementary Planning Document: Residential Design Guide (2016) and the National Planning Policy Framework.

Informative(s):

- 1 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.

2 The plans accompanying this application are as follows:

Planning Statement
Design & Access Statement
Drg.no. 19\P\101 (Proposed Floor Plans)
Drg.no. 19\P\102 (Proposed Elevations)
Drg.no. 19\P\103 (Site Plans)

OFFICER'S ASSESSMENT

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

I am aware that the consultation on the above application is about to close. I am very keen for the council to support key worker housing. If your decision is not to approve this application then I would wish to 'call in' this application.

1. Site Description

The application site is currently occupied by a pair of garages (2 & 2A Kenerne Drive) located adjacent to no.4 Kenerne Drive, on the eastern side of Kenerne Drive, close to the junction with Mays Lane.

The site is not located within a Conservation Area or any other area of special control.

The area is very residential in character and comprises of semi-detached and terraced properties.

There are no protected trees on the site.

2. Site History

Reference no: B/03955/14

Address: 2A Kenerne Drive, Barnet, Herts, EN5 2NN

Decision: Refused

Decision date: 17/09/14

Description: Demolition of existing garages and erection of a new two storey dwelling house with rooms in roof space.

Reasons for refusal:

1. The proposed dwelling by reason of its size, design and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposed development by reason of its size, design and siting would be appear overbearing and visually obtrusive, detrimental to the visual amenity of the occupiers of Nos. 150 and 148 Mays Lane. The proposals would have a harmful impact on neighbouring amenity contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

3. The proposed storage area for refuse/recycling bins by reason of their siting would be unsightly and detrimental to the visual amenity of the locality and as such would be contrary to policies to the Council's policies CS1 and CS4 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

3. Proposal

The proposal includes the demolition of the existing double garages and the erection of a two storey detached dwellinghouse , including off street parking and associated amenity space.

It would have a width of approximately 4.2m and a depth of 8.7m. It will have a pitched roof with an eaves height of 5m and a ridge height of 8.4m. The kitchen and living room will be located at ground floor level and a bathroom with 2no. bedrooms will be located at the first floor level.

4. Public Consultation

Consultation letters were sent to 68 neighbouring properties.

30 responses have been received, comprising 6 letters of objection and 30 letters of support.

The objections received can be summarised as follows:

- Invasive to the surrounding area
- Create a severe lack of privacy
- Loss of parking for the tenants at 4A and will add to the already over crowded street
- Loss of Garden and shed for 4A Kenerne Drive
- The narrow right of way is only for occupiers of 4A and 4B Kenerne Drive
- Design would be detrimental to the character and appearance of the street scene and visual amenity of the occupiers of neighbours
- Any build higher than the existing garages will block natural light to 4B Kenerne Drive and exacerbate the ongoing damp/mould issues
- Loss of privacy and be overlooked
- 2 keyworkers that are living at 4A and 4B Kenerne Drive whose lives will be affected if this proposed development should go ahead
- Gardens can overwhelm the surface drain and severely impact on the drainage of the rainwater and cause even more flooding to the neighbouring gardens
- Flooding from the garden of this property onto the driveway and gardens of 148 and 146 Mays Lane
- Garages could be described as 'dilapidated', due to the current and past owners' own neglect
- The reference to youths congregating for unsocial activities is also not true. No evidence of this
- Numbering of the 144 - 150 Mays Lane gardens in the Divine Designs' drawings 19 is incorrect and the garage titled 144 Mays Lane Garage is in fact the garage of no.146
- letters of support are from addresses that are not impacted by this proposal, and from residents from adjacent properties

- Cramped and an incongruous form of development on a very restricted site, detrimental to the character and appearance of the area, overbearing and visually obtrusive to the occupiers of 144 - 150 Mays Lane as well as light restricting on others

The supporting representations received can be summarised as follows:

- Provide a decent sized family home for key workers or similar at an affordable price
- Create housing for all those in need but especially younger generations and essential workers
- Marked improvement to the street view and local area
- Addition to high quality new living accommodation
- Reasonable development opportunity on existing Brown Field space
- Existing garages are ugly and out of keeping with the housing
- Benefit the local community
- Create housing for key workers and other hard working local people
- Proposal will be a sustainable and environmentally friendly building
- Design is sensitive to its position and is a marked improvement to the street view
- Overwhelming local support from people for this very reasonable development on a disused and unsightly plot
- Gain another affordable home, neighbouring homes will have the value of their properties go up

Thames Water - No Objections

Highways - No Objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The 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 draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those

policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight."

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 principle of the garage being converted into a residential dwelling is acceptable due the residential character of the area. Furthermore, the delegated report for the previously refused application ref: B/03955/14, has raised no objection to the removal of the existing garages and the use the site for residential purposes.

The principle of the conversion 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'.

Barnet's Local Plan Residential Design Guidance (RDG) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space. Any development on this site should have due regard to the built form and pattern of development on Kenerne Drive. The pattern of development on this section is predominantly comprised of two storey semi-detached buildings at the front of the road, albeit of differing designs due to various alterations, and private residential gardens to the rear. The properties on this road benefit from comparatively generous gardens and spacing between dwellings.

The proposed dwelling would replace two single storey structures, which are located adjacent to a pair of semi-detached properties at the end of Kenerne Drive (No.4) and would occupy the entire width of the plot, with a marginal set in of approximately 0.2m, from the common boundary on both sides. The dwelling would generally maintain the front building line of other properties on Kenerne Drive properties, with provision of off street parking on the forecourt and amenity space to the rear of the property. However, the surrounding area along Kenerne Drive is characterised by pairs of matching semi-detached properties and terraced properties along Mays Lane. The proposed dwelling by contrast, would introduce an irregular and incongruous form of development into a constrained plot.

A previous application was refused under ref: B/03955/14 , involving the " Demolition of existing garages and erection of a new two storey dwelling house with rooms in roof space." The proposal had an overall depth of 12.8 metres at ground floor level and 10.6 metres at first floor level. A width of approximately 4.7 metres, a height of 5.9 metres to the eaves and a maximum height of 9.1 metres with a pitched roof. The proposed unit would provide a 3 bed 6 person house and will provide 113 square metres of floorspace.

Whilst the current proposal has been reduced in height and depth. The overall bulk of the proposal is still unacceptable and visually intrusive. The introduction of a two-storey dwelling whilst it would have a comparable height to neighbouring properties, given the modest width of the plot and the design would appear cramped and as an incongruous form of development, which is unsympathetic and at odds from this established pattern of development, resulting in material harm to the character and appearance of the area.

The north elevation would be approximately one metre from the semi-detached properties immediately north and would assimilate poorly into the streetscape. The front elevation would have a bland and uninteresting form and would bear little resemblance to the adjoining properties along the street. Overall, it is considered that the proposal by reason of its design and bulk 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 development with the surround buildings.

Impact on Living condition of neighbouring residents

New development should have due regard to the amenity of existing occupiers in neighbouring buildings. Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD advocates that there should be a distance of 10.5 metres between a new development and a neighbouring garden; careful consideration should be given to the siting of the building on the plot. In addition, any proposal should retain a distance of 21 metres between habitable windows. Due to the siting of the property, and its relationship with the neighbouring properties, it appears to be achievable for the proposal to meet this requirement. It is considered that the proposal would not be detrimental to the amenities of the occupants of these neighbouring properties.

The proposed new building would be sited adjacent to the rear gardens of neighbouring properties at Mays Lane (no.146 to no.150) on one side and 4Kenerne Drive on the other side. Considering that buffer distance between the proposal and these neighbouring properties, it would not appear overbearing or visually intrusive when viewed from these neighbouring properties. Furthermore, no windows are proposed on the flank walls and therefore no issues with regards to overlooking or loss of privacy are envisaged.

The proposed building would introduce some additional views to neighbouring properties from the first floor windows, 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.

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.

Notwithstanding the objection on grounds of character, all residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (adopted 2016) and the London Plan 2015. 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.

The proposed development, would have 2 single bedrooms. Bedroom 1 would have an area of 9.2sqm and bedroom 2 would have an area of 8.1sqm and would therefore comply with the London Plan standards. It should be noted that all measurements have been taken from measurements that have been annotated on the drawings and not the scale bar, as the scale bar appears to be inaccurate.

The dwelling would have an overall area of approximately 60 sqm. The dwelling comprises of 2 single bedrooms for 2 persons. The required minimum London Plan space standards for 1 bedroom 2 persons over 2 storey is 58sqm. It just about meets this requirement. If the application was deemed to be approved the dwelling would need to lose 1 bedroom to meet the requirements for 1 bedroom 2 persons.

New residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". The units would generally benefit from suitable outlook to habitable rooms.

With regards to outdoor amenity space, all new residential development is expected to provide suitable, private and useable outdoor amenity space for future occupiers. The proposed unit would benefit from a private garden of approximately 106m², which would meet the space standards for a house (minimum 40sqm). Officers do not raise any objection in this regard.

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 proposal is the demolition of the existing 2x garages existing in the site and the construction of a 2x bed single family dwelling. The applicant is proposing to retain the existing vehicular crossover and provide access to two off-street car parking spaces.

The proposed provision of 2x off-street car parking spaces is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

if the application is minded to be approved, cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The required off-street cycle parking provision for a proposal such as this is 2 spaces.

Refuse and Recycling

Pg.12 of the Design & Access Statement, states that the recycling bins will be stored in the rear gardens and will only be brought out on collection days. However, in the absence of a side access the application will need to clarify how the bins are to be brought to the front for collection.

Pg.16 of the same document, in response to comments for a previous refusal, states that "the bins are to be stored at the rear and brought out through the house on the right of way subject to the freeholder's decision, which is not a planning matter". Whilst it may not be a planning matter, the boundary wall of the properties are very defined and if the application chooses to use the right of way belonging to no.4 Kenerne Drive, notice needs to be served to the owner/occupier of both flats at no.4 and certificate B of the application form needs to be signed. If the correct certificate is not signed, it will invalidate the application.

Therefore, if the application is minded to be approved, clarification to the location of the bins needs to be provided in advance.

5.4 Response to Public Consultation

No.6 objections have been received from the immediate vicinity and no.30 letters of support have been received, most of which are from residents from different wards and not immediate neighbours.

Comments have been mainly addressed within the body of the report. Comments with regard to flooding of gardens and boundary issues are civil disputes and not a material planning consideration.

Officers appreciate the need for key workers accommodation, however a balance should be struck between the need and the desirability of preserving the appearance and character of the street scene.

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 to the previous application (B/03955/14), it is not considered to have overcome the concerns of the LPA in respects of the erosion of the visual gap and cramped for of development which remain unacceptable in terms of character and appearance.



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- 3495 PL (20) 103_01 Second floor plan
- 3495 PL (20) 203_01 Second floor internal layout plan
- 3495_PL(20) 104_01 Proposed roof plan
- 3495_PL(20) 204_01 Proposed roof plan
- 3495_SK_(20) 105 Revised parking strategy

- Design and Access Statement dated March 2020
- Planning Statement by Savills dated March 2020
- Daylight and Sunlight Assessment dated March 2020 by T16 Design
- Energy and Sustainability dated February 2020
- Transport Statement dated March 2020 by JMB Brown

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

3. 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. 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).

5. Notwithstanding the details submitted the route from the bin store to the collection point shall be level to enable bins to be moved safely. Bins shall be brought out by the developers management team to within 10 metre's of the collection point.

Reason: To ensure 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.

6. (a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

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

7.Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

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

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

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

9. a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

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

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

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

12. Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012).

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

14. a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013).

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

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

16. Both the Community Building and the Residential Building shall be installed with water sprinklers, to be retained thereafter.

Reason: To reduce of damage caused by fire and the consequential cost to businesses and housing providers whilst promoting health and ensure that the health and safety of future occupiers is not unduly compromised in accordance with DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016)

17. The new Community Building (D1 use) hereby approved shall be fully constructed and available for use prior to the first occupation of any of the self-contained residential uses (C3) onsite.

Reason: To ensure that a Community facility is re-provided onsite in accordance with policies CS10 and DM13 of the Local Plan.

Informative(s):

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £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.

Relief or Exemption from CIL:

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

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

a. 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

b. 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.

c. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.planningportal.gov.uk). Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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

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

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

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

4. The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
5. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
6. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

7. The applicant is encouraged to work with adjoining land owners to improve safety of the access way at the rear of Mount Parade for all users.
8. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

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

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

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

9. The Applicant is advised to ensure that the proposed plans conform to Part B of approved document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.
10. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.
11. Thames Water would advise that with regard to sewerage infrastructure capacity.
12. 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.
13. The applicant is encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via developmenttravelplans@barnet.gov.uk or Tel: 020 8359 7603”.

Officer's Assessment

1. Site Description

The site is located between Grove Road and Fordham Road and currently contains Bevan Park Baptist Church and the unoccupied Sunday School building. At present, the adjacent site to the East (Mount Parade garages) is currently used as a parking space with some garages on the south of the site.

The surrounding area is predominantly characterised by flatted and single family semi-detached residential development. There is also a row of commercial units close to Mount Pleasant roundabout.

The site has a Public Transport Accessibility Level (PTAL) rating of 1b, which means it has very poor access to Public Transport (on a scale of 1- 6b 1a been extremely poor and 6 been extremely high). There is no controlled car parking in operation on streets surrounding the site.

The site is not within a conservation area, nor is there a listed building on or adjacent to the application site.

2. Site History

There is no relevant planning history on the Council records for this application site.

Other relevant planning history:

Reference: 18/1969/FUL

Site Address: Mount Parade Garages land to the rear of Mount Parade, Barnet, EN4 9DD (directly east and adjacent to the subject site)

Description: Demolition of existing garages and redevelopment to provide a part two, part three storey flat block, comprising 7 flats, with associated landscaping, car parking, cycle parking and refuse storage

Decision Date: 26 July 2018

Decision: Approved subject to conditions

Reference: 19/1513/FUL

Site Address: The Jester, Mount Pleasant, Barnet, EN4 9HG

Description: Demolition of former public house and erection of three storey building to provide a public house at ground floor level and 4no. self-contained flats at first and second floor level. Erection of 4no. detached houses. Associated amenity space, refuse storage, cycle store and off-street parking

Decision Date: 09 May 2019

Decision: Refused

Reasons for refusal:

1. The proposed development would result in the loss of a community use and would fail to re-provide sufficient replacement community floorspace. The proposal is therefore considered to be contrary to paragraph 92 of the NPPF (February 2019), policies 3.1 and 3.16 of the London Plan (2016), policy CS10 of Barnet's adopted Core Strategy (2012) and policy DM13 of the adopted Development Management Policies DPD (2012).
2. The proposed development would by reason of its design, siting, site coverage and layout be cramped and harmfully out of character with the pattern of development in the surrounding area to the detriment of the character and appearance of the site and surrounding area contrary to policy DM01 of the adopted Barnet Development Management Policies DPD (2012), adopted Residential Design Guidance SPD (2016), policy CS5 of the adopted Barnet Core Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2016).

3. Proposal

The proposal is for the demolition of the existing Bevan Park Church and Sunday School onsite and the erection of a new replacement two- storey community building (196sqm GIA); and a three storey residential development to provide a total of 9 units (comprising 1 x 1 bed; 6 x 2 bedroom units and 2 x 3 bedroom units).

The main entrances for both buildings front onto Grove Road. Both buildings also have secondary access to the rear from Mount Parade which connects to the newly provided parking and cycle storage area.

The proposal makes provision for 9 car parking spaces for the residential development and 2 car parking spaces for the community building. There are two parking spaces for the Community D1 use, including one wheelchair space. The access for vehicles and emergency vehicles is via Mount Parade.

The residential bike store is located between the two buildings and is securely accessed from the rear. There are 3 short stay cycle spaces provided for the community space. Refuse stores are located to the front of the main building for collection from Grove Road.

The proposal makes provision for private amenity space for each of the units, as well as communal amenity space, and child playspace to the rear of the site

3 Public Consultation

Consultation letters were sent to neighbouring properties. A site notice was also published on 09.04.2020

26no. letters of objections were received on the following grounds:

The objections received can be summarised as follows:

- The proposal would result in overdevelopment of the site.
- The proposal would result in loss of daylight, sunlight and privacy to nearby residential properties.
- The proposed Community Use would result in unacceptable levels of noise disturbance.
- The proposed access arrangements (from Fordham Road) is impractical and the car parking provision onsite are inadequate.
- The proposed access is impractical given that is also the access for the other development of flats from Fordham Road.
- The nearby roads are narrow and the proposed provision for parking onsite would create congestion of traffic and unmanageable parking problems to this area, which may compromise highway safety.
- The design, scale and height of the development of the residential building is excessive, which is not in keeping with the character and appearance of the area.
- The additional family residents will increase the pressure on the existing social infrastructures such as schools and doctor surgeries.
- The proposed submission documents do not address the impact the proposal would have on existing social infrastructure, such as schools, doctors, hospitals, dentists and local police services.
- The proposal could result in an increase in anti-social behaviour and crime in the area.

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

Statutory Consultees

LBB Highways team

LLB Highways department have reviewed the proposal and do not object to the proposal subject to the following conditions.

Conditions:

- Collection of bin storage arrangements
- Development and Construction Management Plan
- Electric Vehicle parking to be provided in accordance with the submitted drawing

S278 works (for footway works on the public highway). This is dealt with under Transport and Highway Legislation.

LBB Environmental Health

LBB Environmental Health do not raise any formal objections subject to the following conditions:

- A scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise to be submitted to and approved in writing by the Local Planning Authority.
- Construction and Demolition Management Plan

London Fire Authority

London Fire Authority do not object to the proposal but advise on the following:

- It is recommended that sprinklers systems are installed to both buildings (Community and Residential Buildings) to significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers whilst promoting safety for future occupiers of both buildings.

(Officers response: It is proposed that this would be secured by way of condition)

- The Applicant is advised to ensure that the proposed plans conform to Part B of approved document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.
- The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations

(Officers response: The above requests would also be included as informatives to any planning consent)

5. Policy Context

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 London Plan

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 relevant planning policies within the adopted London Plan (2016) are as follows: Policies 3.1; 3.2; 3.4; 3.5, 3.6, 3.7, 3.8, 3.16, 3.18, 5.2; 5.3; 5.3; 5.6; 5.7; 5.8; 6.9; 6.10; 6.13; 7.2; 7.3; 7.4; 7.5; 7.6; 7.7

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.

Draft Replacement London Plan 2017

The Draft London Plan (DLP) published in November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor subsequently declared in December 2019 it's "intention to publish", accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have been accepted, it is for the Secretary of State to decide whether the DLP can proceed to adoption.

The Secretary of State wrote to the Mayor on the 13th March advising that the London Plan can not be adopted in its current form without further changes being made as outlined in the Secretary of State's letter.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound and those policies which the Secretary of State did not raise objections to. Nevertheless the London Plan 2016 remains the statutory development the statutory Development Plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that accounts needs to be taken of emerging policies.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, 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).

6. Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the demolition of the existing Bevan Road Church and Sunday School Buildings and the re-provision of a community centre are acceptable;
- Whether the principle of residential development is acceptable onsite;
- The quality of the design and its impact on the character and appearance of the area and street scene;
- The proposed quality of residential accommodation;
- Whether the proposal would have an acceptable impact on surrounding residential amenity;
- Whether the proposal would have an acceptable Impact on the local public highway and other transport matters and;
- Energy and Sustainability Matters

Whether the principle of the demolition of the existing Church Building and Sunday School Buildings and the re-provision of a community centre are acceptable

Land use

Local Plan policy CS10: Enabling Inclusive and Integrated Community Facilities and Uses, and DM13 Community and education seek to ensure that the Council provide the right community facilities for Barnet's communities. The council protects existing community and education uses and ensure that new facilities are in accessible locations, and the loss of community or educational use would only be acceptable, in part where the community or education use of at least equivalent quality or quantity are provided on the site.

Policy DM13 of the Local Plan stipulates that:

“a: Loss of community or educational use

Loss of community or educational use will only be acceptable in exceptional circumstances where:

i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or

ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.”

The existing building which is used for Sunday School is in a very poor structural condition and almost not fit for occupation. Further, the existing Baptist Church building is currently unoccupied and has been for some time. The applicant has submitted evidence which demonstrates that attempts have been made by the Community to pursue this building over the past number of years but have unsuccessfully managed to do so.

The existing buildings on site offer low townscape value and do not contribute to a high-quality aesthetic appearance along this section of Grove Road. Further, the existing buildings offer a low-quality community environment with a low standard of accommodation, for instance the vacant Sunday school building does not contain any windows.

The applicant has provided the following information to demonstrate their attempt to market the existing building for occupation onsite:

- The formal listing under “Assets of Community” which identifies the end date of the listing. The applicant has confirmed that there have been formal attempts during the listing period by groups to acquire the site.
- Extract of the publication made on the Councils website which demonstrates that Barnet Council received notice from the owners of the New Bevan Community Church of their intention to sell the property on 5 April 2019.
- Evidence from the Councils website which details that the property is a “Asset of Community Value (ACV) and identifies a six-week moratorium period to the 17th May 2019 prior to entering into a formal ACV period of six further months. The Council invited any eligible community interest groups to express an interest in being treated as a potential bidder by the 17 May 2019 and or show ability to transact prior to the 7th October 2019.

The Council would have preferred that the property would be marketed for a period of 1 year or more and marketed in a more accessible manner (i.e. advertised in the local press). Notwithstanding this, the new community building, which provides approximately 196 sqm (GIA) of floorspace, would increase the existing Community Building floorspace by 35 sqm of floorspace, split across ground and first floor level and this uplift is considered to be a positive element to the scheme.

As such, Officers consider that the principle of the demolition of the existing building and the replacement community building is acceptable and that it would provide a superior Community Centre which would have the potential to be more inclusively utilised by the wider community.

The new Community Building (D1 use) must be fully constructed and available for use prior to the first occupation of any of the self-contained residential uses (C3) onsite to ensure that a Community facility is re-provided onsite. This would be secured by way of condition.

The principle of residential development

Whilst this site hasn't been identified as a site for potential residential development in the Councils Local Plan, the surrounding is characterised by existing and emerging residential development. As such, the principle of residential development on this site is acceptable and would assist the Council in meeting its housing delivery targets.

The quality of the design and its impact on the character and appearance of 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 buildings onsite are not listed buildings and are considered to have limited architectural merit. As such, the proposal demolition of the existing buildings is acceptable, subject to an appropriate replacement.

The design of the Community use

The proposed location of the Community Centre is to the east of the site and is sufficiently set away from the boundary wall of two storey semi-detached residential property at no 66 Grove Road.

Officers consider that the location of the proposed two storey community centre within the site would act as an appropriate transition between the proposed residential buildings to the east and the semi-detached terraced housing to the west of the site.

The overall height, scale and bulk of the proposed Community Centre is acceptable. The proposed design approach announces itself very differently to the design of the residential development. It is contemporary in appearance, shape and materiality, including heavy use of glazing reducing the perception of building and massing, which adding visual interest to the street scene. Other proposed materials included brickwork and an aluminium timber composite window system. The applicant would be required to submit detailed samples of the proposed materials to the Local Planning Authority prior to the commencement of works onsite. This would be secured by way of condition.

The design of the new Residential Development

The proposed height of the residential block would be three-storey which broadly follows the prevailing heights of new built developments in the area, including the three-storey element to the adjacent site, known as Mount Parade Garages, Land To The Rear Of Mount Parade, EN4 9DD Further, the proposal would be in keeping with the general scale and height massing of the neighbouring new build development for 7 residential units to the east of the site. As a result, the proposal scale of development is not considered to be out of character with the immediate area generally. Importantly, the proposal would not have a detrimental impact on the two storey single family dwellings to the south and west of the site.

The composition of the elevation of the residential block is similar to the scheme approved at Mount Parade Garages, land to the rear of Mount Parade (adjacent to the subject site) in order to create a coherent street elevation to this part of Grove Road. Window openings are also similar in size and are arranged symmetrically with central lighter brick pallet that breaks up the length of the front elevation. The rear elevation is part two, part three storeys to reduce the bulk and massing, provides private balconies and roof terraces. The design approach

ensures that the development would not be imposing or dominating in the streetscene and surrounding immediate context.

The materials proposed for the residential development comprise of a variety of cream and grey brickwork; vertical metal privacy screens, glazed brickwork. The applicant would be required to submit full details of all the proposed prior to the commencement of works onsite, which would be secured by way of a condition.

Overall, the proposed Community and Residential Buildings are considered to be of high design quality, which would respect the relationship between itself, the adjoining building, immediate context and the streetscene in accordance 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).

Whether the proposal would have an acceptable 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 includes taking a full account of all neighbouring sites.

The applicant has undertaken a Daylight, Sunlight and Overshadowing Assessment, in accordance with BRE Standards to consider the proposal would have on existing daylight and sunlight levels to the following properties:

- 65 Grove Road (directly to the west of the site)
- 66 Grove Road (to the west of the site)
- 63-73 Fordham Road (to the south of the site)
- Mount Parade (to the south east of the site)
- Ludgrove Court (to the south of the site)
- Site of consented residential scheme (Ref no: 18/1969/FUL)

The assessment concludes that all habitable windows to the abovementioned properties would continue to receive good daylight and sunlight levels and all comply with BRE Standards).

In terms of privacy, the proposal would not result in any direct inter-visibility of habitable rooms of neighbouring properties. Further, the balconies to the rear of the development would be recessed and obscured and the proposed louvered screens to the rear (southern elevation) within sufficient distance to ensure that the privacy of rear garden spaces at properties adjacent no 66 and 65 Grove Road and rear gardens to the south at no 65-93 (odd) Fordham Road would not be unduly compromised. There are no windows or balconies proposed to the eastern elevation of the Community Building, which would ensure there will be no overlooking to the new residential development to the East of the site. Further, the proposed residential development to the east of the site, would not result in loss of privacy to the adjacent site known as Mount Parade Garages, land to the rear of Mount Parade, EN4 9DD.

Noise and vibration

The Councils Environmental Health Team have reviewed the submission and do not raise any formal objections to the proposal. Notwithstanding, the applicant would be required to submit a scheme of proposed noise mitigation measures against externally generated traffic/mixed

use noise prior to the commencement of works onsite. Further, details of a Demolition and Construction Management Plan to be submitted to and approved by the Local Planning Authority in writing. This would be secured by way of condition to ensure the proposal would not result in undue noise disturbance to local residents.

The proposed quality of accommodation

Dwelling mix

The Council's Local Plan documents identify 3 and 4 bed units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8.

The proposal makes provision for 1 x 1 bedroom units (11% of total); 6 x 2 bedroom units (67% of total) and 2 x 3 bedroom units (22% of total).

The proposed provision for 2 x 3 bedroom units is welcome as would assist in meeting a demand in the borough for family occupation. Four of the 2 bedroom units are suitable for 4 person occupancy. 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 proposed dwelling mix is supported by Officers and is policy compliant.

Room size standards and layouts

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD. Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling, as set out in the below table, which shows the areas relevant to the unit types in this proposal.

All proposed 9 self-contained flats would meet the minimum size standards as set out below:

Ground floor

2B (3 person)	Policy Requirement 61sqm;	Proposed: 71.30sqm
1B (2 person)	Policy Requirement 50sqm;	Proposed: 53.25sqm
2B (4 person)	Policy Requirement 70sqm;	Proposed 73.83sqm

First floor

3B (4 person)	Policy Requirement 74sqm;	Proposed 76.29sqm
2B (4 person)	Policy Requirement 70sqm;	Proposed 72.45sqm
2B(4 person)	Policy requirement 70sqm;	Proposed 73.45sqm

Second floor

3B (4 person)	Policy Requirement: 74sqm;	Proposed 75.29sqm
2B (3 person)	Policy Requirement: 70sqm;	Proposed 65 sqm
2B (4 person)	Policy Requirement: 70sqm;	Proposed 74.99sqm

The proposal habitable rooms all meet minimum room size standards. Further, the proposal rooms would receive good outlook, daylight and sunlight provision to the habitable rooms in accordance with BRE Standards. The majority of residential units proposed (six out of nine or 67% of the total) are dual aspect, which is welcomed.

Private amenity space provision

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of 5 sqm of amenity space for each habitable room for flats. This applies to one, two, and three bed flats.

Ground floor

- 2B (3 habitable rooms); Policy Requirement: 15sqm; Proposed 21.92sqm
- 1B (2 habitable rooms); Policy Requirement 10sqm; Proposed 5.56sqm
- 2B (3 habitable rooms); Policy Requirement 15sqm; Proposed 19.06sqm

First floor

- 3B (4 habitable rooms) Policy Requirement 20sqm; Proposed 7.11sqm
- 2B (3 habitable rooms) Policy Requirement 15sqm; Proposed 7.11sqm
- 2B (3 habitable rooms) Policy Requirement 15sqm Proposed 7.15sqm

Second floor

- 3B (4 habitable rooms) Policy Requirement 20 sqm; Proposed: 8.90sqm
- 2B (3 habitable rooms) Policy Requirement 15sqm; Proposed 11.92sqm
- 2B (4 habitable rooms) Policy Requirement 15sqm; Proposed 7.90sqm

All proposed residential units contain terrace and/or balcony areas and are therefore afforded their own private amenity space areas. Whilst two ground floor units exceed the policy requirement for private amenity space, the remainder of the units do not meet the minimum private amenity space standards as set out in the Councils adopted SPD of Residential Design Guidance.

However, as set out at paragraph 2.3.32 of the Housing SPG states that where site constraints mean it is not possible to provide private open space the dwellings may instead be provided with additional internal living space equivalent to the open space requirement in area terms. All residential units exceed internal minimum unit size standards and the proposal makes provision for 42.35sqm of child playspace onsite, which exceeds the policy requirement of 36.6sqm, and accords with the Mayor of London's Supplementary Planning Guidance Document on Providing for Children and Young People's Play and informal recreation. The proposal also makes provision for 58sqm of communal amenity space at ground floor level. Further, the under provision of private amenity space is outweighed by the public benefit associated with the re-provision of a new Community Facility (accessible to all), the delivery of family sized accommodation onsite. On balance, it is considered that a reason for refusal could not be sustained in these circumstances based on the under-provision of private amenity space.

Transport matters and the proposals impact on the local highway

Car parking for Residential Development

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

- 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).
- 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and

Based on the proposed dwelling mix, the proposal should provide a between 8- 13 car parking spaces. The proposal makes provision for 9 car parking spaces for the residential development. The Local Highway Authority have confirmed they are satisfied with the car parking space provision for the Residential Building onsite.

Car parking would be provided to the rear of the site with access from the Mount Parade service road and through the adjoining site.

Car parking provision for the Community Building Use

Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards. The London Plan advises that community and leisure developments “*should provide appropriate levels of coach parking to suit their individual demand to help reduce congestion and improve visitor safety*”.

Whilst the proposed building onsite would not be in continued use throughout the day, there would be peak times when the building would be occupied, which would have an impact on the highway, during gatherings associated with pick up and drop off required during these time periods. As such, there would be a need and demand for some car parking spaces, particularly disabled car parking onsite.

The community centre includes two parking spaces, one of which would be a blue badge space, a bike storage area for 3 bikes, separate refuse area and outdoor amenity space. The Local Highway Authority have confirmed they are satisfied with the car parking space provision for the Community Building onsite.

Off site car parking for visitors to the development

LBB Highways team have confirmed there is adequate capacity for parking within 200 metres of the site that includes Grove Road, Fordham Road, Edgeworth Road, Mount Pleasant, Langford Road and Northfield Road.

Cycle parking provision for the proposed residential development

The applicant has not provided any details of cycle parking provision. In accordance with policy 6.3 of the adopted London Plan, the following cycle storage provision would be required:

- 1 cycle space for each studio and 1x bedroom units;
- 2 cycle spaces each 2, 3 and 4x bedroom units

In accordance with policy, the proposal should make provision for a total of 16 secure cycle storage spaces onsite. The proposal makes provision for 20 cycle storage spaces onsite for the residential development.

Cycle Parking for the Community Centre Building

The applicant has also not provided details of cycle parking provision at this stage. In accordance with the London Plan requirements for cycle parking spaces, the proposed community building would need to make provision for:

- 1 space per 8 staff; 1 space per 100 sqm of community use.

The proposal also makes provision for 6 cycle parking spaces onsite for the Community Building, which has been agreed with the LBB Highways team.

Refuse and recycling

The refuse and recycling storage area has been integrated into the design of the main development at ground floor level.

Primary pedestrian access is from Grove Road via stepped or ramped access, a secondary access is from Mount Parade service road. Levelled access from Grove Road is provided for bin storage for both the residential and community use.

LBB Highways have reviewed refuse and recycling storage arrangements and confirm they are satisfied with the location of the bin storage provision. Notwithstanding, the route from the bin store to the collection point shall be level to enable bins to be moved safely. Bins would be taken out within 10 meters of the collection point to ensure Highway safety. This would be secured by way of a condition.

Energy and Sustainability

The applicant has submitted an Energy and Sustainability Assessment. The report illustrates that through gas boilers, improved thermal bridging and fabric U values and photovoltaic panel, the 35% target is met and exceeded. The results show an improvement of over 35% is met for both the residential and community elements. As such, the Report demonstrates how the proposed development will meet Policy DM04 which requires all major development to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy 'Be Lean, Be Clean, Be Green.'

Prior to the first occupation of the development hereby approved it shall be constructed To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01, DM02 and DM04 of the Barnet Development Management Policies document, the development shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter. This would be secured by way of condition, prior to the occupation of the Community and Residential Buildings.

6. Response to Public Consultation

The objections and concerns raised from residents have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

Concern was expressed that the proposal would increase the pressure on local services such as the local schools and medical centres. The objections did not provide information regarding their capacity, and it is unlikely that an additional 9 units and a Community Centre would place undue pressure on existing social infrastructure.

It is not considered that the proposal would set an unwanted precedent for similar scale residential developments within the area. One of the fundamental principles underpinning the planning system is that each planning application must be considered on its individual merits.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use onsite. 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; and would not have a detrimental impact on highway safety.

Any perceived harm associated with the proposal would not outweigh the public benefit associated with the re-provision of a new Community Facility which would be accessible to all; and the delivery of family sized accommodation onsite.

Importantly, the new Community Building (D1 use) must be fully constructed and available for use prior to the first occupation of any of the self-contained residential uses (C3) to ensure that a Community facility is re-provided onsite. This would be secured by way of condition.

8. 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.

9. Conclusion

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

Site Location Plan

