

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 14TH OCTOBER, 2020

AT 7.00 PM

VENUE

VIRTUAL MEETING: VIEW LIVE AT THIS LINK: <http://bitly.ws/9XA3>

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

Chairman: Councillor Stephen Sowerby
Vice Chairman: Councillor Wendy Prentice

Councillors

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

Substitute Members

| | | |
|------------------|----------------------|--------------|
| Alison Cornelius | Pauline Coakley Webb | Jo Cooper |
| Paul Edwards | Thomas Smith | Julian Teare |
| Lisa Rutter | | |

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

Andrew Charlwood – Head of Governance

Governance Services contact: chippingbarnet@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

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| 4. | REPORT OF THE MONITORING OFFICER (IF ANY) | |
| 5. | ADDENDUM (IF APPLICABLE) | |
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| 13. | ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT | |

Decisions of the Chipping Barnet Area Planning Committee

1 September 2020

Members Present:-

AGENDA ITEM 1

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

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

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to this virtual meeting and explained how the meeting would be conducted.

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 30 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)

None.

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. LAND BOUND BY VALLEY VIEW, LEESIDE, NORTHBROOK ROAD AND MAYHILL ROAD (UNDERHILL)

The Committee received the report and the addendum.

The Committee voted on the Officer recommendation to approve the application:

| | |
|-----------|---|
| For | 6 |
| Against | 1 |
| Abstained | 0 |

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

7. COTSWOLD LODGE, STAPYLTON ROAD, BARNET, EN5 4JD (HIGH BARNET)

The Committee received the report and addendum.

Representations were heard from Marc Lipman (Objector) and the Agent.

The Committee voted on the Officer recommendation to approve the report, subject to an additional condition moved by Councillor Prentice and seconded by Councillor Williams for red brick to be used:

| | |
|-----------|---|
| For | 4 |
| Against | 2 |
| Abstained | 1 |

RESOLVED that the application be approved, subject to s106, the conditions detailed in the report , the addendum, the additional condition, as detailed above 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 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).

8. 2 KENERNE DRIVE BARNET EN5 2NN (UNDERHILL)

The Committee received the report.

Representations were heard from Councillor Edwards and the Agent.

The Committee voted on the Officer recommendation to **refuse** the application:

| | |
|-------------------|---|
| For (refusal) | 3 |
| Against (refusal) | 4 |
| Abstained | 0 |

It was moved by Councillor Cornelius and seconded by Councillor Patel that the application be approved as the public benefits for new housing outweighs any harm.

| | |
|-----------|---|
| For | 4 |
| Against | 3 |
| Abstained | 0 |

RESOLVED that the application be approved for the reasons detailed above **AND** the Committee grants delegated authority for associated conditions to the Service Director – Planning and Building Control, in consultation with the Chairman.

9. NEW BEVAN BAPTIST CHURCH, GROVE ROAD, BARNET, EN4 9DF (EAST BARNET)

The Committee received the report.

A representation was heard from the Agent.

The Committee voted on the Officer recommendation to approve the application:

| | |
|-----------|---|
| For | 6 |
| Against | 1 |
| Abstained | 0 |

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

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

None.

The meeting finished at 8.34pm

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Location **236 East Barnet Road Barnet EN4 8TF**

| | | | |
|-------------------|--------------------|-----------|-------------------|
| Reference: | 20/3402/FUL | Received: | 24th July 2020 |
| | | Accepted: | 21st August 2020 |
| Ward: | East Barnet | Expiry | 16th October 2020 |

Applicant: Mr Y Deutsch

Proposal: Demolition of existing building and erection of a new building comprising of 5no self-contained flats including associated bike store, refuse and recycling store and amenity space

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 and report:

Drawing No. A001 - Location and Site Plan - 16/07/20
 Drawing No. A101-1 - Ground Floor Plan - 16/07/2020
 Drawing No. A102-1 - First and Second Floor Plans - 16/07/20
 Drawing No. A202 - East and North Elevations - 16/07/20
 Drawing No. A202 - East and North Elevations - 04/08/17

Report - Paul Mew Associates - Transport Statement - January 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) Before the commencement of any enabling works hereby permitted, 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).

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) The development hereby permitted shall provide for cycle parking spaces and cycle storage facilities in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

6 a) 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).

- 7 a) Unless otherwise provided for and approved in writing by the Local Authority, the development hereby permitted shall take place in accordance with the details submitted and approved under 17/5882/CON dated 21/11/2020.

b) The development shall thereafter be implemented in accordance with the details as approved under 17/5882/CON 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 2015.

- 8 Unless otherwise provided for and approved in writing by the Local Authority, the development hereby permitted shall take place in accordance with the details submitted and approved under 17/5847/CON dated 11/10/2017.

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.

- 9 As required under the the approved planning permission 17/1765/FUL dated 10/05/2017, the development hereby permitted shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this

permission, shall be placed at any time in the elevation facing No 238 East Barnet Road.

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

- 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 a) Before the development hereby permitted is first occupied, details of balcony screening 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £787 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 £3,037 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

at

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 The applicant must enter a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.
- 5 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.
- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary

- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the corner with East Barnet Road and Welbeck Road. The site is located just outside the local centre of East Barnet.

The side of the property is sited next to Welbeck Road, a small cul-de-sac. The site currently comprises of five residential units constructed under 17/1765/FUL dated 21/03/2017.

The majority of construction works associated with this application have since been completed. The rear of the site is currently utilised as storage by residents of the new units.

2. Site History

Reference: 20/1048/S73

Address: 236 East Barnet Road, East Barnet

Description: Variation of condition 1 (Approved Plans) of planning permission 17/1765/FUL dated 10.05.2017 for Demolition of existing building and erection of a new building comprising of 5no self-contained flats including associated car parking, bike store, refuse and recycling store and amenity space. Variation to include changes to the layout, including removal of three parking spaces and addition of cycle storage spaces

Decision: Withdrawn

Decision Date: 22/07/2020

Reference: 18/2470/CON

Address: 236 East Barnet Road, East Barnet

Description: Submission of details of conditions 5 (Materials) pursuant to planning permission 17/1765/FUL dated 10/05/17

Decision: Withdrawn

Decision Date: 02/05/2018

Reference: 17/7997/CON

Address: 236 East Barnet Road, East Barnet

Description: Submission of details of conditions 5 (Materials) and 10 (Boundary Treatment) pursuant to planning permission 17/1765/FUL dated 10/05/17

Decision: Approve

Decision Date: 01/02/2018

Reference: 17/7542/S73

Address: 236 East Barnet Road, East Barnet

Description: Variation of condition 1 (Approved Plans) of planning permission 17/1765/FUL dated 21/03/2017 for Demolition of existing building and erection of a new building comprising of 5no self contained flats including associated car parking, bike store, refuse and recycling store and amenity space. Variation to include the retention and extension of the existing basement to provide for additional bedroom and living space for the two ground floor flats (essentially creating duplex flats)

Decision: Refused

Reasons for Refusal:

- 1) The proposed development, by reason of poor outlook for the ground/ basement flats and a lack of outdoor amenity space, would fail to provide adequate amenities for the future occupiers, contrary to policies CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM02 of the Local Plan Development Management Policies DPD (Adopted September 2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).
- 2) The proposed development, by reason of its siting and design and lack of soft landscaping to enhance its setting, would have a detrimental impact on the character and appearance of the site and the streetscene, contrary to policies CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Decision Date: 29/01/2018

Reference: 17/1765/FUL

Address: 236 East Barnet Road, East Barnet

Description: Demolition of existing building and redevelopment to comprise 5no self-contained flats including associated car parking, bike store, refuse and recycling store and amenity space.

Decision: Approved subject to conditions.

Decision Date: 01/02/2016

Reference: 17/5847/CON

Address: 236 East Barnet Road, East Barnet

Description: Submission of detail of condition 8 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 17/1765/FUL dated 10/05/17

Decision: Approved

Decision Date: 11/20/2017

Reference: 17/5882/CON

Address: 236 East Barnet Road, East Barnet

Description: Submission of details of conditions 3 (Refuse/Recycling) 4 (Levels) 5 (Materials) 7 (Cycle Parking/Storage) 9 (Landscaping) 10 (Enclosure) pursuant to planning permission 17/1765/FUL dated 10/05/17

Decision: Split Decision

Decision Date: 21/11/2017

Reference: 17/6765/CON

Address: 236 East Barnet Road, East Barnet

Description: Submission of details of condition 14 (M4 (2)) pursuant to planning permission 17/1765/FUL dated 10/05/17

Decision: Withdrawn
Decision Date: 01/12/2017

Reference: 16/7732/FUL
Address: 236 East Barnet Road, East Barnet
Description: Demolition of existing building and redevelopment to comprise 5 residential flats, together with associated car parking, bike store, refuse store and amenity space.
Decision: Withdrawn.
Decision Date: 01/03/2017

Reference: 15/07285/FUL
Address: 236 East Barnet Road, East Barnet
Description: Demolition of existing building and redevelopment to comprise 7 residential flats, together with associated car parking, amenity space, refuse and bike store.
Decision: Refused.
Decision Date: 01/02/2016
Appeal - APP/N5090/W/16/3147366 - dismissed - 29/06/2016

Reference: 16/7732/FUL
Address: 236 East Barnet Road, East Barnet
Description: Demolition of existing building and redevelopment to comprise 5 residential flats, together with associated car parking, bike store, refuse store and amenity space
Decision: Withdrawn
Decision Date: 01/03/2020

Reference: 15/07285/FUL
Address: 236 East Barnet Road, East Barnet
Description: Demolition of existing building and redevelopment to comprise 7 residential flats, together with associated car parking, amenity space, refuse and bike store
Decision: Refused
Reasons for Refusal:

- 1) The proposed development by reason of its bulk, siting, design, height and massing, would appear unduly bulky, out of scale, incongruous, cramped and overbearing which would be detrimental to the character and appearance of East Barnet Road, Welbeck Road and the surrounding area. The proposals would be contrary to policy CS5 of the Adopted Barnet Core Strategy 2012 and policy DM01 of the Adopted Barnet Development Management Policies 2012 and policies 7.4 and 7.6 of the Mayor's London Plan (Further Alterations 2015).
- 2) The proposed two storey element of the development by reason of its height, depth and close proximity to the boundary of no. 238 East Barnet Road would have a detrimental impact on the residential amenities enjoyed by the occupiers of that property in terms of a visually obtrusive overbearing form of development contrary to Policies DM01 of the Council's Development Management Policies DPD (2012), Policies CS1 and CS5 of the Council's Core Strategy (2012), as well as the Residential Design Guidance (2013).
- 3) Insufficient car parking is provided which is likely to lead to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety The proposal is therefore found to be unacceptable and contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).
- 4) The car parking facilities proposed as part of the development would, by reason of their design and layout would create conditions prejudicial to highway and pedestrian

safety at the site. The proposal is therefore found to be unacceptable and contrary to policies DM01 and DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Decision Date: 01/02/2016

Reference: N02259E

Address: 236 East Barnet Road, East Barnet

Description: Single storey front and side extensions

Decision: Approved subject to conditions

Decision Date: 07/04/1993

Reference: N02259D

Address: 236 East Barnet Road, East Barnet

Description: Single storey front and side extension to restaurant.

Decision: Approved subject to conditions

Decision Date: 21/11/1986

Reference: N02259C

Address: 236 East Barnet Road, East Barnet

Description: External ventilation shaft at rear of premises.

Decision: Approved subject to conditions

Decision Date: 31/08/1978

Reference: N02259B

Address: 236 East Barnet Road, East Barnet

Description: Two garages at rear

Decision: Approved subject to conditions

Decision Date: 26/01/1978

Reference: N02259

Address: 236 East Barnet Road, East Barnet

Description: N/A

Decision: Pending Consideraion

Decision Date: 16/06/1970

Reference: N02259A

Address: 236 East Barnet Road, East Barnet

Description: Alterations and building of cold store and double garage.

Decision: Approved subject to conditions

Decision Date: 01/06/1970

3. Proposal

The proposal seeks to remove the 3 on-site vehicle parking spaces associated with the recent residential development [Planning Reference: 17/1765/FUL dated 10/05/2017] and be replaced with a revised cycle storage area, refuse and recycling store and amenity space.

The proposed development does not seek any other changes to the approved building or any of the units within the new building which have already been implemented.

Certain conditions have been discharged under the approved scheme 17/1765/FUL [dated 10/05/2017]. These conditions have been referenced to ensure that the development is implemented as per the conditions of the approved scheme.

4. Public Consultation

Consultation letters were sent to **147** neighbouring properties.

responses were received comprising of **24** letters of objection.

The objections received can be summarised as follows:

- Increased pressure and demand on on-street parking along Welbeck Road.
- Undermining the existing vehicle access of neighbouring properties.

Consultee Comments:

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

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 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.

Relevant London Plan policies:

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.15 (Co-ordination of Housing Development and Investment).

London's Transport:

6.1 (Strategic Approach); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes);

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy).

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9
- Relevant Development Management Policies: DM17

Supplementary Planning Documents

5.2 Main issues for consideration

The main issue for consideration in this case is whether there are adverse impacts on highway safety, parking demand and availability?

5.3 Assessment of proposals

Principle of development

Initial planning permission [Planning Reference: 17/1765/FUL dated 10/05/2017] for the development was approved with both vehicle and cycle parking. The Traffic Assessment submitted with the initial planning permission noted that whilst there was a vehicle parking shortfall, the surrounding traffic environment would be able to accommodate any overspill parking generated by the new development. Additionally, the Traffic Assessment notes that a car ownership assessment anticipates car ownership ratio would be 0.65 cars per household which results in a parking demand of 3 to 4 parking spaces.

The officers report for the approved scheme noted that the 5 cycle parking spaces on-site, met the minimum requirement for cycle parking spaces under the London Plan Cycle Parking Standards.

The principle of development and the number of units/layout and scale/bulk of the proposed building has already been assessed under the approved scheme ref: 17/1765/FUL dated 10/05/2017. As outlined above given the the approved scheme has already been implemented this application will only be assessing the changes proposed under this application namely the removal of the 3 parking spaces approved under the previous scheme and proposed new layout of bin and cycle storage and private amenity space at the rear.

Parking Demand and Availability

The Traffic Statement submitted with this application outlines the potential impacts of the removal of the 3 vehicle parking spaces on the surrounding road network. The statement notes that there is sufficient parking availability within a 200m radius of the development which can meet the anticipated parking demand generated as a result of the removal of these parking spaces.

The Traffic Statement acknowledges the PTAL rating of the area and identifies a number of bus routes which are able to service the residents of the development. For these reasons, the Traffic Statement concludes that the removal of these parking spaces will not create any undue pressure on the existing traffic environment.

Council's Highways Consultant has reviewed the revised scheme and can confirm that there is adequate space on the surrounding streets to accommodate the expected parking demand that will be generated as part of this development. Council's Highways Consultant has noted:

"The site is not in a CPZ but it lies in an area with a PTAL rating of 3 (average). 5 bus route can be accessed from stops within 5 minutes walking distance of the site. Oakleigh Park Rail Station is located within 11 minutes walking distance from the site.

The proposed development involves demolition of the existing dwelling-house and provision 5 self-contained flats (1x1-bed, 4x2-bed). This will attract a maximum allowable parking provision of between 4 - 7 spaces. The application form states that no parking is proposed but evidence of availability of on-street spaces at night has been submitted and this shows that there were 36 available spaces to accommodate the shortfall of 4 -7 spaces. Highways would therefore raise no objection."

In light of the above, the removal of these parking spaces is not considered to result in any significant adverse effects on the safety of the surrounding roading network. Any overflow effects are considered to be minimal and will not significantly impact the ability for existing residents to find vehicle parking within the surrounding area. Core Strategy Policy CS9 and Policy DM17 aim to manage the effects of development on Barnet's transport network, specifically to "contribute towards a safe, effective and efficient transport system". The site is located within a PTAL 3 area, which is categorised as having reasonable good public transport links. The subject site is approximately 15 minutes from both New Barnet Train Station and Oakleigh Park Train Station providing access outside of the Borough, as well as a number of bus routes that provide further access within the Borough. It is acknowledged that the minimum parking requirement for the site is 1.5 spaces/per unit.

Whilst it is acknowledged that the subject site is located within a suburban setting, where there is a greater reliance on private vehicle use, the removal of the proposed on-site parking spaces is considered acceptable given the availability of on-street parking in the wider area and the site's proximity to key public transport routes. Furthermore, the proposal is considered to support the gradual transition that is occurring within parts of the Borough which are experiencing increased intensification, towards less reliance on private vehicles and greater reliance on public transport.

On balance, the anticipated impact on the surrounding road environment is considered to be minimal and will not create any significant adverse effects with regard to overflow parking/parking availability.

On-site Amenity

The removal of the three parking spaces is not considered to have any adverse impacts in terms of visual amenity and it's contribution to the Welbeck Road streetscape. To ensure the on-site amenity for the occupants of the building; and to ensure the site continues to make a positive contribution to the Welbeck Road streetscape; conditions requiring details of the cycle storage area, refuse/recycling area and any subsequent changes to the approved Boundary Treatment details provided under planning reference 17/7997/CON dated 01/02/2018, and details of the Refuse/Recycling, Cycle Parking/Storage and Landscaping under 17/5882/CON dated 21/11/2017; shall be submitted and approved by the Local Planning Authority.

5.4 Response to Public Consultation

Material planning considerations raised in the objections received relating to parking availability, parking demand etc. have been addressed in the assessment above.

A number of objections raised discussed planning procedure and whether there was scope for a variation to the initial planning decision. The key concern raised amongst these

objections was that the removal of on-site parking would further exacerbate issues regarding parking availability within the immediate area and subsequent "flow-on" effects to the surrounding road network. Some objections also questioned the removal of these parking spaces, given the approved scheme and a requirement to provide on-site parking as part of the development of the site.

The application has been reviewed by Highways Consultants and Environmental Health Consultants who have concluded that the removal of these parking spaces would not result in any significant adverse effects on the surrounding environment and therefore have endorsed approval of the application. The proposal has also been considered against all relevant policies where it was concluded that the removal of the parking spaces would not be contrary to the Local Plan or any other relevant planning legislation.

6. Equality and Diversity Issues

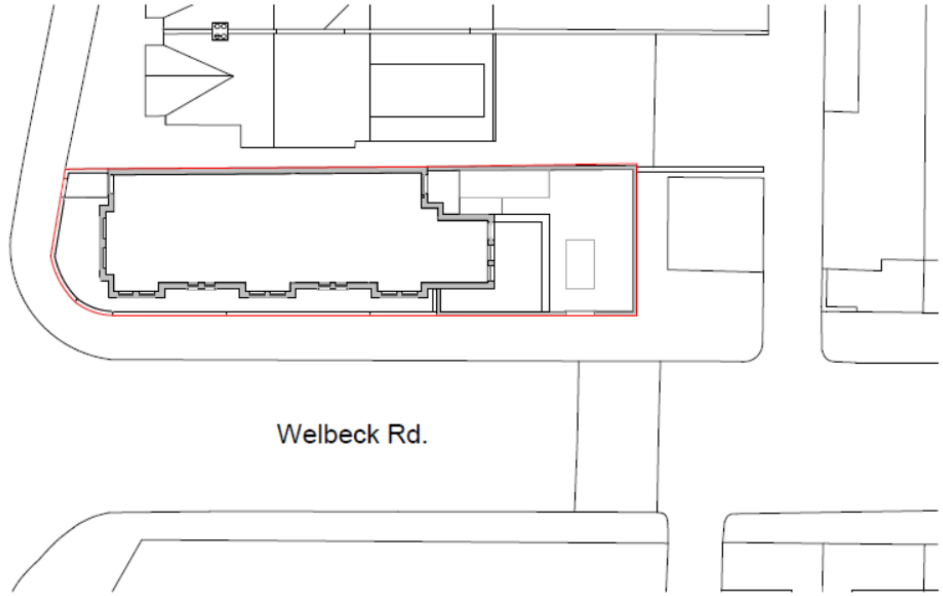
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would not result in any significant adverse traffic generation, parking demand and availability effects on the surrounding area. This application is therefore recommended for approval subject to the attached conditions.



East Barnet Rd



2 SITE PLAN
1 : 200



VISUAL SCALE 1:200 @ A3

Location 4 Cat Hill Barnet EN4 8JB

Reference: 20/2835/FUL

Received: 23rd June 2020

Accepted: 29th June 2020

Ward: East Barnet

Expiry 24th August 2020

Applicant: Mr Cohen

Proposal: Demolition of existing building and erection of a four-storey mixed-use building with retail (A1 Use) and a car park at ground floor level and 9 no. self-contained residential units (C3 Use) above. Provision of refuse/recycling storage and cycle parking

Recommendation: Approve following legal 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 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. Provision of ten street trees at a charge of £700 per tree plus VAT. A total of £7,000.

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:
 - Site Location Plan (1177 - 001)
 - Block Plan (1177- 002)
 - Existing Ground Floor Plan (1177- 010)
 - Existing Upper Ground Floor Plan (1177- 011)

- Existing Northwest and Southeast Elevations (1177- 020)
- Existing Northeast and Southwest Elevations (1177- 021)

- Proposed Ground Floor Plan (1177-100 Revision A)
- Proposed First Floor (1177-101)
- Proposed Second Floor (1177-102)
- Proposed Third Floor (1177-103)
- Proposed Roof Plan (1177-104)

- Proposed Northwest and Southeast Elevations (1177-200 Rev A)
- Proposed Northeast and Southwest Elevations (1177-201)

- Proposed Section B-B (1177-300)

- Perspective 1(1177 - 400)
- Perspective 2 (1177 - 401)
- Proposed Green Roof Detail 1(1177 - 501)
- Proposed Landscape Plan 1(1177 - 105)

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 all the external surfaces of the building and hard surfaced areas 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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

- 6 Prior to occupation the development, 10 car parking spaces at ground/lower basement floor level shall be laid out and implemented within the site in accordance with the approved plans. The approved parking spaces shall not be used for any purpose other than the 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.

- 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 Planning Authority before the development is occupied. Thereafter, before the development hereby permitted is occupied, a minimum of 18(long stay) and 3(short 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 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of 2 active and 2 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 9 The applicant shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 10 Before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: 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

- 11 Before the development is first occupied, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 12 a) The development shall not be occupied 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 the **** 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.

13 a) The development shall not be occupied 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.

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 15 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 16 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 17 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 18 The development hereby approved shall not be occupied until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The following details shall be included:

a) Demonstration that discharge of surface water runoff shall be as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

b) Confirmation that the surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 19 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) and the requirements of the above condition, the commercial unit on the ground floor shall be used for Class A1 uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an active frontage within the Local Shopping Frontage at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 20 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) and the requirements of the above condition, the commercial unit on the ground floor shall be used for Class A1 (Retail) uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an active frontage within the Local Shopping Frontage at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 21 The ground floor commercial use hereby permitted shall not be open to members of the public before 7 a.m. or after 8 p.m. on weekdays and Saturdays or before 8 a.m. or after 6 p.m. on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the of the Development Management Policies

DPD (adopted September 2012).

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

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

- 23 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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.

- 24 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.

- 25 Prior to the first occupation of any building within the development, the buildings shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 35% in carbon dioxide emissions for the residential element and 25% for the commercial unit when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such for the lifetime of the development.

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.

- 26 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).

- 27 (1) Prior to carrying out of any above ground works, excluding demolition, for the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the development can achieve full Secured by Design' Accreditation.

The development shall only be carried out in accordance with the approved details.

(2) Prior to the first occupation of any of the approved units, a 'Secured By Design' accreditation shall be obtained for such building or part of such building or use.

Reason: To ensure that the development is constructed to a level of security set out in the national Police initiative, to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012).

- 28 a) No flat shown on the approved drawings as having a balcony, a roof terrace and / or an external walkway that is for the sole use of that flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and where applicable have been installed in their entirety: (i) details of privacy screens, including details of materials and appearance of the screens, or (ii) for those flats where the balcony, roof terrace or sole access walkway will not significantly overlook any neighbouring residential property or properties, sufficient drawings that demonstrate that is the case. b) For the flats where privacy screens are required, the screens shall be permanently retained as such thereafter.

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

- 29 The proposed green roof area shall not be used as a balcony or sitting out area and shall only be accessed for maintenance, refurbishment and upkeep purposes.

Reason: to safeguard the amenity of neighbouring residents in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 30 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

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

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

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 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.

1. Site Description

The application site is located on the eastern side of Cat Hill and the western side of Eton

Avenue. The existing building on site is a one storey butcher shop (A1 Use) with access from Cat Hill and Eton Avenue. The site is designated within Barnet's Development Management Policies (2012) as residing within the East Barnet Village Local Shopping Frontage. The surrounding area has a mixed character, including varying scales, built forms and uses. However, aside from the adjacent Desmond House, the building scales are predominantly between two and four-storey along Cat Hill and two-storey along Eton Avenue.

To the south along Cat Hill the area is predominantly characterised by shops, restaurants and community uses. Opposite on Cat Hill is a three-storey terrace containing a mixed retail and residential use and a four-storey purpose-built apartment block named Feline Court. To the east on Eton Avenue the area is characterised by two-storey single-family dwellings. To the north of the site is Desmond House, a nine-storey residential block of flats including ground level garage parking. Desmond House is considered at odds with the prevailing low-scale character surrounding the application site, with its nine-storey scale, block form and dated red cladded façade standing in stark contrast to the predominant low-scale building character adjacent to the application site. The site has a moderately steep sloping topography, with the site gradually sloping up Cat Hill to the junction with Brookhill Road. Given there is no building between the application site and the junction between Cat Hill and Brookside, the application site is highly exposed to long views up Cat Hill from the low-scale character of East Barnet Village. The adjacent area of grass to the south of the site contains a number of mature street trees which provide valuable visual amenity.

The site is not in a conservation area and does not contain any statutory or locally listed buildings. There are no trees subject to Tree Preservation Orders (TPO) onsite. The site is in Flood Zone 1 and within an Area of Special Archaeological Interest.

2. Site History

Reference: N00003M

Description: Three storey extension on Eton Avenue frontage to provide additional office, food storage and food preparation floorspace.

Decision: Refused

Decision Date: 22 August 1989

Reasons for Refusal:

1. The proposal would lead to overintensified use of a commercial development in a

residential area to the detriment of residential amenities by reason of increased activity.

2. The proposal by reason of its excessive height would be visually obstructive in the street scene.

Reference: 18/5969/FUL

Description: Demolition of existing building and erection of a six storey mixed-use building with retail (A1 Use) at ground floor level and 18no. self-contained residential units (C3 Use) with basement car park. Provision of refuse/recycling storage and cycle parking

Decision: Refused

Decision Date: 21.03.2019

Reasons for Refusal:

1. The proposed development by reason of its size, siting, bulk, height and design, would result in a discordant, visually dominant and overbearing development which jars and detracts from the character and appearance of the application site, the streetscene of Cat Hill and Eton Avenue and the section of East Barnet Village, that the application site forms part of. As a result it would fail to comply with Policies 7.4 and 7.6 of the London Plan (2016), Policy CS5 of Barnet's Local Plan (2012) and Policy DM01 of Barnets Development Management Policies (2012).

2. The proposed development does not include a formal undertaking to meet the cost of replacement tree planting that reflects the amenity value of the trees (T1&T2) lost to facilitate the proposed development. Therefore, in the absence of a Section 106 agreement, the proposal would not address the impacts of the proposed development contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning

Obligations SPD (adopted April 2013).

Appeal Dismissed - APP/N5090/W/19/3233593 (17 October 2019)

3. Proposal

This application is a revision following the dismissed appeal. This scheme proposes the following:

- Demolition of existing single-storey retail (A1 Use) building.
- Erection of a four-storey mixed use building comprising retail of 200 sq. m (A1 Use) at ground floor level and 9 self-contained flats (C3 Use) across the first to third floor levels;
- 10 on-site parking spaces - 9 residential/1 commercial;
- Associated cycle parking, refuse storage and private amenity space.

The scheme follows a similar design rationale to the refused scheme, the key change being the significant overall reduction in height, bulk and scale.

4. Public Consultation

Consultation letters were sent to 444 neighbouring properties. 32 responses were received comprising 1 letter of support and 31 letters of objection. The responses received can be summarised as follows:

Support:

- A strong architectural design which is more sympathetic to its residential surroundings than the existing semi-industrial commercial premises.

Objection:

- Badly timed in the middle of lockdown
- Loss of daylight/sunlight
- Concern about parking and local parking stress
- No consideration for residents of Desmond House

- Loss of valuable open space
- Out of character at this location
- A huge scale build that will cause nothing but disruption and misery to the local area.
- Loss of privacy
- Building will dominate the Local Viewing Corridor (looking down Cat Hill).
- Noise and disturbance during construction
- Increased traffic in an area which already sees traffic congestion.
- Way too little parking provision in an area where this is already a huge problem. I can seldom park in the road that I live in.
- Additional retail space is not needed in the village. There are empty shops which can be utilised.
- Lack of vehicle charging points
- Congestion and parking is already extremely bad and this will add to the problem
- Out of scale in this suburban setting
- Loss of nature, loss of trees
- Layout of the building the design and appearance
- This tall building will block out light into surround flats and houses and will overlook into local residents' property

Internal Consultees:

- Traffic & Development: Acceptable subject to conditions
- Arboriculturist: Acceptable subject to s.106 agreement for financial contribution for tree planting. Landscaping plan to be conditioned
- Refuse and Recycling: Acceptable subject to conditions

External Consultees:

- Met Police: Acceptable subject to conditions
- Thames Water: No objection
- SUDS: No objection subject to condition

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 (Revised 19th February 2019) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

The Mayor's Draft London Plan

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, CS4, CS5, CS9, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM12, DM17.

Barnet's Local Plan (Reg 18) 2020

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

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

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning history of the site/previous reasons for refusal
- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

5.3 Assessment of Proposals

Planning History/Previous Reason for Refusal

As detailed in the planning history above, there has been a recent refusal for a similar residential/commercial scheme at the site, which was dismissed at appeal. Any new proposal should address and overcome previous concerns and not generate new issues which may amount to a reason to refuse consent. Previous concerns centred around the overall bulk and scale of the scheme at this location. It was also considered that contributions were required necessary to mitigate the loss of street trees and secure new and replacement planting as mitigation. These matters will be addressed later in the report.

Principle of Development

Residential Use:

As outlined within the site description above, the area surrounding the application site has a mixed commercial and residential character. Eton Avenue to the east of the site is characterised by two-storey residential dwellings, while flatted development is located to the north-west of the site along Cat Hill. The application site also sits directly adjacent to Desmond House, a nine-storey apartment block. The proposed development seeks to provide 9 self-contained flats across the first to third floor level whilst retaining retail uses at ground floor level. Given residential uses, including flats, provide a significant element of the character surrounding the application site, once again it is considered that the creation of flatted development at the application site would be acceptable in-principle and compliant with Policy DM01 in terms of its use.

Density:

The application site has an area of 0.09 ha and a PTAL level of 2/3. Therefore, based on the London Plan density matrix, the optimal density of the site would be between 45-120 units per hectare (u/ha) The site would be developed at 100 units per hectare and therefore the density is within the recommended density range outlined above. It is accepted that other considerations, including conformity to the character of the area must also be considered.

Retail:

As outlined above, the application site forms part of East Barnet Village Local Shopping Frontage and currently contains a single-storey retail (Class A1) unit that has 492.7 sq. m of floor space (Class E under the new amended Use Classes Order). Policy DM12 which seeks to maintain the vitality and vibrancy of local centres and parades states:

The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed

effectively for such use.

The existing retail area measures 492.7 sqm. However, all of the existing space is not used for retail and some area is used as storage purpose. Though, the proposed retail area of 200 sqm would be less than the existing, the council consider when excluding the existing storage areas, the proposed retail area would be similar in area to the existing provision. Furthermore, the retail provision would be provided in a better and improved environment in a purpose-built building. There are varied retail units on the other side of the road. The proposal would maintain active frontage along the Cat Hill and Eton Avenue. It is considered that; the proposal would not cause significant loss of retail space and can therefore be supported by policy DM12. The council has not previously had concern with the retail proposed as part of any new scheme.

Affordable Housing

London Plan 2016 policy 3.12 seeks the maximum reasonable amount of affordable housing to be negotiated. The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings. All the above policies seek a tenure split of 60% social rented and 40% intermediate housing.

The scheme has been reduced to nine units and as such there is no requirement to provide affordable housing on the site.

Character and appearance

Policy DM01 seeks to preserve, protect and enhance the character of the Borough. It states amongst other priorities, that:

b) 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.

Building Scale:

The council previously refused consent in relation to the overall size of the building in this

setting - its height, bulk and scale, and that it would result in a prominent development.

The previous development extended to six storeys and the council considered that notwithstanding the nine storey Desmond House adjacent, the character of the area was much more lower set, 2-4 storeys, and the scheme would be out of character causing harm to the appearance of the area.

This position was supported at appeal. The Inspector stating;

..."The proposed building would be 6 stories in height and cover a substantial footprint. Notwithstanding the differences in land levels I have observed, the building would appear as a large and conspicuous built addition at a prominent location in proximity to various publicly accessible routes"....

.."the proposal would be seen and experienced alongside various noticeably lower and smaller-scale developments situated to the opposing sides of both Cat Hill and Eton Avenue. Whilst these developments are separated from the site due to the highways that are in place and the scheme would be viewed against the backdrop of Desmond House when exiting East Barnet Village, a built environment of prevailing low-scale is readily observable"....

The application has been significantly reduced in overall scale, height and footprint, and is much more commensurate with the prevailing character of the immediate area. Whilst the scheme would still be of a greater scale than existing building on Eton Avenue and across cat Hill, given the peninsula nature of the site and the benefit of Desmond House adjacent, it is considered the reduced built form strikes a much more appropriate balance at this location. The council consider that the application scheme is much more in keeping with the low scale setting and it is considered that previous concerns on the building's scale have been addressed and a four storey building in this setting can be accepted.

Design:

Whilst the council previously had concern in relation to the overall scale of the previous scheme, and how the design would therefore tie into a very prominent out of character development, there was no specific objection to the development of a more contemporary scheme at the site. As the officer stated;

It is considered that a modern design of a reduced and appropriate building scale would

have a more restrained and managed impact on the character and appearance of the application site and adjacent streetscene. With a reduction in scale, it is considered that some of the more modern architectural features proposed could be accommodated within the streetscene.

As discussed above, the scheme has been significantly reduced in scale, and the more contemporary approach employed, will bring visual benefits to the area, particularly when the existing built form is considered, and the result is now a building that would add positively to the mix of building styles located along the road. The scheme strikes an appropriate balance between developing the site which a signature building but by being much more in line with the established character.

Trees and Soft Landscaping:

Policy DM01 states:

Development proposals will be required to include hard and soft landscaping that:

- i. is well laid out in terms of access, car parking and landscaping
- ii. considers the impact of hardstandings on character
- iii. achieve a suitable visual setting for the building
- iv. provide an appropriate level of new habitat including tree and shrub planting
- v. make a positive contribution to the surrounding area
- vi. contributes to biodiversity including the retention of existing wildlife habitat and trees
- vii. adequately protects existing trees and their root systems.

The previous application was also refused in relation to the absence of a Legal Agreement to secure financing for tree planting, owing to the loss of trees which was necessary in order to facilitate the development.

It was concluded that the proposed development would require the loss of street trees T1 and T2, as the tree root protection areas for these two trees would be significantly compromised by construction and building works. Both trees are in the Council's ownership and provide a significant visual amenity contribution to the Cat Hill streetscene. In line with Barnet's Tree Policy (2017) each tree has a CAVAT value which is required if the tree is

removed to finance suitable replacement tree planting. The Council's Street Tree Officer calculated the combined value of both trees at £61,239 (T1 - £13,113 and T2 - £48,126). Therefore, £61,239 was sought via a Section 106 agreement to provide replacement tree planting to mitigate the harm caused by the loss of the highlighted trees.

The trees on site could now be retained and the applicant indicates they will be retained. The council's Trees Officer has provided comment on the scheme. Tree T2 (applicant's plan) is likely to need pruning to reduce the crown back from the building line. If this proposal is allowed these trees become very important as they will soften/screen the building. This tree is growing on land owned and managed by London Borough of Barnet, Green Spaces.

Proposed Tree works:

Prune/reduce lateral crown spread of trees T1 & T2 to east aspect by 1.5m.

The visual impact of this work is acceptable and can be undertaken under common law rights. However, the London Borough of Barnet Green Spaces should undertake the works.

Green Roof gardens:

A green is proposed on the top floor along with PV cells this approach, subject to details is acceptable.

A green roof is proposed on the roofs that are visible from the Cat Hill, these roofs should be bio-diverse including wildflowers logs as defined by The GRO Green Roof Code Green Roof Code of Best Practice for the UK.

Landscaping:

The landscape plan seeks to covert the existing car parking area at the front of the shop into a pedestrian walkway, with seating and soft landscape. This is a significant improvement to the local area and amenity space.

This can be secured under planning condition. The soft landscape strip should have below ground rooting areas such as strata-cells or equivalent. This should not impact on the RPA

of retained trees.

The council's Trees Officer advises that there are ample opportunities to provide enhancement tree planting on Green Space land and streets nearby, which will help reduce the visual massing of the proposed building. Such contributions could be secured through a section 106 agreement.

The Trees section raise no objection to the proposal subject to conditions agreeing levels, details of hard and soft landscaping, tree protection and excavation for services.

It is suggested that "New tree planting in the local area to help soften the larger building, totalling 10 trees planted on Cat Hill and Eton Avenue. The cost for planting would be £700.00/tree (total cost £7000) which includes supply, plant and maintain for 3 years after planting". As discussed, this contribution would be sought via an obligation within a Section 106 Agreement.

Any obligation should meet the tests of section 122 of the Community Infrastructure Regulations 2010. CIL Regulation 122 requires;

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The council's Tree Policy SPG (October 2017) states that;

"Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments".

Policy DM01 also requires that new development makes adequate provision for hard and soft landscaping.

It is accepted that the two trees which would previously be removed will now be retained and that visual enhancements, including a green roof are proposed. However the council consider that additional trees along the two roads that flank the site would help provide a visual softening, which is difficult to achieve within the site, and the contribution is considered reasonable and necessary in order to render the scheme acceptable in planning terms. In email correspondence the applicant has confirmed agreement to tree contributions as detailed above and this could be secured through section 106 should the committee be minded to grant consent.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the borough's residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

Privacy / Overlooking:

Section 7 of the Residential Design Guidance SPD (2016) states that:

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Once again, the proposed flank elevation retains a reasonable separation distance to No2a Eton Avenue and this elevation has been designed to ensure upper floor windows are directed away from this dwelling. It is not considered that the proposed development would result in a significant loss of privacy, or overlooking for neighbouring occupiers at nos. 2, 2a and 4 Eton Avenue. Sufficient screening could be agreed to ensure that balcony areas would

not overlook properties on Eton Avenue, and these measures could be agreed by condition.

The north elevation of the proposed building would be in close proximity to Desmond House but given the oblique angle direct overlooking would not result. There would be no direct overlooking and the majority of balconies have been situated on the Cat Hill elevation. Whilst there would be balcony access adjacent to Desmond House, the oblique angle would ensure that a significant impact on existing privacy levels would not result.

There would be no adverse impacts on occupants of flats across Cat Hill at Feline Court.

Daylight / Sunlight:

Policy DM01 states that:

e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Further to the above, the Major's Housing SPG (2016) requires that new development avoids:

Causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.

The applicant has provided a Daylight and Sunlight Assessment. This assesses the impact of the proposed development on the levels of daylight and sunlight adjacent properties would receive should it be built.

The report states only 1 window on Desmond House would have a marginal impact from loss of sunlight, the properties on Eton Avenue would meet the requirements of the standards, and all gardens would receive an adequate supply of sunlight in line with the guidance. Any impact on surrounding properties would be marginal and would not lead to an excessive impact on amenity.

Noise and Air Pollution:

As previously directed by the Council's Environmental Health Department, conditions relating to noise and air pollution can be attached to any approval. The conditions require a Demolition and Construction Method Statement, an Air Quality Report, an Acoustic Report and details of all site plant and methods of insulation against internally / externally generated noise. It is considered that this provides sufficient scope to ensure appropriate mitigation measures to protect both neighbouring and future occupier amenity in relation to noise and air pollution.

Regarding noise and disturbance and increased comings and goings, the proposed development has been designed to ensure all retail uses, including delivery vehicles, and all motorised access to the site by future residents, is via Cat Hill. This has been designed to move motorised vehicular access and non-residential uses away from the low-density residential street of Eton Avenue.

Living standards for future occupiers

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single.

Each of the proposed flats would meet the highlighted minimum internal space standards as demonstrated below:

Flat 1: 3-bed, 5-person, 1-storey: 86m² required / 86m² provided

Flat 2: 3-bed, 6-person, 1-storey: 95m² required / 96m² provided

Flat 3: 2-bed, 4-person, 1-storey: 70m² required / 71m² provided

Flat 4: 1-bed, 2-person, 1-storey: 50m² required / 64m² provided

Flat 5: 3-bed, 5-person, 1-storey: 86m² required / 86m² provided

Flat 6: 3-bed, 6-person, 1-storey: 95m² required / 98m² provided

Flat 7: 2-bed, 4-person, 1-storey: 70m² required / 71m² provided

Flat 8: 2-bed, 3-person, 1-storey: 61m² required / 64m² provided

Flat 9: 4-bed, 8-person, 1-storey: 117m² required / 150m² provided

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms would meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is considered that each flat would receive an acceptable level of outlook and daylight / sunlight. None of the flats would be single aspect north-facing.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed units are all served by balcony/outdoor amenity areas which will provide an appropriate level of private amenity space to serve the residents of the development as below.

Flat 1: 25m² required / 37m² provided

Flat 2: 25m² required / 29m² provided

Flat 3: 20m² required / 20m² provided

Flat 4: 15m² required / 22m² provided

Flat 5: 25m² required / 37m² provided

Flat 6: 25m² required / 29m² provided

Flat 7: 20m² required / 20m² provided

Flat 8: 20m² required / 22m² provided

Flat 9: 35m² required / 140m² provided

Accessibility:

The proposed development is required to be designed to comply with M4(2) and M4(3) standards. This can be secured via condition.

Highways

Highway comments;

The road fronting the application site is Cat Hill (B1930). Cat Hill is a wide two-way single carriageway road in the vicinity of the site and it is flanked by mainly 2-3 storey buildings with shops, offices and restaurants on the ground floor and residential uses on the upper floors. The site is in a commercial area/town centre location and is located at the corner end of a block of seven three storey terraced buildings.

The site is not in a CPZ but there are no parking restrictions in the immediate vicinity of the site. The site has PTAL rating of 3 (average) on a scale of 1 to 6, where 1 is poor and 6 is excellent public transport accessibility. The road is served by bus routes 383, 326, 307, 384 and 184 and nearest bus stop is less than a minutes walking distance away. The site is situated about 9 minutes walking distance from the Oakleigh Park rail station. It is therefore considered that the site has reasonable access to public transport.

The proposed development comprises the erection of a four-storey mixed use building with retail (A1 use) on the ground floor and 9 self-contained apartments. The 9 self-contained apartments will attract a maximum allowable parking provision of 8.5 -13.5 spaces and the 200sqm of A1 use will attract a maximum allowable parking need of 4 - 6 spaces. Based on a PTAL of 3, 11 spaces for the residential and 5 spaces for the commercial would be acceptable. 9 spaces are proposed for the residential which and 1 space for the retail which is less that the customer/staff parking provision of 6 spaces. The proposed parking provision will result in a shortfall of at least 6 spaces but it is expected that this level of displacement can be accommodated on-street. Whilst the highway officers initially requested a parking survey (Lambeth Methodology) to provide evidence of on-street parking availability, given current restrictions Highways assisted in carrying out observations on site and are content that any parking shortfall could be accommodated on surrounding streets. The proposed parking layout is acceptable.

Regarding cycle parking, a minimum of 17 long stay cycle parking spaces for the residential and 1 long stay & 3 short stay spaces for the retail based on London Plan standards. The Transport assessment indicates 26 cycle parking spaces are proposed in the form of 22 spaces in two-tier racks internally and 3 Sheffield stands located on the footway in front of the site along Cat Hill. The number of cycle spaces proposed is acceptable but it appears that the three Sheffield stands are located outside red line boundary which not be supported by Highways. Short stay cycle parking should be provided within the curtilage of the site. It is recommended that the internal cycle store is accessed directly from the street or lobby and residential cycle parking should be provided in separate compartments. Short stay cycle parking should be in a covered, secure, lockable and enclosed environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition is therefore requested.

Electric vehicle charging points shall be provided in accordance with London Plan standards and this equates to 2 active and 2 passive points. Details of electric vehicle charging points

are requested by way of a condition.

Existing vehicle access arrangements to the site will remain unchanged and this is acceptable. It is expected that servicing including refuse collection will take from the rear on Eton Avenue which is acceptable.

Given the scale of development proposed, it is unlikely that the number of trips that would be generated by the site would have a significant highways impact.

The development fronts onto a classified road (B193) will involve demolition and significant building construction works and so demolition and construction management and logistic plan is requested and this can be secured by way of a planning condition.

There appears to be no off-site highway works proposed as part of the scheme as it is requested that short stay cycle parking is provided within the curtilage of the site.

Highways would raise no objection to the proposal subject to conditions and informatives.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The residential refuse and recycling storage is located within an integral storage area adjacent to the main residential entrance on Eton Avenue. No details of the commercial refuse storage have been provided, although it is considered that there is sufficient scope within the retail space proposed on Cat Hill to provide a compliant refuse storage provision. A condition requiring details of both residential and commercial refuse storage areas and collection points and the site's refuse collection strategy can be attached to any permission.

The applicant has provided amended plans which demonstrate a separation of residential and commercial waste and there is no objection to this aspect of the scheme.

5.4 Response to Public Consultation

It is considered that the majority of issues raised in third party correspondence have been addressed within the report.

- Badly timed in the middle of lockdown

It is not considered the current unforeseen circumstances should result in a suspension of planning applications

- A huge scale build that will cause nothing but disruption and misery to the local area

It is considered the proposed scale is now acceptable.

- Loss of privacy

See amenity section above.

- Noise and disturbance during construction

Disturbance can be reduced with appropriate conditions.

- Increased traffic in an area which already sees traffic congestion

See highways/parking section above.

- Additional retail space is not needed in the village. There are empty shops which can be utilised.

Proposal replacing existing retail space.

- Loss of nature, loss of trees

See trees/landscaping section above.

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

Officer consider the proposed development has addressed previous issues of concern and the overall scale and contemporary design, is deemed a suitable development for this location which would be in keeping with the prevailing pattern of development and would not harm the setting of the East Barnet Village. It is therefore recommended consent is granted subject to conditions.



Location **206 High Street Barnet EN5 5SZ**

Reference: **20/2905/FUL**

Received: 26th June 2020

Accepted: 8th July 2020

Ward: High Barnet

Expiry 2nd September 2020

Applicant: Jack Antoni

Proposal: Roof extension to create new second floor level, conversion of existing ground floor restaurant and associated staff room areas to provide a total of 19 hotel rooms

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:

8880/01 Revision A,
8880/101 Revision A,
8880/102 Revision A,
8880/103 Revision A,
8880/105 Revision A,
8880/106 Revision A,
8880/107 Revision A,
Planning Statement Dated July 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 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).

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

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

- 5 Prior to occupation of the development, a revised parking layout showing at least 6 spaces including 1 disabled bay shall be submitted to and approved in writing by the Local Planning Authority. The 6 car parking spaces including a disabled bay shall be laid out and implemented within the site in accordance with the approved plans. The approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- 6 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 1 (long stay) and 1 (short 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.

- 7 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the

condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

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

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

ii. site preparation and construction stages of the development;

iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

iv. details showing how all vehicles associated with the construction works are properly

washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at

any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractor's 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.

xi. Provision of a competent banksman.

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 polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 9 Before the permitted development is occupied, details of refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved servicing management plan.

Reason: 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

- 10 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of 1 active and 1 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

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 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.

1. Site Description

The application site relates to number 206 High Street located on the east side of Barnet High Street sited behind numbers 204 and 202 High Street.

The site backs onto Belgravia Close and a public footpath bounds the northern boundary which runs from the High Street to Belgravia Close.

The building is in use as a restaurant on the ground floor and hotel featuring 10 rooms to the rear on the ground and first-floor level. The hotel and restaurant are still in operation in a limited capacity but have been heavily affected by the current pandemic. There is an existing car park for the users of the building that is accessed via Nesbitts Alley accessed from the High Street.

The site falls outside of the Monken Hadley Conservation Area but adjoins it to the north and west.

2. Site History

Reference: 17/5293/FUL

Address: 206 High Street, Barnet, EN5 5SZ

Decision: Refused

Decision Date: 30 November 2017

Description: Retention of air conditioning units (Retrospective Application)

Reference: B/00494/12

Address: 206 High Street, Barnet, EN5 5SZ

Decision: Refused

Decision Date: 8 May 2012

Description: Construction of new roof including raising of ridge height.

Reference: B/01574/08

Address: 206 High Street, Barnet, EN5 5SZ

Decision: Approved subject to conditions

Decision Date: 16 July 2008

Description: Single storey side extension.

Reference: N04337J/04

Address: 206 High Street, Barnet, EN5 5SZ

Decision: Approved subject to conditions

Decision Date: 15 June 2004

Description: First floor side and rear extension to existing restaurant and hotel.

Reference: N04337K/05

Address: 206 High Street, Barnet, EN5 5SZ

Decision: Refused

Decision Date: 4 April 2005

Description: Retention of UPVC windows on all elevations.

3. Proposal

Roof extension to create new second floor level, conversion of existing ground floor restaurant and associated staff room areas to provide a total of 19 hotel rooms.

4. Public Consultation

Consultation letters were sent to 101 neighbouring properties. 5 responses were received.

In total, 5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Overlooking,
- Privacy concern,
- Car parking concern,
- Additional noise,
- Are there proposed plans for the installation of air conditioning/plant equipment?
- 206 High Street is visible from the conservation area thought to mark the old edge of the Great North Road, that has been lined with front doors opening onto this main thoroughfare for hundreds of years - a continuity with the past that would be broken.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of development

The proposal would result in the loss of a Class A3/A4 (restaurant) use. The proposal is not located within a primary or secondary shopping frontage. The proposed change of use to a Hotel (C1 Use Class) would be supported given a hotel use already in use.

This application seeks consent for a change of use to the front of building restaurant (Class A3/A4) to extend the existing hotel (Class C1) to provide an additional 9 hotel rooms on the ground, first and a new second floor level. It is noted that there is no planning history for the hotel use, however it is apparent from the planning history that the building has been in use as a hotel since the early 2000s. As such, the use has been established over a period time.

Given the sites location and the existing hotel (Class C1) use the proposal would be acceptable in principle.

Impact on Character of the Area

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

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

The main building is a detached two storey building set back from the High Street. This building features a shallow pitched gable centrally located on the front elevation, which is considered a prominent feature, flanked by recessed hips which will remain unchanged when viewed from the High Street.

It is proposed to remove the front entrance door, the existing two large front windows will remain. It is considered that the existing geometric windows, wooden panels and the decorative feature to the front façade would preserve the character and appearance of the host building and when viewed from the Conservation Area.

The proposal which is located to the rear of the site would not be highly visible from the Monken Hadley Conservation Area Character. The Monken Hadley Conservation Area Character Appraisal Statement states "there are three attractive properties which lead off behind no.'s 200-204 High Street and provide glimpsed views from the road and interesting focal points" this view will not be detrimentally impacted by the subject application.

Roof extension to create an additional level and accommodate two hotel rooms, the extension would measure 11.73m in depth and 5.8m in width. The ground and first floor

would be reconfigured the restaurant, bar, kitchen and staff rooms will be removed to increase the number of guestrooms. There would be a total of 19 guestrooms.

The extension will follow the same pattern of window opening on the ground and first floor.

The adjoining neighbour 23 Belgravia Close is a three-storey building as such the additional level would not be out of keeping with the character of the area.

It is considered that the scale, bulk and height of the proposal would not be out of keeping with the surrounding area.

Impact on Amenity of Neighbouring Occupiers

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

The proposal is not considered overbearing or unduly obtrusive, it would not result in the loss of privacy by overlooking adjoining properties. Both 19 Grove Court and 23 Belgravia Close are set away from the proposed extension. The proposal would not result in loss of light or overshadowing of adjoining properties.

Environmental health has been consulted and have no objection due to the location. The subject application is not adjacent the High Street as such noise and air quality are not an issue.

Neighbours have raised concern regarding the installation of air conditioning/plant equipment, the subject application does not include air conditioning or plant equipment. A separate application would need to be made to assess the impacts of any proposed air conditioning or plant equipment on site.

It is not considered that the increase in height to the rear of the building, would have an overbearing or significant overlooking concerns on neighbouring properties.

Highways

Highways officers have provided consultee comments on the application which are summarised below:

The site is on a High Street, in a town centre location, sits in a CPZ (Mon-Sat, 08.00-18.30). The proposal will result in the creation of an additional hotel 9 bedrooms making a total of 19 bedrooms. No maximum standards are set for hotels and being in a town centre with CPZ restrictions, the provision of 6 spaces for the 19 room hotel is considered acceptable as this equates to 1 space for every 3 bedrooms.

For the 19 rooms, 1 long stay and 1 short stay space is required based on London Plan standards. Details of cycle parking are requested by way of a condition. Trip generation by the development is not expected to be an issue and refuse and servicing arrangements are expected to remain as existing.

No changes are proposed to existing access arrangements.

Highways officers have no object to the application subject to condition.

5.4 Response to Public Consultation

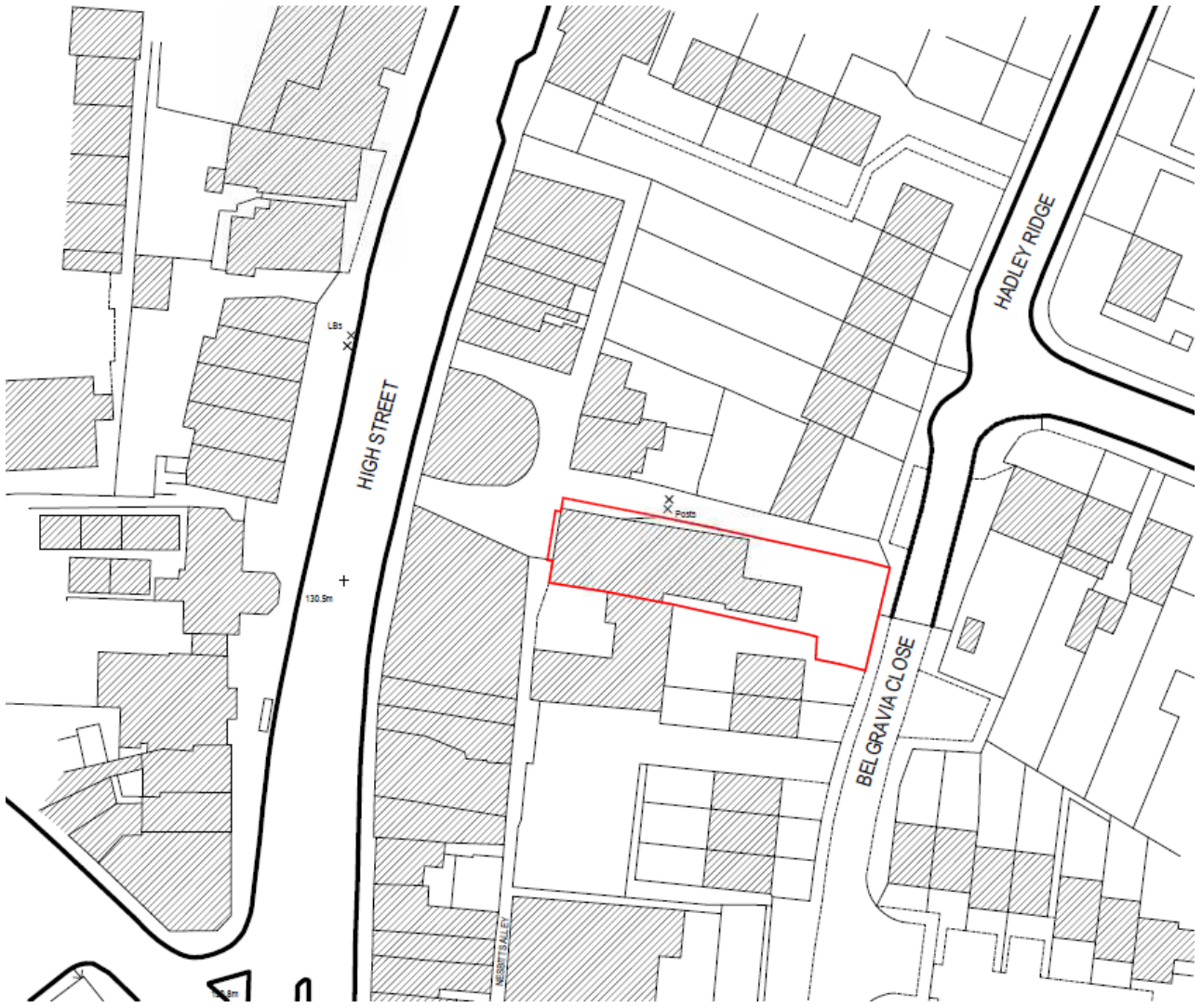
The public consultation responses have been addressed within the report and through conditions of consent.

Equality and Diversity Issues

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

Conclusion

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



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Location **151-153 High Street, Barnet, EN5 5SU**

AGENDA ITEM 9

Reference:
20/2483/FUL

Devonshire Metro Ltd

Ward: East Barnet

Received: 04.06.2020

Accepted: 04.06.2020

Expiry 30.07.2020

Applicant:

DMN Homes Limited

Proposal:

Change of use, refurbishment and extension of 153 High Street from Sui Generis (car dealership) to accommodate retail (Class A1) within an extended ground floor unit and 5 No. residential (Class C3) units (2 No. x 1 bedroom apartments, 1 No. x 2 bedroom apartment, and 2 No. x 2 bed mews cottages) accommodated within a two storey rear extension; part-demolition of 151 High Street front extension and refurbishment and change of use of 151 High Street from Sui Generis (car dealership) to 1 No. x 3 bedroom dwelling house (Class C3) including erection of one front dormer window at roof level, reinstatement of front entrance door, various re-arrangements, internal refurbishments, ancillary development and landscaping. Internal alterations to no.151 including replacement of existing internal doors with timber doors, removal of partition wall to kitchen, restoration of panelling, installation of baskets and slips to blocked up fireplaces

RECOMMENDATION 1

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)

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. "Car fee" Agreement which restricts future occupier's ability to apply for or obtain a car parking permit.

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:

Conditions

1. 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.

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

Drawings

- Site Location Plan (Greenaway Architecture Drawing No: 001, V1);
- Site Plan Existing (Greenaway Architecture Drawing No: 002, V1);
- Ground Floor Existing' (Greenaway Architecture Drawing No: 010, V1);
- First Floor Existing' (Greenaway Architecture Drawing No: 011, V1);
- Second Floor Existing' (Greenaway Architecture Drawing No: 012, V1);
- Roof Plan Existing' (Greenaway Architecture Drawing No: 013, V1);
- Front / East Elevation Existing' (Greenaway Architecture Drawing No: 020, V2);
- Roof / West Elevation Existing' (Greenaway Architecture Drawing No: 021, V2);
- Side / North Elevation Existing' (Greenaway Architecture Drawing No: 022, V2)
- Section AA Existing' (Greenaway Architecture Drawing No: 023, V2);
- Side / South Elevation Existing' (Greenaway Architecture Drawing No: 030, V2);
- Proposed ground floor Drawing number: 100, V9
- Proposed first floor: Drawing number 110, V8
- Proposed second floor Drawing number 120, V6
- Proposed Roof drawing number: 130, V6
- Proposed Front east elevation 200, V3
- Proposed Rear west elevation 210, V4
- Proposed Side north elevation 220, V3
- Proposed Side south elevation 230, V4
- Proposed Section AA 300, V4
- Proposed Section BB 310, V5
- Proposed Massing section 320, V5

Documents

- Design and Access Statement (DAS, Greenaway Architecture);
- Planning Statement by RPS;
- Heritage Statement and Internal Gazetteer (RPS);
- Daylight, Sunlight & Overshadowing Assessment (RPS);

- Sustainability and Energy Statement (Envision);
- Transport Statement (Markides Associates);
- Archaeological Desk-based Assessment (Border Archaeology);
- Preliminary Bat Roost Assessment (Arbtech Ecology Consultants)
- Land Contamination Report by SOILS Limited (ref no: 17047/mir Rev 3.00 DATED October 2018)

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

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

6. a) 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).

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

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

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

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

- 8.** Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the west elevation facing No. 4 Nursery Row.

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

- 9.** 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,E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the new dwellings 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).

- 10.** All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 11.** Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved to No. 151 High Street and the Cottages A and B shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

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

- 12.** 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).

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

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

- 14.** Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10.57 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15. a)** Before the development hereby permitted is first occupied. details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 10 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

Reason: To ensure that 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.

- 16.** No works on public highway including provision of a crossover as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17.** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To enable archaeological investigation and safeguard the archaeological interest on the site in accordance to with paragraph 199 of the National Planning Policy Framework (Revised 2019) policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 18.** No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF, 7.8 of the London Plan (20126) and DM06 of the Development Management Document (2012) and the Sustainable Design and Construction SPD (2016).

19. The remediation detailed in the report by Soils Ltd, Land Contamination Report by SOILS Limited (ref no: 17047/mir Rev 3.00 DATED October 2018) 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.

Part 1. A Method Statement detailing the remediation requirements, using the information obtained from the site investigation (Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018), 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. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

21.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 the ground floor A1 use; 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 (adopted April 2013) and 7.15 of the London Plan 2016.

22. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area(s) 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).

23. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

24. 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.

25.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).

26. The A1 use (retail) use hereby permitted shall not be open to members of the public before 8am or after 9pm on weekdays and Saturdays or before 9am or after 6pm on Sundays and Bank and Public Holidays.

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

27. 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).

28.a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of occupiers facing the A100 road (High Street) are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

29 a) Prior to the occupation of the development, full details of the proposed street lighting along Nursery Row shall be submitted to and approved in writing by the Local Planning Authority in writing.

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

Reason: To ensure that the development along Nursery Row has sufficient lighting and surveillance during the day and night time in order to promote safety and security

in accordance with policies 7.3 of the London Plan; CS12 of the adopted Core Strategy (2012) and DM02 of the Development Management Document (2012).

- 30.** Before the building hereby permitted is first occupied the proposed bathroom window on the southern elevation at no 151 High Street shall at first floor level (as shown in drawing number 110) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 31.** The applicant shall carry out a “before” and “after” condition survey of the agreed route to be utilised by all construction traffic. The “before” survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The “after” survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the “before” survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.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)

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 14th December 2020 unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development fails to provide a legal undertaking to secure a “car free” agreement which restricts future occupiers from applying for car parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy DM17 of the Development Management Document (2012) and the Planning Obligations SPD (adopted April 2013).

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 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 advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
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 written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
14. Planning Obligation under Section 106 of the Town & Country Planning Act 1990.
15. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
16. 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.

17. The applicant is informed that the colour of the proposed brick to the flank elevations should be of a red/brown colour to match the surrounding buildings in order to preserve or enhance the character of the Conservation Area. A white/grey brick is not considered to be suitable in this location.
18. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
19. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
20. The submitted of a Demolition and Construction Management Logistic Plan shall include as a minimum detail the following:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

21. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

Officers Assessment

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

- The site is located within a prominent part of Monken Hadley conservation area

1. Site Description

The application site is located on the western side of High Street, Barnet within the Monken Hadley Conservation Area (CA) and comprises two properties; No. 151 High Street, which is a two-storey Grade II Listed Building constructed c1700 and No.153 High Street, also a two-storey building, attached to No.151 High Street. No. 153 is not Listed or Locally Listed. Both buildings have been altered and extended from their original construction which includes a single storey front extension, which projects beyond the main front building line of the properties that front the High Street. The buildings are internally linked and are used as a car showroom (Sui Generis) with ancillary storage and offices found on the floors above. To the rear of the buildings is found an associated service area, storage, valet and support area which is covered by plastic canopies to protect the cars. A garage/car port is also found in the south west corner where the site abuts the rear gardens of No. 6 St Albans Road. Access to the rear is gained through the building of No. 153 High Street.

The south of the site is adjoined by Hadley House an extended two/three storey building with rooms in the roof and landscaped terraces/garden to the rear. The property is used as a restaurant with living accommodation on the second floor. To the north the site is separated from the neighbouring properties by the passageway on Nursery Row. To the front of the northern boundary is sited a 1950's three-storey

mixed use parade (1-5 Hadley Parade) which comprises commercial units on the ground floor with residential above. It has rear gallery access and parking. Behind this Parade is the Army Reserve Centre where a large warehouse/storage building is located adjacent to the boundary with Nursery Row. To the west of the site is found 1-4 Nursery Row, a two-storey terrace of residential properties with small gardens. The rear gardens of the properties fronting St Albans Road also adjoin the western boundary.

The site lies within the Chipping Barnet Town Centre, forming part of the secondary shopping frontage. It also lies in an Area of Special Archaeological Interest.

2. Site History

Ref no: 18/6607/FUL (Full Planning Application) & 18/6608/LBC (Listed Building Consent)

Address: 151-153 High Street

Description of development: Demolition and redevelopment of 153 High Street to incorporate retail (Class A1) on the ground floor and 7no. residential units (Class C3) comprising of 5no. apartments and 2no. cottages in a newly-constructed part single, part two and part three storey building including rooms in roofspace and the part-demolition and extension to no.151 to include the change of use of ground floor to retail A1 including single storey front extension, roof extension including 2no. dormer windows to front elevation and 4no. rooflights to rear and conversion of first and second floors into 1no. self-contained duplex flat with new entrance at ground floor level. Removal of AC condenser units from rear elevation and TV aerial from chimney. Alterations to fenestration including conversion of window to door. Associated amenity space, cycle store and refuse/recycling storage, landscaping features, boundary treatments and other supporting infrastructure. Internal alterations to no.151 including replacement of existing internal doors with timber doors, removal of partition wall to kitchen, restoration of panelling, installation of baskets and slips to blocked up fireplaces".

Decision: Refused by the Local Planning Authority 01 May 2019 and subsequently dismissed by the Planning Inspectorate at Appeal (appeal date: APP/N5090/W/19/3232698) in February 2020.

Reasons for refusal

The Local Planning Authority refused the planning application on the following 5 grounds:

1 The proposed re-development of N0.153, including its demolition, would result in the total loss of a non-designated established original heritage asset which makes a positive contribution within this part of the Monken Hadley Conservation Area and in particular to the setting of the adjoining Grade II listed building at N0.151. Given there is an in-principle policy presumption for the protection of such assets the proposal would result in substantial harm to the overall significance, character and coherent appearance of the Grade II listed building and detract significantly from the character and appearance of the Monken Hadley Conservation Area Character Appraisal

Statement. As such, the proposed development would be contrary to policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and paragraph 197 of the NPPF (2019).

2 The proposed development of N0.153 incorporating part single, part two, part three storey building, front dormer windows and single storey shopfront extension would by reason of their size, siting, scale, established building line, unsympathetic modern building design and excessive flat roof form would be harmful to the established historic form of the existing buildings and severely detract from the pre-eminence of the Grade II listed building and its setting, harming its historic significance, and further failing to enhance or preserve the character and appearance of the Monken Hadley Conservation Area. As such, the proposed development would be contrary to policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and paragraph 197 of the NPPF (2019).

3 The proposed alterations to the Grade II listed building (N0.151) including removal of part of the wood panelling at ground floor level and the only surviving ground floor window at front to facilitate the new entrance door would be harmful to the internal fabric of this building and fail to sufficiently preserve or enhance the architectural integrity and special character of the Grade II Listed Building or the character and appearance of this part of the Monken Hadley Conservation Area contrary to policies CS NPPF and CS5 of the Local Plan Core Strategy (2012) and Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (2012).

4 The proposed front dormer additions and associated rooflights within the existing roofscape of the Grade II listed building and the new shopfront extension would be unsympathetically modern design which would be out of keeping with the appearance of this historic listed building. Furthermore, the increased width of the new shopfront extension would further erode the heritage significance of this listed building. As such the proposed alterations would be contrary to policies DM01 and DM06 of the adopted Development Management Policies DPD (2012) and the Monken Hadley Conservation Area Character Appraisal Statement.

5 The proposed two Mews Cottages by reason of their layout, design, proximity to site boundary and poor quality outlook to the front, facing a high security metal fence along Nursery Row, particularly at ground floor level, would provide a poor standard of residential amenity to the detriment of the future occupiers of these residential units contrary to Policies DM01 and DM02, of the Council's Development Management Policies (2012), Policies CS NPPF, CS1 and CS5 of the Council's Core Strategy (2012) as well as the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Reference: B/05304/14
Address: 151-153 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 3 February 2016

Description: Reconstruction of the north end chimney stack and gable and reinstatement of window to the main dwelling. (retrospective listed building consent application)

Reference: N01131U (Planning Application) and N01131V (Listed Building Consent)
Address: 151-153 High Street, Barnet
Decision: Refused
Decision Date: 19 January 1989
Description: Alterations to elevation involving new window

Reference: N01131R
Address: 151 High Street, Barnet
Decision: Refused
Decision Date: 19 August 1987
Description: Change of use of first floor from residential to offices

Reference: N01131S
Address: 151 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 21 October 1987
Description: Internal Alterations

Reference: N01131M
Address: 151-153 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 6 September 1984
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, 3m high fence at side and rear.

Reference: N01131R
Address: 151 High Street Barnet
Decision: Refused
Decision Date: 27/08/1987
Description: Change of use of first floor from residential to offices

Reference: N02231J
Address: 151-153 High Street Barnet
Decision: Approved
Decision Date: 21/12/1983
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131F
Address: 151-153 High Street
Decision: Approved
Decision date: 21/04/1983

Decision: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131E

Address: 151-153 High Street, Barnet

Decision: Approved subject to conditions

Decision Date: 12 April 1983

Description: Double door at front, window at rear, illuminated fascia sign at front, non-illuminated sign at side.

Reference: N01131F

Address: 151-153 High Street, Barnet

Decision: Approved subject to conditions

Decision Date: 21 April 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131H

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 14 September 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131B

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Three-storey building comprising showroom, offices and caretaker's flat

Reference: N01131C

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Demolition of building in Conservation Area

Reference: N01131

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 26 July 1967

Description: Use as betting office

3. Proposal

The proposal comprises of the following works:

- Demolition of the front extension at number 151 High Street;
- Internal and external refurbishment to the Grade II Listed Building at no 151 High Street, including the erection of the front former to this building. With its retention, extensive refurbishment will take place, including the restoration of the front entrance to the front of the building and restoration of wood panelling within the building.
- Refurbishment of no 153 High Street, erection of single storey shopfront extension to make provision for a retail unit; front dormer window and two storey rear extension; The two-storey extension is proposed, which will host 1no. 2-bedroom unit on the ground floor and 2no. 1-bedroom units on the first and second floor, to be accessed via a new entrance hall located off Nursery Row;
- Change of use from car showroom (sui generis) to a 3- bedroom dwelling (Use Class C3);
- Erection of, 2no. two-storey 2-bedroom mews cottages with single-storey rear extensions are proposed, with two associated rear gardens on Nursery Row;
- Overall, the provision makes provision for six residential units comprising 2 x 1 bed; 3 x 2 bed and 1 x 3 bed units; and
- The proposed makes provision for 18 cycle parking spaces (including 6 visitor cycle spaces) and refuse and recycling facilities onsite.

4. Public Consultation

200 Consultation letters were sent to neighbouring properties on 11.06.2020. A site notice was published on 18.06.2020 and advertised in Barnet Times Press.

4no. letters of objections were received by the Local Planning Authority: The objections received can be summarised as follows:

- The design of the proposed mew houses is not in keeping with the existing mid-19th Century cottages along Nursery Row and would not respect the character of Hadley Conservation Area;
- The drawings do not show the proposed light features and the existing streetlights on Nursery Row must be retained for security reasons;
- The outer extent of the retail extension to 153 follows the building line of Hadley Parade to the north. As a result, its front wall is at an angle to the building behind it, giving an irregular shape and this does not respect the alignment of the historic buildings behind and obscures the original road on Nursery Row;
- The application does not include details of the drainage strategy which is important considering sewer drains run diagonally across the site;
- The proximity of the development to property no 149 High Street would be intrusive. Construction works would compromise the quality of outdoor sitting area for the ground floor restaurant at this building;
- There is no demand or need for an additional retail unit on the High Street, as there are several existing empty retail units along High Street. Building an additional retail unit exacerbate the problem of empty retail units along the High Street;

- The proposed development onsite is excessive and would compromise the quality of living accommodation for future residents.
- The proposal does not respect or enhance the character and appearance of the conservation area;
- The site is located in a Conservation Area and Area of Archaeological Importance. The applicant has not submitted archaeological excavation and investigation details or an historic building recording analysis. Both should be submitted in consultation with Historic England;
- The existing daylight and sunlight levels to no 4 Nursery Row would be unduly compromised as a result of the development;
- The proposed cottages would damage the foundations of the neighbouring property directly west at no 4 Nursery Row. The proposed cottage should be set at least one metre away from away from no 4 Nursery Row; and
- The proposed fencing treatment to the frontage of no's 151 and the proposed to paint brickwork white is not in keeping with the character of the Conservation Areas. Design amendments should be sought to improve its relationship with the streetscene and Conservation 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.

Hendon and District Archaeological Society

The site is in an Archaeological Priority Area, and an Archaeological Desk-Based Assessment has been submitted. This should be studied by Historic England who may recommend an archaeological condition. No decision should be taken on the application until their advice has been received.

Consultee Comments

Historic England (Archaeology)

The application lies within the Archaeological Priority Area for the historic town of High Barnet and includes a listed 18th century building. It is supported by both an archaeological desk-based assessment (DBA) considering below ground remains and a heritage statement which touches upon the listed building's archaeological interest.

The development would involve groundworks for new foundations in the undisturbed ground to the rear of the buildings and refurbishment/alterations to the listed building.

English Heritage Archaeology do not object to the proposed development subject to a condition which requires further investigation of the building's historic fabric (including potential to reveal hidden features) and of the potential for buried archaeological remains to the rear. The findings of this investigation shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development onsite. This would be secured by way of a condition.

Historic England (Listed Buildings/Development team)

Historic England have reviewed the proposal and confirm there is no statutory remit to be consulted on this application as the proposed new development does not exceed over 1000sqm in size. On this basis, there is no statutory requirement for Historic England to be consulted or comment on this proposed development.

Internal consultees

LBB Transportation and Development Team

LBB Highways Officers do not object to the proposal, subject to the a S106 Agreement to secure CPZ parking restrictions, and the following conditions:

Conditions

- Demolition and Construction Management Plan
- Refuse and recycling storage (enclosure for storage of refuse and recycling)
- Cycle parking spaces and storage
- "Before" and "after" condition survey of an agreed route to be utilised by all construction traffic.

LBB Environmental Health

The Councils Environment Health team do not raise any formal objections, subject to the following conditions:

- Contamination condition
- Impact of noise on the development
- Noise sound insulation
- Deliveries times
- Non road mobile machinery
- Air Quality Mitigation measures to the habitable residential rooms that face the A1000.

The above would be secured by way of conditions, as set out in the recommendation of this report.

LBB Conservation Team

The Conservation Team have provided more than one set of comments following the submissions of the full planning and listed building consent applications in June 2020. Their initial comments provided on the proposals were as follows:

- 1.The proposed internal and external works to the listed building are acceptable.
- 2.The original showing the existing rear extension at no 151 High merging with the new build extension to create a bathroom to a proposed ground floor flat, accessed via Nursery Row. Conservation Team advised that this single storey rear extension should be refurbished and retained for form part of the proposed single-family dwelling use to this building;
- 3.The rear terrace to the proposed first floor rear extension at 153 High Street should be removed;

4. Rooflights to the front of buildings within Conservation Area are generally discouraged, noting that the two Mews Cottages on Nursery Row contain front rooflights.

5. The fenestration pattern on the upper storeys should replicate the style of the proposed windows at ground floor level to the News Cottages.

6. The proposed ground front extension to no 153 High Street (retail unit) may be difficult to convert to a residential use in the future. A more traditional shopfront would be easier to convert to a residential use.

In response to the comments raised above, the applicant amended the drawings which were subsequently reviewed by the Conservation Team, and confirmed that the amendments had "resolved several of the more significant design issues", in particular points 2-3 set out above had been fully resolved and deemed acceptable.

With reference to points 4-6 set out above, it is important to clarify that the Conservation Team have not raised any formal objections on these matters, instead these were comments for Officer and the applicant to further consider. The Conservation Team are mindful that the Planning Inspectorate, in its decision on the previous application, raised no objections to the proposed roof lights and/or fenestration patterns to the Mews cottages, nor did the inspectorate raise any concerns with regard to the land use for the previously provided ground floor retail use.

The proposed conservation rooflights to the front of the two mew cottages would not have a detrimental to the character and appearance of the Conservation Area, given that Nursery Row is not a prominent street within the Conservation Area. The fenestration detailing to the Mews Houses add visual interest to the overall design quality to these properties, although mindful that these Mews Houses are not highly visible from the streetscene. Moreover, the Mews Houses would be in keeping with the character and appearance on the Conservation Area.

With reference to the proposed front extension, the purpose of this application is to determine the acceptability of the A1 use and design of the shopfront extension. Any other proposals are hypothetical, irrelevant and immaterial to the purposes of considering the merits and determining this subject application.

In light of the above, Officers considered the proposal is acceptable in heritage and design grounds as discussed in detail further in this report.

5 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The 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; 3.3; 3.4; 3.5; 3.6. 3.8; 5.1 5.2 ; 5.3; 5.5; 5.6; 5.12; 5.13 ; 5.14 5.17; 6.3 ;6.9; 6.10 ; 6.11 ; 6.12 ; 6.13 ; 7.1; 7.2 7.3; 7.4 ; 7.5 ; 7.6; 7.8; 7.13 ; 7.14 ; 7.15; 8.2 ; 8.3

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, and capable of being a material consideration, as set in the Draft Replacement London Plan (2017).

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 cannot 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, CS3, CS4, CS5, CS6, CS9 CS12, CS13, CS14.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM14, DM15, DM17

The Council's approach to development 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

- Sustainable Design and Construction SPD (adopted October 2016)
- Residential Design Guidance SPD (adopted October 2016)
- Barnet Characterisation Study
- Monken Hadley Conservation Area Character Appraisal Statement
- Chipping Barnet Town Centre Strategy (June 2013)
- Design Guidance 10: Shopfronts provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

6. Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed development in land use terms;

- Whether harm would be caused to the character and appearance of the Grade II Listed building; the setting of the listed building; Conservation Area and the local locality;
- Whether the quality of the proposed development would provide suitable living conditions for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety;
- Accessibility and Sustainability; and
- Impact on Ecology onsite

Assessment of proposals

-The principle of the proposed development in land use terms

The proposal would result in the change of use of the site from a sui-generis use (car showroom) to a mixed A1 use on the ground floor of 151-153 High Street and a C3 use, in the form of a maisonette within 151 High Street and newly constructed apartments and mews cottages on the remainder of the site. Currently the site is used in conjunction with the car dealership located opposite the site at 202 High Street, providing ancillary showroom space, with the upper floors used as offices, ancillary storage space, meeting space and a staff eating area, although currently it appears to be largely unused other than for ancillary storage.

With regard the principle of changing the use of the site, the first issue to consider is whether the loss of the existing use is acceptable.

Policy CS8 of the Core Strategy (2012) sets out that the Council will support the Borough's economy by protecting viable employment premises and encourage improvements to the quality of existing employments spaces. Policy DM11 (DMP (2012) states that the council will expect a suitable mix of appropriate uses as part of development within Town Centres to support their continued vitality and viability. For mixed use development the protection of employment floorspace should meet the requirements set in Policy DM14; and appropriate mixed-use re-development will be expected to provide re-provision of employment use, residential and community use. Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use. Proposals to redevelop or reuse an existing employment space, which reduces the levels of employment use and impacts negatively on the economy would be resisted.

The proposal would result in a change of use to residential and therefore employment space would be lost. Notwithstanding, the proposed would provide a new retail unit to the front of no 153 High Street, which would create employment opportunity. It is considered that in line with Policy DM11 the change of use of the upper floors to residential could be supported, providing there is no net loss of people employed over the whole site. At present the employment associated with the site is generated from

the car dealership opposite the site and therefore the site on its own does not generate employment. However, that said a separate dealership could operate from the site generating its own employment. It is considered that the overall potential employment generated on site by the proposal would be similar if not greater to that which currently exists. In this instance it is considered that the requirement for marketing information relating to the upper floors for alternative employment uses can be relaxed as they do not provide a separate B1 use.

The advice contained with the revised NPPF (2019) within paragraphs 118 is also of direct relevance and supports the application. It states that "planning policies should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops...)" It goes on to state within paragraph 121 that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. They should support proposals to: ... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;"

In terms of the acceptability of the proposed A1 use this is supported by Policy CS6 and DM11 which indicate that retail uses add to the vibrancy of town centres. The proposal would also reintroduce an A1 use to the existing secondary frontage that currently has a concentration of non-retail uses, which is supported by policy DM11.

With regard the residential use on the site Policy 3.3, London Plan (2016) supports the introduction of residential uses in town centres where appropriate, stating that Boroughs should whilst having regard to other Policies of the Plan realise brownfield development capacity through intensification, mixed-use redevelopment and town centre renewal. Policy CS3 Core Strategy (2012) states that Chipping Barnet Town Centre can provide for infill housing above ground floor commercial development.

Therefore, it is considered that the loss of the existing use would be acceptable, as the scheme would comply with local plan policies by providing an active retail frontage with residential above which would increase residential provision whilst not resulting in a net loss of employment.

With reference to the proposed dwelling mix, the Council's Local Plan documents identify 3-bedroom units as being of the highest priority types of market housing for the Borough (Policy CS4 within Core Strategy & DM08 within the Development Management Document. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8. 2-bedroom units are considered to be of a "medium priority" within the market tenure.

The 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 2 x 1 bedroom (33% of total number of units); 3 x 2 bed units (50% of total number of units) and 1 x 3 bed units (17% of total number of units).

The proposal makes provision for a 3-x bed unit which can house up to 5 persons, which is welcomed by Officers. The proposal makes provision for 8 x 2 beds, which are increasingly considered to provide suitable accommodation for smaller families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment. Furthermore, flatted developments make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land.

Public Benefits associated with the proposed land use

When assessing the proposed changes to land uses, it is important to consider whether the proposal would deliver public benefits to the Borough. The proposal would deliver the following public benefits:

- Demolition of a poor quality and unattractive ground floor front extension and thereby improving the setting of the listed building;
- The Listed Building would be restored and brought back to its original residential use;
- The proposal would deliver much need housing in the borough, including the provision of family housing;
- The existing building at no 153 High Street would be retained and would preserve the proportions, design and relationship of this building with 151 High Street, a listed building;
- The proposal would deliver a new retail unit which is capable of offering up to 4 to 5 Full Time Employment alongside with a retail offer which is limited in this part of the Secondary Shopping Frontage;
- The proposed development would result in the provision of one retail unit which would be capable of offering up to 4 to 5 Full Time Employment alongside a retail offer which is limited in this part of the Secondary Shopping Frontage;
- Future residents occupying the residential units are likely to support local businesses, such as convenience stores, food and drink establishments, retail shops, providing direct and indirect benefits;
- The proposed development is well-located to services and facilities and it would be car-free, with appropriate levels of cycle provision for residents. This would encourage travel by sustainable modes of transport;
- Visitor cycle spaces will be made available to users of the wider High Street community.
- The proposed development incorporates renewable energy generation, reducing the carbon footprint of the development. Other sustainability features to reduce water and energy consumption are incorporated into the proposed development.
- It would improve safety, security and natural surveillance along Nursery Row.

- Whether harm would be caused to the character and appearance of the Grade II Listed building; the setting of the listed building; Conservation Area and the local locality

Policy Context for Listed Buildings

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The NPPF requires the decision maker to have regard for the impact of a proposed development on the significance of a designated heritage asset, affording great weight to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Furthermore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Accordingly, Officers have assessed the proposals in this scheme and consider that the works put forward in this application amount to less than significant harm, which will be outweighed by the benefits of improving the dining experience for future users. As such, the proposed works are considered to be acceptable and ensure the significance of the existing building will be enhanced for the public benefit.

Policy Context for Design quality, Development in Conservation Areas and associated Heritage Assets

Policies 7.4 7.6, 7.8 (of the London Plan 2016) and local plans policies DM01, DM06 and CS05 (both of the Barnet Local Plan) require new developments to respond appropriately to local character and history, and reflect the identity of local surroundings and materials of the local area, relate appropriately to the sites context and provide buildings of the highest architectural quality. The council also has a duty to protect and enhance heritage assets (including listed buildings and CA's) in line with their significance, including the need to preserve and enhance the character and appearance of its Conservation Areas and a presumption of retaining any building which makes a positive contribution to the character and appearance of the CA.

Paragraph 196 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

Monken Hadley Conservation Area is green and leafy in character and remains at a low built density. Its special character stems from development in the 18th and 19th centuries. Approximately a quarter of the land within the Conservation Area is in residential use. The application site lies within Area Four of the Monken Hadley Conservation Area. In contrast to other parts of the Conservation Area, this part of the Conservation Area has a more urban built form, with a tighter, compact grain containing a typical mix of commercial uses as well as residential and religious uses, together with a variety of building styles. Although opposite the site can be found a car showroom with a wide frontage of a modern design and to the rear of the site is found storage/warehousing, in general within the vicinity of the site the area is characterised by relatively modest sized but well-proportioned individual properties that front onto the High Street.

In describing Monken Hadley Conservation Area, A Character Appraisal comments that "there are almost certainly more intrusive features in this area than in any other, due possibly to the greater demand for change and modernisation that occurs in a more commercial environment. There is a great deal of variation of roof and building heights of one and three storeys. This occurs on both sides of the road and the view from the Green end of the High Street in a southerly direction provides an interesting and varied skyline of roof levels and chimneys, as well as a great variety of building styles."

Moreover, in considering new development, the Monken Hadley CA Character Appraisal states that "it is almost never acceptable to demolish buildings which contribute positively to the CA. Even when there is no objection to demolition, it will rarely be considered without a high-quality proposal for its replacement. A new building must respect its context but can be of a traditional style or provide a high-quality contrast. So long as the proposal is well designed and harmonises with its setting it will be looked at positively. Mediocre, purely functional buildings, or buildings which seek only to maximise internal space and pay little or no attention to the requirement for good design, are unlikely to be considered favourably".

- The proposed works at no 151 and 153 High Street and their impacts on the Grade II Listed Building (no 151 High Street) and Monkey Hadley Conservation Area.

In assessing the subject proposal, it is necessary to consider it against the Councils and Planning Inspectorates previous planning decisions. It is also essential to consider the subject proposal on its own merits, as a stand-alone planning application.

The previous planning application (Ref no: 18/6607/FUL) proposed the demolition of the existing building at no 153 High Street and was refused on the grounds that the removal of this non designated heritage asset would have a harmful impact on the

significance, character and coherent appearance of the Grade II listed building and the Conservation Area.

The Planning Inspectorate, in its appeal decision upheld the Councils position and noted that the existing building at no 153 High Street "positive contribution to the character and appearance of the conservation area" and "forms a key component of the setting of the listed building, contributing to its significance". It was concluded that the existing building should be retained.

In response to the previous decisions, the subject proposal involves the retention and refurbishment of the building (non-designated heritage asset) at 153 High Street. The proposed external works to no No.153 High Street include the following:

- Partial demolition and replacement with new-build shopfront;
- Erection of a two-storey rear extension; and
- Change of use from Sui Generis (car dealership) to 5 residential units.

The proposed retention of no 153 High Street is welcomed as it would ensure that the setting of the adjoining listed building at no 151 High Street would not be compromised. Furthermore, it provides an opportunity to both preserve and enhance the immediate setting of the listed building at no.151 and the character and appearance of the conservation area with sensitive modifications which restore the traditional form and proportions of the existing building through the removal of the projecting shopfront, which is an incongruous and unattractive element, as discussed further in this report. The applicant has demonstrated that the previous ground of refusal on this matter has been resolved in this subject planning application.

- The proposed retention and associated extensions at no 153 High Street, and its impacts on the setting of the adjoining Grade II Listed Building at 151 High Street, and the character and appearance of Monken Hadley Conservation Area.

The previous application (Ref no: 18/6607/FUL) proposed the erection of a part single, part two, part three storey building at no 153 High Street, including two large dormer windows to the front elevation; and a single storey shopfront extension to the front of both building at nos 151 and 153 High Street. The application was refused, in part, on the grounds that the size, siting, scale, established building line, unsympathetic modern building design and excessive flat roof form would be harmful to the established historic form of the existing buildings and severely detract from the pre-eminence of the Grade II listed building and its setting, harming its historic significance, and further failing to enhance or preserve the character and appearance of the Monken Hadley Conservation Area

The Planning Inspectorate, in its appeal decision concluded that the overall design of the replacement building, in particular the bulk, scale, roof form and fenestration detailing would be incongruous and would be harmful to the setting of the listed building. The Inspectorate re-emphasised the importance of the existing building at 153 High Street noted that the demolition and replacement building at no 153 High Street would undermine: "the character of the two existing buildings as different but complementary would be fundamentally undermined". The Inspectorate acknowledged that the existing front extension is of limited design merit and does not

contribute positively to the setting of the listed building or the character and appearance of the Conservation Area.

As noted previously, the subject proposal is to retain the existing building at no 153 High Street, and therefore no replacement building is proposed. In response to the Councils and the Planning Inspectorates previous decision, the proposal includes the demolition of the existing unsympathetic single storey front extension which is supported. In contrast to the previous scheme, this proposal presents a shopfront extension which is confined to the frontage of no 153 High Street only and is proportionate to the scale, thereby reducing the impact whilst also enhancing the setting and appearance of the adjoining listed building.

The overall proportions of the street elevation to the existing building at no.153 High Street remain unchanged in order to protect its complementary relationship with the adjoining listed building. The redevelopment of no.153 High Street would have a similarly positive effect on the character and appearance of the conservation area and on the setting of the listed building at no.151, as seen from the High Street.

The proposal two storey extension to the rear of no 153 High Street provides a series of recesses, setbacks and variety of materials which not only creates visual interest, but also ensures that the bulk and massing and is arranged to be lower and narrower than the principal building. The proposed rear addition to no 153 High Street is therefore considered to be proportionate to the arrangement of the existing High Street buildings and would consequently cause no harm to the character or appearance of the conservation area or change to the setting which would cause harm to the significance of the listed building at no.151, particularly as viewed from its most important thoroughfare (High Street). The proposed alterations and extension to no.153 High Street would not physically affect the historic fabric of the listed building at no.151 High Street, as confirmed by the Councils Conservation Team.

Having regard to the above, the subject proposal has successfully addressed the previous concerns raised by both the Council and the Planning Inspectorate. In summary, the proposed works to no 153 High Street would not be harmful to the significance of 151 High Street and the proposal delivers public benefits and would secure the buildings optimum viable use it is considered that consent should be granted in accordance with policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and the NPPF (2019).

- The proposed alterations to no 151 High Street and associated impacts on the architectural interest and special character of this Grade II Listed Building and the character and appearance of Monkey Hadley Conservation Area.

The Council determined that the proposed alterations to the Grade II Listed Building in the previous scheme would have been harmful to its internal fabric and would fail to sufficiently preserve or enhance the architectural integrity and special character of the Grade II Listed Building. These works included the removal of part of the wood panelling at ground floor level and the only surviving ground floor window at front to facilitate the new entrance door.

The Planning Inspectorate broadly agreed with the Councils decision, in particular noting that: "changing the existing window to a partly glazed door the character of the room would change to more of a circulation space, and the light within would be reduced. There would be some harm to the special interest of the listed building as a result". Further, the proposed two large front dormer windows to the listed would have a "less harmful" impact on the building. Nevertheless, Inspectorate noted that "the proposed subdivision of the sashes to the dormers and first floor windows would be appropriate. The attic room would also be lit by a rooflight which would not appear over-sized". Further, "The new residential use of the listed building and the investment in its fabric, including the reinstatement of sash windows and repairs to panelling would be beneficial".

The Councils details on the listed description for the building advises that the rear single storey extension, whose form bears little relation to the original dwelling, does not have the special interest to merit listing. The Inspectorate took an alternative view noting that "the extension is not without heritage value", and thereby the rear extension should remain in situ and remain part of the proposed residential use at no 51 High Street.

Overall, the Inspectorate concluded that the proposal "would not preserve the listed building or its setting and would not preserve or enhance the character and appearance of the conservation area, considered as a whole. The harm to the significance of the designated heritage assets would in each case be less than substantial, mainly because of the existing degree of alteration of the listed building and of No.153 High Street".

In response to the Councils and Planning Inspectorate's decision, the applicant has sought to address the all previous concerns raised on the refurbishment works to the listed building, as part of this subject application.

The proposed external works to the Listed building no 151 High Street now include:

- The change of use and alteration from car showroom (*sui generis*) to single family dwelling house (C3 use);
- Replacement of the projecting shopfront;
- Reconstruction of the front wall, including front door and window to match existing, to restore a traditional composition facing the street;
- Replacement of first-floor 1-over-1 sashes with 6-over-6 sash windows;
- Addition of one, centralised dormer window to the front roof slope and one conservation rooflight to the rear roof slope, and
- Demolition of WC at western end of slate-roofed Victorian lean-to.

The proposed internal works to the Listed building at no 151 High Street include:

- Reopening of two fireplaces and addition of appropriate inserts where missing at ground floor level;
- The removal of mid-20-century part-glazed door in the same room and closing up of the existing (18th-century) opening (existing door frame and architraves retained in-situ);

- Removal of modern internal wall and toilets from slate-roofed Victorian lean-to, at ground floor level;
- Reopening of two fireplaces and addition of appropriate inserts where missing on the upper floors;
- Replacement of moulded 20th-century fire doors with timber panelled doors on the upper floors; and
- Removal of modern internal walls and toilets from modern flat-roofed lean-to and change of use of the attic to residential use.

The heritage significance at no.151 High Street currently lies in its interior, where all features date back to the early 20th Century. The proposals have been designed to respect the remaining historic fabric whilst also improving the building's external appearance and ensuring an appropriate long-term and sustainable use.

The removal of the existing front extension shopfront would increase the visual prominence of the Listed building in the streetscene. New 6-over-6 sashes to be restored to the first floor and the restoration of a centralised subservient dormer window to the roof would enhance the character and appearance of the conservation area. The alterations to the slated Victorian lean-to will have no significant heritage effect, as this much-altered extension has only neutral heritage value.

The Council's Conservation Team have reviewed all the proposed internal and external works to the listed building in detail and are satisfied that the works would not be harmful to the historic integrity and fabric of the building. Conversely, Officers consider that the proposed works to the listed building would significantly improve the contribution this designated heritage asset makes to the streetscene and the Conservation Area.

Having regard to the above, it is evident that the applicant has taken on board the concerns raised in the previous planning application and has addressed them in this subject application. Officers are therefore satisfied that there would be no material harm caused to the designated heritage asset and the proposal would preserve and enhance the architectural integrity and special character of the Grade II Listed Building or the character and appearance of this part of the Monken Hadley Conservation Area in accordance with policies CS NPPF and CS5 of the Local Plan Core Strategy (2012) and Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (2012).

-The impact the proposed dormer windows, rooflights and front shopfront extension has on the Grade II Listed Building at 151 High Street and the Conservation Area.

Dormer windows and rooflights

The previous application was in part refused on the cumulative impact the proposed cumulative impact of the proposed roof dormers at no 151 and 153 High Street would have on the setting, character, and appearance to the listed building at no 151 High Street, and the Conservation Area. The previous proposal included two large front dormer windows to no 151 and a further two front dormer windows to the replacement building at no 153 High Street. The combined impact of four dormer windows to the

front elevation fronting the High Street was considered to be excessive and failed to remain subservient to the respective buildings, and therefore would have had a detrimental impact on the setting of the listed building. Furthermore, the proposed rooflights to the overall development would have been detrimental to the character and appearance of the Conservation Area.

The Inspectorate considered the impact of the front dormer windows and rooflights would be "less than substantial" and advised that "there is a historic precedent for a single dormer window (to the listed building at 151 High Street), but noted that the proposed scale and form of the two dormer buildings to the listed building "would suggest a somewhat greater formality of design than that of the original modest house.

In response to this, the subject proposal includes one small dormer window to no 151 High Street and one small dormer to 153 High Street. The subject proposal comprises a total two proportioned front dormer windows fronting the High Street, in contrast to the previous application, which proposed four large front dormer windows across the roofslopes at no's 151-153 High Street.

The proposed dormer windows under this subject planning application, are traditional in appearance and the materials would largely replicate the original front dormer window that existed in 151 High Street. Both dormer windows are centrally placed on the roofslope, uniform in appearance and would remain subordinate to the existing roofslopes providing symmetry, visual interest and enhance the character and appearance of both heritage assets.

The proposed alterations to the slated roof would not adversely affect the heritage assets and heritage effect, and the new 6-over-6 timber sash windows would be restored at no's 151 High Street which would enhance the character and appearance of the conservation area. Moreover, the proposed Conservation style rooflights across the proposed development are respectful and in keeping with the character and appearance of the Conservation Area.

Single story front extension

The previous planning application included a single storey shopfront which was unsympathetically modern in design and out of keeping with the appearance of this historic listed building, as it extended across the entire frontage at both no's 151-153 High Street, eroding the heritage significance of this listed building.

The Planning Inspectorate reiterated and reinforced the Council's decision noting that "the proposed treatment of the shopfront would be neither fully traditional nor successfully contemporary. The proportions of the glazing topped by a long unbroken length of unmodelled fascia would not provide a convincing design response to the historic context. By extending across the frontage as a continuous horizontal element, the projection would further serve to erode the distinctiveness of the two original buildings".

The subject application proposes a significant reduction to the shop front extension which is confined solely to the front of no 153 only and would remain proportionate to the scale of the building. The shopfront whilst contemporary in appearance and

includes a deep fascia, would nevertheless incorporate traditional shopfront features such as stallrisers and transoms which are welcomed as they would preserve and enhance the character and appearance of the streetscene, the Conservation Area and the setting of the Listed Building at 151 High Street. As such, it is evident that this proposal has resolved the previous grounds for refusal on these matters. The proposal therefore achieves compliance with policies DM01 and DM06 of the adopted Development Management Policies DPD (2012) and the Monken Hadley Conservation Area Character Appraisal Statement.

-Quality of design and standards of accommodation proposed for the two Mews Cottages, and their impact on the character and appearance of the streetscene and the Conservation Area.

The two Mews cottages proposed along Nursery Row were previously considered unacceptable to the Council by reason of their layout, design, proximity to site boundary and poor quality outlook to the front, particularly at ground floor level, would provide a poor standard of residential amenity to the detriment of the future occupiers of these residential units.

The Planning Inspectorate disagreed with the Council's decision and considered the design and quality of the proposed Mew Cottages were acceptable. The Appeal decision set out that the "The main living space would face the rear garden and could be closed off from the front" and "the gardens of the two cottages would be bounded by high walls to the rear. Together with new party wall boundaries, the result should be a 'courtyard garden' effect, which could provide attractive amenity space.". The Inspectorate concluded that "it is unlikely that noise would seriously affect living conditions and the effect on occupiers would not be significantly harmful".

The subject proposal includes two x three storey Mews cottages on Nursery Row, which are respectful to the prevailing heights of buildings in the local area, which broadly range from two to four storeys in height. Further, the design and scale of the mews cottages would have an appropriate relationship with the row of terrace existing properties on Nursery Row. The use of slate roofs and conservation area rooflights to the proposed mews cottages would also have a positive contribution to the Conservation Area. Moreover, the proposed frontage of the mews cottages would feature entrances and openings to make it an active frontage whilst providing natural surveillance to Nursery Row.

Views of the Mews Houses would be limited from around the site. A public view would be gained along parts of St Albans Road and from Nursery Row, Overall, it is considered that the bulk, scale and mass of the three-storey building would be in harmony with the adjoining buildings, given that they are taller and the varied roof profile common in this part of the Conservation Area would be retained.

To reiterate, the Planning Inspectorate did not raise concerns to the previous application, and the concerns which the Council expressed have been successfully addressed. The proposed quality of design and standard of accommodation of the two mews cottages are in accordance policies DM01 and DM02, of the Council's Development Management Policies (2012), Policies CS NPPF, CS1 and CS5 of the

Council's Core Strategy (2012) as well as the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

-Elevation treatment and appearance of the proposed development

With reference to external material finishing to the various parts of the proposed development onsite, the elevation treatments would include white render; painted white brickwork and other brickworks; slate and tile roofing; conservation roof lights; and photovoltaic solar panels; timber sash to the listed building and UPVC windows to other parts of the development; timber and concrete to the rear of the listed building; and triple glazed windows to the shopfront. The execution of these materials to the respective parts of the proposed development would ensure that the appearance of the listed building would be enhanced and that the character and appearance and appearance of the Conservation Area would be preserved. 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.

- Concluding Design and heritage comments

Overall, it is considered that the proposal has successfully addressed all the grounds for refusal under the previous planning application (ref no: 18/6607/FUL - decision date: 1st May 2019). The current subject proposal does not warrant a refusal on design and heritage grounds. Officers are of the opinion that a reason(s) for refusal could not be substantiated on design and/or heritage grounds. Importantly, it must be stressed that the Conservation Team have confirmed that that this proposal is a significant improvement to the previous application and raise no formal objections on the application.

Officers have engaged extensively with the applicant on this application and consider that the proposal would be a positive contribution to the Conservation Area and achieves full compliance with the National Planning Policy Framework (2019); policies 7.4 7.6, 7.8 (of the London Plan 2016); policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (2012); policies DM01, DM02, DM06 of the adopted Development Management Policies DPD (2012) and the as well as the Residential Design Guidance SPD (2016); Sustainable Design and Construction SPD (2016); and the Monken Hadley Conservation Area Character Appraisal Statement.

-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, over-bearing 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:

- No 1 Hadley Parade (directly north of the site)

- No 4 Nursey Row (To the west of the site)
- No 149 Hadley House (directly south of the site)

The BRE Guide considers residential properties as being more important for receiving adequate levels of daylight and sunlight when compared to other buildings such as commercial uses, where the occupants do not have a reasonable expectation of daylight. On that basis, the applicant notes that the identified ground floor windows on the commercial property to the north of the site (1 Hadley Parade) and to the south of the site (149 Hadley House) have not been assessed

1 Hadley Parade

The residential property at 1 Hadley Parade is situated to the north of the proposed site. The applicants assessed confirm that the proposed windows assessed would continue to achieve good daylight and sunlight standards, in accordance with BRE Guidelines.

No 4 Nursery Row

The residential property at 4 Nursey Row is situated to the west of the proposed site. Due to the absence of floor plans, it has been assumed that the ground and first floor windows serve habitable areas. Therefore, all south facing windows have been assessed. The analysis results indicate that all of the assessed windows would continue to receive daylight and sunlight levels in accordance with BRE Guide Guidance. The assessment also notes that proposal would have a negligible impact on the neighbouring gardens at no's 1-43Nursery Row.

Overshadowing

With reference to an overshadowing assessment, the proposed development comprises three amenity areas (each for the mews cottages, as well as garden space for the ground floor apartment). Due to the length and shape of the garden for the end mews cottage (referred to as 5 Nursery Row), it receives very good daylight. The existing mew cottage house at no 6 Nursery Row already has a reduced level of sunlight due to the shadow cast by the existing boundary wall to the south of the property. As such, this property does not receive the full amount of daylight to meet relevant criteria. However, the supporting text to Policy DM11 indicates that amenity levels may be relaxed in town centre locations, and given the units receive some daylight during the middle of the day, the impact is found to be acceptable given the Site's inherent constraints.

Privacy/overlooking

On the southern boundary the site is adjoined by Hadley House, a restaurant which has a garden and terrace area giving rear access to the first floor. A residential flat is located on the upper floors as well as the kitchen and function rooms. The building includes a two-storey rear projection with some flank windows. The proposal includes a windows to bathrooms at ground and first floor on the southern elevation at no 151 High Street which would look directly over the side of Hadley House and only 13 metres would separate the flank walls, however given that the flank windows of Hadley

House light non-habitable room windows this relationship is considered acceptable. The relationship of the flank windows to the restaurant's garden area is considered acceptable given the public use of the garden.

In relation to the northern boundary the proposed flank windows would look over the rear car parking area of Hadley Parade and the first-floor gallery/terraced area which gives access to the individual flats and is used as a terrace. Some of the flank windows of the apartment on the second floor of the proposed block at No. 153 High Street would look directly over this terrace resulting in a loss of privacy. However, these windows have been obscure glazed to prevent overlooking and given that they are secondary windows this is considered an acceptable solution.

With regard the western boundary windows lighting a living/dining room window and a terrace would directly look over the flank wall/roof of Nursery Row so no loss of privacy would result. The other additional windows would light a stairwell which would not result in a loss of privacy. Some of the windows to the listed building which face the rear garden of 6 and 8 St Albans Road already exist and light non-habitable rooms, so this relationship is considered acceptable.

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 standard of accommodation

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 6 units would meet the minimum size standards as set out below:

- 3 bed (5 person) Policy Requirement 93sqm; Proposed: 121 sqm
- 1 bed (2 person) Policy Requirement 50 sqm; Proposed 60 sqm
- 1 bed (2 person) Policy Requirement 50 sqm; Proposed 54 sqm
- 2 bed 3-person Policy Requirement 61sqm; Proposed: 72sqm
- 2 bed (3 person) Policy Requirement 61sqm; Proposed: 72sqm
- 2 bed (3 person) Policy Requirement 70sqm; Proposed 66.8Ssqm

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 (five out of six units or 83 % of the total) are dual aspect, which is welcomed.

Ceiling Heights

The plans indicate that the new build and mews houses provide a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling, as set by the nationally described space standards document (2015). Although the London Plan standard of 2.5 metres which is strongly encouraged is not met, Officers are satisfied the units would provide adequate ceiling heights, especially given the constraints of the site and that the heights of the proposed mews houses and the replacement building at 153 High Street have been designed to tie in with the heights of the adjoining buildings. Furthermore, although the maisonette within the listed building would not meet the standards, with the bedroom in the loft only achieving a maximum height of 2 metres and the ceiling heights in some of the rooms being below the proposed standard, this is considered acceptable given that the ceiling heights are maintaining the existing situation and historic fabric of the building. Listed buildings are also precluded in the need to meet the prescribed standards.

Stacking

The units of the apartment block have been designed so rooms are laid out on a 'like for like' basis on the ground, first and second floor limiting stacking issues between the units. A condition to ensure adequate sound proofing between floors is also proposed to the new build element helping to minimising any noise and disturbance issues.

Daylight/Outlook/Privacy

Section 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states, that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms/kitchens should have reasonable outlook with clear glazed windows. It is considered that all the units would provide a good standard of visual outlook for future occupants.

In terms of outlook all the habitable rooms would receive an adequate view. In the case of the flank window of the second-floor apartment that fronts the High Street, the flank window would need to be obscure glazed to prevent overlooking, however as this is not the sole window to light the room this could be supported. The ground floor lobby/entrance hall of the listed building would have no windows and the only light would be received from the glazed panels in the front door. This on balance is considered acceptable however given the room's use as a ground floor lobby.

A daylight, sunlight and overshadowing Assessment has been submitted with the application. This indicated that all the habitable rooms of the development would meet the Average Daylight Factors criteria. The results of the sunlight analysis found that all of the windows serving main living rooms would comply with the Building Research Establishment Guidance requirements for sunlight. The overshadowing assessment analysis found that only one of the proposed private amenity areas would receive good sunlight levels, with the remaining two gardens receiving reduced sunlight levels,

largely due to the existing tall boundary wall to the south of the site. It is considered that the reduced levels to the rear amenity space would not be so significant to warrant refusal of the application.

Private amenity space provision

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 5sqm of quality, private and usable outdoor amenity space should be provided per habitable room for each apartment and 40 sqm would be required for the cottages. The proposal provides private amenity space is gardens, balconies or terraces.

The proposed private amenity space provision is as follows:

- 3 bed (5 habitable rooms) Policy Requirement 25sqm; Proposed 14 sqm
- 1 bed (2 habitable rooms) Policy Requirement 10 sqm; Proposed 5sqm
- 1 bed (2 person) Policy Requirement 10sqm; Proposed 3 sqm
- 2 bed (3 habitable rooms) Policy Requirement (for Mews cottage) 40 sqm Proposed 42sqm
- 2 bed (3 habitable rooms) Policy Requirement (for Mews cottage) 40 sqm Proposed 24sqm
- 2 bed (3 habitable rooms) Policy Requirement 15sqm; Proposed 24sqm

The amenity space requirement is only met by proposed Cottage A and one of the apartments, although Cottage B also has a garden area, but this is undersized. The garden depth requirement of 10.5 metres would also not be achieved for the cottages. However, given the town centre location, that Monken Hadley Common is located nearby and that with the exception of the maisonette in the listed building, the flats that have no amenity space are one-bedroom non-family flats, it is considered that under these circumstances the lack of provision can be supported.

Importantly, paragraph 2.3. 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. Further, the under provision of private amenity space is outweighed by the public benefit associated with the scheme as set out earlier in this report, including delivery of much needed housing in the borough. 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

The site is located on High Street within a walking distance of town centre location.

The Public Transport Accessibility Level (PTAL) for the site is 3 which is considered as a medium accessibility.

Car parking

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);

The proposed 6 residential units would require parking provision in the range of between 4 to 8 parking spaces. Taking into account the PTAL rating of the site as 3, the parking requirement would approximately 5 parking spaces.

The proposal does not make provision for on site car parking spaces, which therefore does not accord with policy. Notwithstanding, taking the following factors into consideration:

- The site is located in a Town Centre location and with local amenities;
- The site is within a PTAL rating of 3 which is a medium accessibility;
- The site is located within an all-day Controlled Parking Zone (CPZ) C which is in operation from Monday to Saturday 08:00-18:30 with pay by phone parking bays on High Street in the close proximity of the site;

On balance the proposed development would be acceptable on highway ground subject to a CPZ Permit exemption for the occupiers of the new development. This would be secured in a S106 Agreement.

Cycle parking

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

The proposal makes provision for 18 cycle spaces,(including 6 spaces for visitors). Whilst the proposed number of cycle storage spaces would be in accordance with policy, further details on the location of cycle of cycle parking spaces, gaps between stands, and types of stands would need to be submitted to and approved by the Local Planning Authority in writing, prior to the occupation of the development, to be implemented and retained thereafter. This would be secured by way of condition.

Refuse Collection Arrangements

Servicing and deliveries would operate from kerbside as existing, with a recycle and refuse store located in the northeast corner of the site. The Local Highway Authority have confirmed that the proposed refuse storage and collection arrangements are acceptable but require elevations of refuse store, which would be secured by way of condition.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition has been proposed to ensure compliance with these Policies.

The applicant has submitted an Energy and Sustainability report, which demonstrates the sustainability and energy related credentials of the proposed development. The proposed development would meet the requirements,

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 11.49 % CO₂ reduction to comply with building regulations. This is achieved in part due to the inclusion of photovoltaics (solar panels) on the roof of the apartment building. This level of reduction is considered to be the maximum Cos reductions which can be achieved onsite and complies with the requirements of Policy 5.2 of the London Plan.

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

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

Impact of the proposals on Ecology

The applicant has submitted a bat survey in support of the scheme. This concludes that the buildings on the site have a negligible likelihood of supporting roosting bats. Bats are very unlikely to be roosting within these buildings and as such there are not anticipated to be any impacts on bats as a result of the proposed works.

7. 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.

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.

The design of the proposed cottages are of high quality and would be in keeping with the character of the Conservation Area and would be respectful to the existing cottages on Nursery Row. Contemporary styles can be accommodated within a Conservation Area whilst still preserving and enhancing the Conservation Area.

The applicant would be required to undertake a detailed written scheme of archaeological and historic building investigations prior to the commencement of

works onsite. These works can be submitted to and approved by the Local Planning Authority in writing (in consultation with Historic England) prior to the commencement of works onsite. Any further works must be carried out or mitigation measures implemented. This would be secured by way of condition.

The proposal does not involve the removal any existing street lighting on Nursery Row. Conversely, it is proposed to add additional external lighting features to Nursery Row to improve surveillance and security. The applicant would be required to submit details of this lighting strategy for approval to the Local Planning Authority and retained thereafter. This would be secured by way of condition.

The applicant would be required to submit a drainage strategy to the Local Planning Authority for approval and implemented thereafter. This would be secured by way of condition.

An appropriate gap would be retained between the adjoining mews houses which is considered an acceptable separation. Encroachment on the former side path is a private matter and there is no evidence to support the assertion that the constriction of the proposed mews cottages would damage the structural foundations at no 4 Nursery Row.

Retail units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies. A retail use would have a positive contribution to the vitality of the nearby time centre.

It is considered that the alignment of the proposed front extension is acceptable especially given that the current extension breaches the original alignment of the medieval line of the Great North Road, as do other properties. The proposed front extension would not cause obstruction to Nursery Row.

The proposal would not have an imposing or detrimental impact on the visual amenity or general amenity to no's 149 High Street, or any the amenity of surrounding nearby buildings. Whilst construction works may have an impact on noise disturbance to local properties and business, these works would be temporary in nature and restricted to usual working day time hours. Construction works would be mitigation by appropriate conditions.

The applicant has been informed that the colour of the proposed brick to the flank elevations should be of a red/brown colour to match the surrounding buildings in order to preserve or enhance the character of the Conservation Area., as a white/grey brick is not considered to be suitable in this location.

The proposed public benefits of the proposal would outweigh any concerns residents may have with the proposed development.

It is considered that the proposal is of high design quality and would have a positive contribution to local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

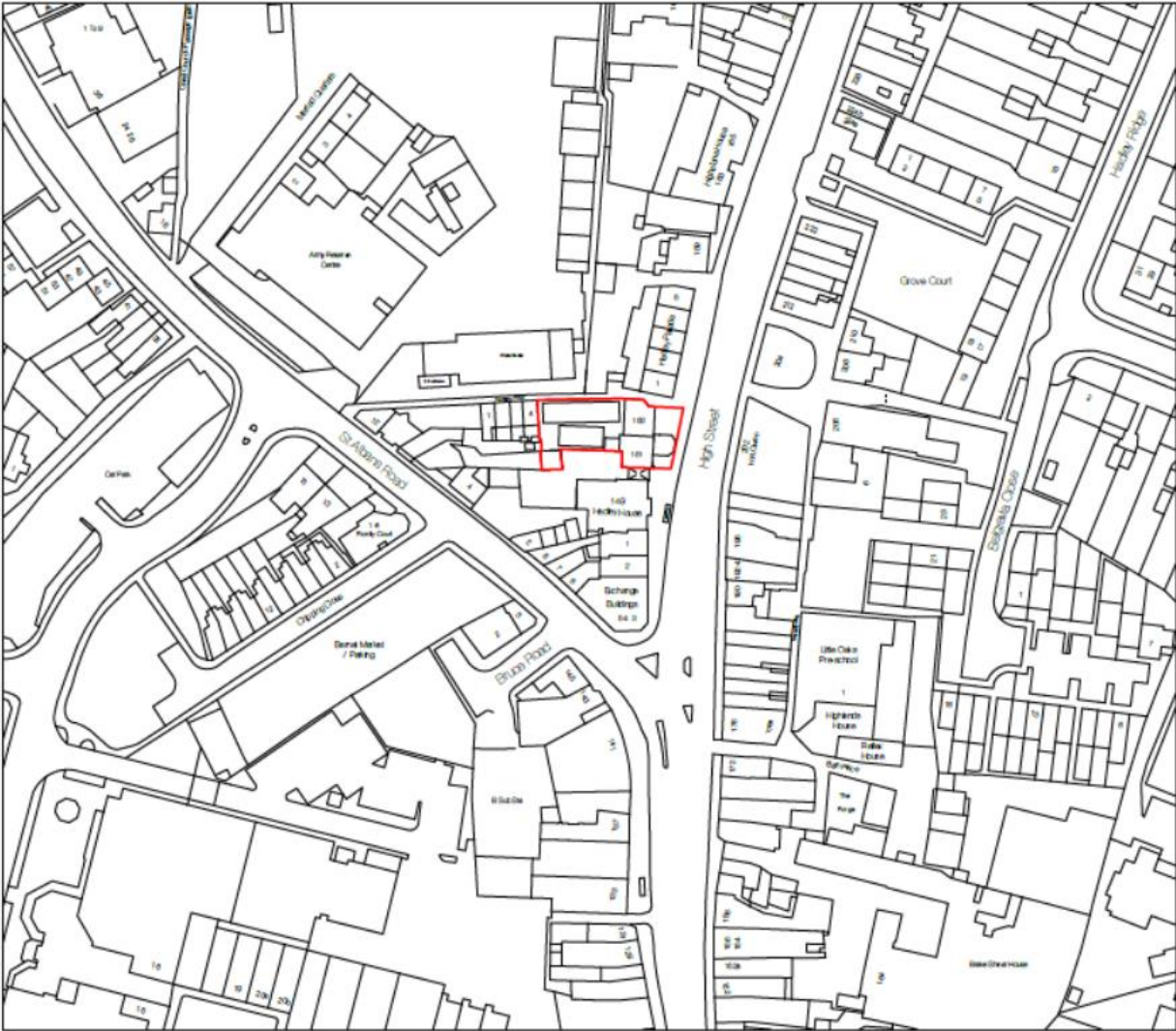
8. Equality and Diversity Issues

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 and completion of a legal agreement.

Site Plan



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Location **151-153 High Street, Barnet, EN5 5SU**

AGENDA ITEM 10

Reference:
20/2484/LBC

| | | |
|-------------------------|-----------|------------|
| Devonshire Metro Ltd | Received: | 04.06.2020 |
| | Accepted: | 04.06.2020 |
| Ward: East Barnet | Expiry | 30.07.2020 |

Applicant:

DMN Homes
Limited

Proposal:

Change of use, refurbishment and extension of 153 High Street from Sui Generis (car dealership) to accommodate retail (Class A1) within an extended ground floor unit and 5 No. residential (Class C3) units (2 No. x 1 bedroom apartments, 1 No. x 2 bedroom apartment, and 2 No. x 2 bed mews cottages) accommodated within a two storey rear extension; part-demolition of 151 High Street front extension and refurbishment and change of use of 151 High Street from Sui Generis (car dealership) to 1 No. x 3 bedroom dwelling house (Class C3) including erection of one front dormer window at roof level, reinstatement of front entrance door, various re-arrangements, internal refurbishments, ancillary development and landscaping. Internal alterations to no.151 including replacement of existing internal doors with timber doors, removal of partition wall to kitchen, restoration of panelling, installation of baskets and slips to blocked up fireplaces

Recommendation: Approve subject to Conditions

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

1.This work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2.The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan (Greenaway Architecture Drawing No: 001, V1);
- Site Plan Existing (Greenaway Architecture Drawing No: 002, V1);
- Ground Floor Existing' (Greenaway Architecture Drawing No: 010, V1);
- First Floor Existing' (Greenaway Architecture Drawing No: 011, V1);
- Second Floor Existing' (Greenaway Architecture Drawing No: 012, V1);
- Roof Plan Existing' (Greenaway Architecture Drawing No: 013, V1);
- Front / East Elevation Existing' (Greenaway Architecture Drawing No: 020, V2);
- Roof / West Elevation Existing' (Greenaway Architecture Drawing No: 021, V2);
- Side / North Elevation Existing' (Greenaway Architecture Drawing No: 022, V2)
- Section AA Existing' (Greenaway Architecture Drawing No: 023, V2);
- Side / South Elevation Existing' (Greenaway Architecture Drawing No: 030, V2);
- Proposed ground floor Drawing number: 100, V9
- Proposed first floor: Drawing number 110, V8
- Proposed second floor Drawing number 120, V6
- Proposed Roof drawing number: 130, V6
- Proposed Front east elevation 200, V3
- Proposed Rear west elevation 210, V4
- Proposed Side north elevation 220, V3
- Proposed Side south elevation 230, V4
- Proposed Section AA 300, V4
- Proposed Section BB 310, V5
- Proposed Massing section 320, V5

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).

3a) 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. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

5a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

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

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

6. Demolition work to 151 High Street (listed building) shall be carried out by hand or by tools held in the hand other than power-driven tools.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with policy DM06 of the Development Management policies DPD (adopted September 2012) and CS NPPF of the London Plan Core Strategy (adopted September 2012).

7a)Precautions shall be taken to secure and protect the interior features of 151 High Street against accidental loss or damage, or the theft during the building work. No development including demolition shall take place until details of such precautions have been submitted to and approved in writing by the Local Planning Authority.

b)No internal features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Local Planning Authority. Particular regard should be given to the original panelling at ground floor and first floor.

c)The development shall thereafter be implemented in accordance with details approved under part a of this condition.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

8 No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

9. No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

10. All new external and internal works and finishes and works of making good to the retained fabric, including new joinery work, shall match the existing adjacent work with regard to the methods used and to material, colour, texture, dimensions and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

11. Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Local Planning Authority notified immediately. Provision shall be made for their retention and/or proper recording, as required by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

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

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

13. No repointing of brickwork is authorised by this consent without prior approval of details. Proposals shall be submitted to and approved by the Council as local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

14. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers drawings and/or a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local planning authority. The relevant work shall be carried out in accordance with such structural engineers drawings and/or method statement thus approved.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

15. All new partitions shall be scribed around existing ornamental mouldings.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies

DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

16. All new external joinery shall be of painted timber.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

17. New windows to the 151 High Street front elevation shall be timber, double-hung, vertical sliding sashes. New windows to 153 High Street shall be timber casement windows.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

18. Details in respect of the following shall be submitted to and approved in writing by the local planning authority before any work is commenced:

- a) Plans, elevations and sections of proposed windows at a scale of 1:10 or 1:5 as appropriate. Plan and section details shall indicate reveal depth.
- b) Moulding profiles of proposed meeting rails, glazing bars, transoms & mullions at a scale of 1:1.
- c) Details of proposed materials; samples and manufacturers specification as appropriate.

Double glazing units with proportions inappropriate to the building period and uPVC windows will not be considered acceptable. The windows shall be installed in accordance with the details so approved in this decision notice and shall be maintained as such thereafter.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

19. Details in respect of the following shall be submitted to and approved in writing by the local planning authority before any work is commenced:

- a) Plans, elevations and sections of existing and proposed windows at a scale of 1:10 or 1:5 as appropriate. Plan and section details shall indicate reveal depth.
- b) Moulding profiles of existing and proposed meeting rails, glazing bars, transoms & mullions at a scale of 1:1.
- c) Details of existing and proposed materials; samples and manufacturers specification as appropriate.

Double glazing units with proportions inappropriate to the building period and uPVC windows will not be considered acceptable. The windows shall be installed in accordance with the details so approved in this decision notice and shall be maintained as such thereafter.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

20. No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

A). The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B). The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF, 7.8 of the London Plan (20126) and DM06 of the Development Management Document (2012) and the Sustainable Design and Construction SPD (2016).

21. No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To enable archaeological investigation and safeguard the archaeological interest on the site in accordance to with paragraph 199 of the National Planning Policy Framework (Revised 2019) policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

22 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).

23. Prior to the commencement of development, any works to strengthen any floors or joists in the listed building including details of any repairs or restoration, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

24. Unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent, original panel doors, architraves and door cases shall be retained in situ and where doors are no longer required to provide access, they shall be fixed shut in their original position. The architraves and door cases shall be maintained as such thereafter.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

25. a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

26. 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).

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

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

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

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

28. The remediation detailed in the report by Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018, 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.

Part 1. A Method Statement detailing the remediation requirements, using the information obtained from the site investigation (Soils Ltd, Reference 17047/MIR Rev 2.00, dated October 2018), 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. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development

Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2016.

29. No works on public highway including provision of a crossover as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

30. 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 the ground floor A1 use; 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 (adopted April 2013) and 7.15 of the London Plan 2016.

31. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance policies 5.3 and 7.14 of the London Plan (2016).

32a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area(s) 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).

33. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area(s) 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).

34 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 by the Local Planning Authority in writing.

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.

35. The use hereby permitted shall not be open to members of the public before 8am or after 9pm on weekdays and Saturdays or before 9am or after 6pm on Sundays and Bank and Public Holidays.

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

36. No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8am or after 7p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

37. The roof of the single storey extension to the proposed cottages and the single storey front extension to 151-153 High Street 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).

Informatives

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.

2. The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

3. The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

4. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

5. 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>.

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 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.

8. The submitted of a Demolition and Construction Management Logistic Plan shall include as a minimum detail the following:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

9. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

Officer's Assessment

1. Site Description

The application site is located on the western side of High Street, Barnet within the Monken Hadley Conservation Area (CA) and comprises two properties; No. 151 High Street, which is a two-storey Grade II Listed Building constructed C1700 and No. 153 High Street, also a two-storey building, attached to No. 151 High Street. No. 153 is not Listed or Locally Listed. Both buildings have been altered and extended from their original construction which includes a single storey front extension, which projects beyond the main front building line of the properties that front the High Street. The buildings are internally linked and are used as a car showroom (Sui Generis) with ancillary storage and offices found on the floors above. To the rear of the buildings is found an associated service area, storage, valet and support area which is covered by plastic canopies to protect the cars. A garage/car port is also found in the south west corner where the site abuts the rear gardens of No. 6 St Albans Road. Access to the rear is gained through the building of No. 153 High Street.

The south of the site is adjoined by Hadley House an extended two/three storey building with rooms in the roof and landscaped terraces/garden to the rear. The property is used as a restaurant with living accommodation on the second floor. To the north the site is separated from the neighbouring properties by the passageway on Nursery Row. To the front of the northern boundary is sited a 1950's three-storey mixed use parade (1-5 Hadley Parade) which comprises commercial units on the ground floor with residential above. It has rear gallery access and parking. Behind this Parade is the Army Reserve Centre where a large warehouse/storage building is located adjacent to the boundary with Nursery Row. To the west of the site is found 1-4 Nursery Row, a two-storey terrace of residential properties with small gardens. The rear gardens of the properties fronting St Albans Road also adjoin the western boundary.

The site lies within the Chipping Barnet Town Centre, forming part of the secondary shopping frontage. It also lies in an Area of Special Archaeological Interest.

2. Site History

Ref no: 18/6607/FUL (Full Planning Application) & 18/6608/LBC (Listed Building Consent)

Address: 151-153 High Street

Description of development: Demolition and redevelopment of 153 High Street to incorporate retail (Class A1) on the ground floor and 7no. residential units (Class C3) comprising of 5no. apartments and 2no. cottages in a newly-constructed part single, part two and part three storey building including rooms in roofspace and the part-demolition and extension to no.151 to include the change of use of ground floor to retail A1 including single storey front extension, roof extension including 2no. dormer windows to front elevation and 4no. rooflights to rear and conversion of first and second floors into 1no. self-contained duplex flat with new entrance at ground floor level. Removal of AC condenser units from rear elevation and TV aerial from chimney. Alterations to fenestration including conversion of window to door. Associated amenity space, cycle store and refuse/recycling storage, landscaping features, boundary treatments and other supporting infrastructure. Internal alterations to no.151 including replacement of existing internal doors with timber doors, removal of partition wall to kitchen, restoration of panelling, installation of baskets and slips to blocked up fireplaces”.

Decision: Refused by the Local Planning Authority 01 May 2019 and subsequently dismissed by the Planning Inspectorate at Appeal (appeal date: APP/N5090/W/19/3232698) in February 2020.

Reasons for refusal

The Local Planning Authority refused the planning application on the following 5 grounds:

1 The proposed re-development of N0.153, including its demolition, would result in the total loss of a non-designated established original heritage asset which makes a positive contribution within this part of the Monken Hadley Conservation Area and in particular to the setting of the adjoining Grade II listed building at N0.151. Given there is an in-principle policy presumption for the protection of such assets the proposal would result in substantial harm to the overall significance, character and coherent appearance of the Grade II listed building and detract significantly from the character and appearance of the Monken Hadley Conservation Area Character Appraisal Statement. As such, the proposed development would be contrary to policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and paragraph 197 of the NPPF (2019).

2 The proposed development of N0.153 incorporating part single, part two, part three storey building, front dormer windows and single storey shopfront extension would by reason of their size, siting, scale, established building line, unsympathetic modern building design and excessive flat roof form would be harmful to the established

historic form of the existing buildings and severely detract from the pre-eminence of the Grade II listed building and its setting, harming its historic significance, and further failing to enhance or preserve the character and appearance of the Monken Hadley Conservation Area. As such, the proposed development would be contrary to policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and paragraph 197 of the NPPF (2019).

3 The proposed alterations to the Grade II listed building (N0.151) including removal of part of the wood panelling at ground floor level and the only surviving ground floor window at front to facilitate the new entrance door would be harmful to the internal fabric of this building and fail to sufficiently preserve or enhance the architectural integrity and special character of the Grade II Listed Building or the character and appearance of this part of the Monken Hadley Conservation Area contrary to policies CS NPPF and CS5 of the Local Plan Core Strategy (2012) and Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (2012).

4 The proposed front dormer additions and associated rooflights within the existing roofscape of the Grade II listed building and the new shopfront extension would be unsympathetically modern design which would be out of keeping with the appearance of this historic listed building. Furthermore, the increased width of the new shopfront extension would further erode the heritage significance of this listed building. As such the proposed alterations would be contrary to policies DM01 and DM06 of DM06 of the adopted Development Management Policies DPD (2012) and the Monken Hadley Conservation Area Character Appraisal Statement.

5 The proposed two Mews Cottages by reason of their layout, design, proximity to site boundary and poor quality outlook to the front, facing a high security metal fence along Nursery Row, particularly at ground floor level, would provide a poor standard of residential amenity to the detriment of the future occupiers of these residential units contrary to Policies DM01 and DM02, of the Council's Development Management Policies (2012), Policies CS NPPF, CS1 and CS5 of the Council's Core Strategy (2012) as well as the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

Reference: B/05304/14

Address: 151-153 High Street, Barnet

Decision: Approved subject to conditions

Decision Date: 3 February 2016

Description: Reconstruction of the north end chimney stack and gable and reinstatement of window to the main dwelling. (retrospective listed building consent application)

Reference: N01131U (Planning Application) and N01131V (Listed Building Consent)

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 19 January 1989

Description: Alterations to elevation involving new window

Reference: N01131R

Address: 151 High Street, Barnet
Decision: Refused
Decision Date: 19 August 1987
Description: Change of use of first floor from residential to offices

Reference: N01131S
Address: 151 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 21 October 1987
Description: Internal Alterations

Reference: N01131M
Address: 151-153 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 6 September 1984
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, 3m high fence at side and rear.

Reference: N01131R
Address: 151 High Street Barnet
Decision: Refused
Decision Date: 27/08/1987
Description: Change of use of first floor from residential to offices

Reference: N02231J
Address: 151-153 High Street Barnet
Decision: Approved
Decision Date: 21/12/1983
Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131F
Address: 151-153 High Street
Decision: Approved
Decision date: 21/04/1983
Decision: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131E
Address: 151-153 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 12 April 1983
Description: Double door at front, window at rear, illuminated fascia sign at front, non-illuminated sign at side.

Reference: N01131F

Address: 151-153 High Street, Barnet
Decision: Approved subject to conditions
Decision Date: 21 April 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131H

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 14 September 1983

Description: Change of use to car showrooms with ancillary offices, formation of parking, storage and car valeting area at rear, alterations to front and rear, new fence at side and rear.

Reference: N01131B

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Three-storey building comprising showroom, offices and caretaker's flat

Reference: N01131C

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 23 June 1982

Description: Demolition of building in Conservation Area

Reference: N01131

Address: 151-153 High Street, Barnet

Decision: Refused

Decision Date: 26 July 1967

Description: Use as betting office

3. Proposal

The proposal comprises of the following works:

- Demolition of the front extension at number 151 High Street;
- Internal and external refurbishment to the Grade II Listed Building at no 151 High Street, including the erection of the front former to this building. With its retention, extensive refurbishment will take place, including the restoration of the front entrance to the front of the building and restoration of wood panelling within the building.
- Refurbishment of no 153 High Street, erection of single storey shopfront extension to make provision for a retail unit; front dormer window and two storey rear extension; The two-storey extension is proposed, which will host 1no. 2-bedroom unit on the ground floor and 2no. 1-bedroom units on the first and second floor, to be accessed via a new entrance hall located off Nursery Row.

- Change of use from car showroom (sui generis) to a 3- bedroom dwelling (Use Class C3)
- Erection of, 2no. two-storey 2-bedroom mews cottages with single-storey rear extensions are proposed, with two associated rear gardens on Nursery Row.
- Overall, the provision makes provision for six residential units comprising 2 x 1 bed; 3 x 2 bed and 1 x 3 bed units.
- The proposed makes provision for 18 cycle parking spaces (including 6 visitor cycle spaces) and refuse and recycling facilities onsite.

4. Public Consultation

A Listed Building Consent site notice published onsite on 18.06.2020 and the application was advertised in the local Press (Barnet Times) on 18.06.2020. There is no neighbour consultation for a Listed Building Consent application, however one objection was received. The objector does acknowledge that the proposal is “*much improved from those refused in 2019*”.

The comments are summarised as follows:

- The site is located in a Conservation Area and Area of Archaeological Importance. The applicant has not submitted archaeological excavation and investigation details or an historic building recording analysis. Both should be submitted in consultation with Historic England.
- The overall design is not in keeping the character and appearance of its local context or the Conservation Area.
- The outer extent of the retail extension to 153 follows the building line of Hadley Parade to the north. As a result, its front wall is at an angle to the building behind it, giving an irregular shape and this does not respect the alignment of the historic buildings behind and obscures the original road on Nursery Row.
- There is no demand or need for an additional retail unit on the High Street, as there are several existing empty retail units along High Street. Building an additional retail unit exacerbate the problem of empty retail units along the High Street.
- The proposed fencing treatment to the frontage of no’s 151 and the proposed to paint brickwork white is not in keeping with the character of the Conservation Areas. Design amendments should be sought to improve its relationship with the streetscene and Conservation 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.

Hendon and District Archaeological Society

The site is in an Archaeological Priority Area, and an Archaeological Desk-Based Assessment has been submitted. This should be studied by Historic England who may recommend an archaeological condition. No decision should be taken on the application until their advice has been received.

Consultee Comments

Historic England (Archaeology)

The application lies within the Archaeological Priority Area for the historic town of High Barnet and includes a listed 18th century building. It is supported by both an archaeological desk-based assessment (DBA) considering below ground remains and a heritage statement which touches upon the listed building's archaeological interest.

The development would involve groundworks for new foundations in the undisturbed ground to the rear of the buildings and refurbishment/alterations to the listed building.

English Heritage Archaeology do not object to the proposed development subject to a condition which requires further investigation of the building's historic fabric (including potential to reveal hidden features) and of the potential for buried archaeological remains to the rear. The findings of this investigation shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of development onsite. This would be secured by way of a condition.

Historic England (Listed Buildings/Development team)

Historic England have reviewed the proposal and confirm there is no statutory remit to be consulted on this application as the proposed new development does not exceed over 1000sqm in size. On this basis, there is no statutory requirement for Historic England to be consulted or comment on this proposed development.

Internal consultees

LBB Transportation and Development Team

LBB Highways Officers do not object to the proposal, subject to the a S106 Agreement to secure CPZ parking restrictions, and the following conditions:

Conditions

- Demolition and Construction Management Plan
- Refuse and recycling storage (enclosure for storage of refuse and recycling)
- Cycle parking spaces and storage
- "Before" and "after" condition survey of an agreed route to be utilised by all construction traffic.

LBB Environmental Health

The Councils Environment Health team do not raise any formal objections, subject to the following conditions:

- Contamination condition

- Impact of noise on the development
- Noise sound insulation
- Deliveries times
- Non road mobile machinery
- Air Quality Mitigation measures to the habitable residential rooms that face the A1000.

The above would be secured by way of conditions, as set out in the recommendation of this report.

LBB Conservation Team

The Conservation Team have provided more than one set of comments following the submissions of the full planning and listed building consent applications in June 2020. Their initial comments provided on the proposals were as follows:

- 1.The proposed internal and external works to the listed building are acceptable.
- 2.The original showing the existing rear extension at no 151 High merging with the new build extension to create a bathroom to a proposed ground floor flat, accessed via Nursery Row. Conservation Team advised that this single storey rear extension should be refurbished and retained for form part of the proposed single-family dwelling use to this building;
- 3.The rear terrace to the proposed first floor rear extension at 153 High Street should be removed;
- 4.Rooflights to the front of buildings within Conservations Area are generally discouraged, noting that the two Mews Cottages on Nursery Row contain front rooflights.
- 5.The fenestration pattern on the upper storeys should replicate the style of the proposed windows at ground floor level to the News Cottages.
- 6.The proposed ground front extension to no 153 High Street (retail unit) may be difficult to convert to a residential use in the future. A more traditional shopfront would be easier to convert to a residential use.

In response to the comments raised above, the applicant amended the drawings which were subsequently reviewed by the Conservation Team, and confirmed that the amendments had "resolved several of the more significant design issues", in particular points 2-3 set out above had been fully resolved and deemed acceptable.

With reference to points 4-6 set out above, it is important to clarify that the Conservation Team have not raised any formal objections on these matters, instead these were comments for Officer and the applicant to further consider. The Conservation Team are mindful that the Planning Inspectorate, in its decision on the previous application, raised no objections to the proposed roof lights and/or fenestration patterns to the Mews cottages, nor did the inspectorate raise any concerns with regard to the land use for the previously provided ground floor retail use.

The proposed conservation rooflights to the front of the two mew cottages would not have a detrimental to the character and appearance of the Conservation Area, given that Nursery Row is not a prominent street within the Conservation Area. The fenestration detailing to the Mews Houses add visual interest to the overall design quality to these properties, although mindful that these Mews Houses are not highly visible from the streetscene. Moreover, the Mews Houses would be in keeping with the character and appearance on the Conservation Area.

With reference to the proposed front extension, the purpose of this application is to determine the acceptability of the A1 use and design of the shopfront extension. Any other proposals are hypothetical, irrelevant and immaterial to the purposes of considering the merits and determining this subject application.

In light of the above, Officers considered the proposal is acceptable in heritage and design grounds as discussed in detail further in this report.

5 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The 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; 3.3; 3.4; 3.5; 3.6. 3.8; 5.1 5.2 ; 5.3; 5.5; 5.6; 5.12; 5.13 ; 5.14 5.17; 6.3 ;6.9; 6.10 ; 6.11 ; 6.12 ; 6.13 ; 7.1; 7.2 7.3; 7.4 ; 7.5 ; 7.6; 7.8; 7.13 ; 7.14 ; 7.15; 8.2 ; 8.3

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, and capable of being a material consideration, as set in the Draft Replacement London Plan (2017).

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 cannot 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, CS3, CS4, CS5, CS6, CS9 CS12, CS13, CS14.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, DM14, DM15, DM17

The Council's approach to development 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

- Sustainable Design and Construction SPD (adopted October 2016)
- Residential Design Guidance SPD (adopted October 2016)
- Barnet Characterisation Study
- Monken Hadley Conservation Area Character Appraisal Statement
- Chipping Barnet Town Centre Strategy (June 2013)
- Design Guidance 10: Shopfronts provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

6. Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed development in land use terms;
- Whether harm would be caused to the character and appearance of the Grade II Listed building; the setting of the listed building; Conservation Area and the local locality;
- Whether the quality of the proposed development would provide suitable living conditions for future occupiers;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highway safety;
- Accessibility and Sustainability; and
- Impact on Ecology onsite

Assessment of proposals

-The principle of the proposed development in land use terms

The proposal would result in the change of use of the site from a sui-generis use (car showroom) to a mixed A1 use on the ground floor of 151-153 High Street and a C3 use, in the form of a maisonette within 151 High Street and newly constructed apartments and mews cottages on the remainder of the site. Currently the site is used in conjunction with the car dealership located opposite the site at 202 High Street, providing ancillary showroom space, with the upper floors used as offices, ancillary storage space, meeting space and a staff eating area, although currently it appears to be largely unused other than for ancillary storage.

With regard the principle of changing the use of the site, the first issue to consider is whether the loss of the existing use is acceptable.

Policy CS8 of the Core Strategy (2012) sets out that the Council will support the Borough's economy by protecting viable employment premises and encourage improvements to the quality of existing employments spaces. Policy DM11 (DMP (2012) states that the council will expect a suitable mix of appropriate uses as part of development within Town Centres to support their continued vitality and viability. For mixed use development the protection of employment floorspace should meet the requirements set in Policy DM14; and appropriate mixed-use re-development will be expected to provide re-provision of employment use, residential and community use. Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use. Proposals to redevelop or reuse an existing employment space, which reduces the levels of employment use and impacts negatively on the economy would be resisted.

The proposal would result in a change of use to residential and therefore employment space would be lost. Notwithstanding, the proposed would provide a new retail unit to the front of no 153 High Street, which would create employment opportunity. It is considered that in line with Policy DM11 the change of use of the upper floors to residential could be supported, providing there is no net loss of people employed over the whole site. At present the employment associated with the site is generated from the car dealership opposite the site and therefore the site on its own does not generate employment. However, that said a separate dealership could operate from the site generating its own employment. It is considered that the overall potential employment generated on site by the proposal would be similar if not greater to that which currently exists. In this instance it is considered that the requirement for marketing information relating to the upper floors for alternative employment uses can be relaxed as they do not provide a separate B1 use.

The advice contained with the revised NPPF (2019) within paragraphs 118 is also of direct relevance and supports the application. It states that "planning policies should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops...)" It goes on to state within paragraph 121 that "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. They should support proposals to: ... use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;"

In terms of the acceptability of the proposed A1 use this is supported by Policy CS6 and DM11 which indicate that retail uses add to the vibrancy of town centres. The proposal would also reintroduce an A1 use to the existing secondary frontage that currently has a concentration of non-retail uses, which is supported by policy DM11.

With regard the residential use on the site Policy 3.3, London Plan (2016) supports the introduction of residential uses in town centres where appropriate, stating that Boroughs should whilst having regard to other Policies of the Plan realise brownfield development capacity through intensification, mixed-use redevelopment and town centre renewal. Policy CS3 Core Strategy (2012) states that Chipping Barnet Town Centre can provide for infill housing above ground floor commercial development.

Therefore, it is considered that the loss of the existing use would be acceptable, as the scheme would comply with local plan policies by providing an active retail frontage with residential above which would increase residential provision whilst not resulting in a net loss of employment.

With reference to the proposed dwelling mix, the Council's Local Plan documents identify 3-bedroom units as being of the highest priority types of market housing for the Borough (Policy CS4 within Core Strategy & DM08 within the Development Management Document. The need for a diverse range of unit sizes is also echoed within the London Plan Policy 3.8. 2-bedroom units are considered to be of a "medium priority" within the market tenure.

The 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 2 x 1 bedroom (33% of total number of units); 3 x 2 bed units (50% of total number of units) and 1 x 3 bed units (17% of total number of units).

The proposal makes provision for a 3-x bed unit which can house up to 5 persons, which is welcomed by Officers. The proposal makes provision for 8 x 2 beds, which are increasingly considered to provide suitable accommodation for smaller families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment. Furthermore, flatted developments make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land.

Public Benefits associated with the proposed land use

When assessing the proposed changes to land uses, it is important to consider whether the proposal would deliver public benefits to the Borough. The proposal would deliver the following public benefits:

- Demolition of a poor quality and unattractive ground floor front extension and thereby improving the setting of the listed building;
- The Listed Building would be restored and brought back to its original residential use;
- The proposal would deliver much need housing in the borough, including the provision of family housing;

- The existing building at no 153 High Street would be retained and would preserve the proportions, design and relationship of this building with 151 High Street, a listed building;
- The proposal would deliver a new retail unit which is capable of offering up to 4 to 5 Full Time Employment alongside with a retail offer which is limited in this part of the Secondary Shopping Frontage;
- The proposed development would result in the provision of one retail unit which would be capable of offering up to 4 to 5 Full Time Employment alongside a retail offer which is limited in this part of the Secondary Shopping Frontage;
- Future residents occupying the residential units are likely to support local businesses, such as convenience stores, food and drink establishments, retail shops, providing direct and indirect benefits;
- The proposed development is well-located to services and facilities and it would be car-free, with appropriate levels of cycle provision for residents. This would encourage travel by sustainable modes of transport;
- Visitor cycle spaces will be made available to users of the wider High Street community.
- The proposed development incorporates renewable energy generation, reducing the carbon footprint of the development. Other sustainability features to reduce water and energy consumption are incorporated into the proposed development.
- It would improve safety, security and natural surveillance along Nursery Row.

- Whether harm would be caused to the character and appearance of the Grade II Listed building; the setting of the listed building; Conservation Area and the local locality

Policy Context for Listed Buildings

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The NPPF requires the decision maker to have regard for the impact of a proposed development on the significance of a designated heritage asset, affording great weight

to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Furthermore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Accordingly, Officers have assessed the proposals in this scheme and consider that the works put forward in this application amount to less than significant harm, which will be outweighed by the benefits of improving the dining experience for future users. As such, the proposed works are considered to be acceptable and ensure the significance of the existing building will be enhanced for the public benefit.

Policy Context for Design quality, Development in Conservation Areas and associated Heritage Assets

Policies 7.4 7.6, 7.8 (of the London Plan 2016) and local plans policies DM01, DM06 and CS05 (both of the Barnet Local Plan) require new developments to respond appropriately to local character and history, and reflect the identity of local surroundings and materials of the local area, relate appropriately to the sites context and provide buildings of the highest architectural quality. The council also has a duty to protect and enhance heritage assets (including listed buildings and CA's) in line with their significance, including the need to preserve and enhance the character and appearance of its Conservation Areas and a presumption of retaining any building which makes a positive contribution to the character and appearance of the CA. Paragraph 196 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

Monken Hadley Conservation Area is green and leafy in character and remains at a low built density. Its special character stems from development in the 18th and 19th centuries. Approximately a quarter of the land within the Conservation Area is in residential use. The application site lies within Area Four of the Monken Hadley Conservation Area. In contrast to other parts of the Conservation Area, this part of the Conservation Area has a more urban built form, with a tighter, compact grain containing a typical mix of commercial uses as well as residential and religious uses, together with a variety of building styles. Although opposite the site can be found a car showroom with a wide frontage of a modern design and to the rear of the site is found storage/warehousing, in general within the vicinity of the site the area is characterised by relatively modest sized but well-proportioned individual properties that front onto the High Street.

In describing Monken Hadley Conservation Area, A Character Appraisal comments that "there are almost certainly more intrusive features in this area than in any other, due possibly to the greater demand for change and modernisation that occurs in a more commercial environment. There is a great deal of variation of roof and building heights of one and three storeys. This occurs on both sides of the road and the view from the Green end of the High Street in a southerly direction provides an interesting

and varied skyline of roof levels and chimneys, as well as a great variety of building styles."

Moreover, in considering new development, the Monken Hadley CA Character Appraisal states that "it is almost never acceptable to demolish buildings which contribute positively to the CA. Even when there is no objection to demolition, it will rarely be considered without a high-quality proposal for its replacement. A new building must respect its context but can be of a traditional style or provide a high-quality contrast. So long as the proposal is well designed and harmonises with its setting it will be looked at positively. Mediocre, purely functional buildings, or buildings which seek only to maximise internal space and pay little or no attention to the requirement for good design, are unlikely to be considered favourably".

- The proposed works at no 151 and 153 High Street and their impacts on the Grade II Listed Building (no 151 High Street) and Monkey Hadley Conservation Area.

In assessing the subject proposal, it is necessary to consider it against the Councils and Planning Inspectorates previous planning decisions. It is also essential to consider the subject proposal on its own merits, as a stand-alone planning application.

The previous applications (Ref no:18/6607/FUL & 18/6608/FUL) proposed the demolition of the existing building at no 153 High Street and was refused on the grounds that the removal of this non designated heritage asset would have a harmful impact on the significance, character and coherent appearance of the Grade II listed building and the Conservation Area.

The Planning Inspectorate, in its appeal decision upheld the Councils position and noted that the existing building at no 153 High Street "positive contribution to the character and appearance of the conservation area" and "forms a key component of the setting of the listed building, contributing to its significance". It was concluded that the existing building should be retained.

In response to the previous decisions, the subject proposal involves the retention and refurbishment of the building (non-designated heritage asset) at 153 High Street. The proposed external works to no No.153 High Street include the following:

- Partial demolition and replacement with new-build shopfront;
- Erection of a two-storey rear extension; and
- Change of use from Sui Generis (car dealership) to 5 residential units.

The proposed retention of no 153 High Street is welcomed as it would ensure that the setting of the adjoining listed building at no 151 High Street would not be compromised. Furthermore, it provides an opportunity to both preserve and enhance the immediate setting of the listed building at no.151 and the character and appearance of the conservation area with sensitive modifications which restore the traditional form and proportions of the existing building through the removal of the projecting shopfront, which is an incongruous and unattractive element, as discussed further in this report. The applicant has demonstrated that the previous ground of refusal on this matter has been resolved in this subject planning application.

- The proposed retention and associated extensions at no 153 High Street, and its impacts on the setting of the adjoining Grade II Listed Building at 151 High Street, and the character and appearance of Monken Hadley Conservation Area.

The previous applications proposed the erection of a part single, part two, part three storey building at no 153 High Street, including two large dormer windows to the front elevation; and a single storey shopfront extension to the front of both building at nos 151 and 153 High Street. The application was refused, in part, on the grounds that the size, siting, scale, established building line, unsympathetic modern building design and excessive flat roof form would be harmful to the established historic form of the existing buildings and severely detract from the pre-eminence of the Grade II listed building and its setting, harming its historic significance, and further failing to enhance or preserve the character and appearance of the Monken Hadley Conservation Area

The Planning Inspectorate, in its appeal decision concluded that the overall design of the replacement building, in particular the bulk, scale, roof form and fenestration detailing would be incongruous and would be harmful to the setting of the listed building. The Inspectorate re-emphasised the importance of the existing building at 153 High Street noted that the demolition and replacement building at no 153 High Street would undermine: "the character of the two existing buildings as different but complementary would be fundamentally undermined". The Inspectorate acknowledged that the existing front extension is of limited design merit and does not contribute positively to the setting of the listed building or the character and appearance of the Conservation Area.

As noted previously, the subject proposal is to retain the existing building at no 153 High Street, and therefore no replacement building is proposed. In response to the Councils and the Planning Inspectorates previous decision, the proposal includes the demolition of the existing unsympathetic single storey front extension which is supported. In contrast to the previous scheme, this proposal presents a shopfront extension which is confined to the frontage of no 153 High Street only and is proportionate to the scale, thereby reducing the impact whilst also enhancing the setting and appearance of the adjoining listed building.

The overall proportions of the street elevation to the existing building at no.153 High Street remain unchanged in order to protect its complementary relationship with the adjoining listed building. The redevelopment of no.153 High Street would have a similarly positive effect on the character and appearance of the conservation area and on the setting of the listed building at no.151, as seen from the High Street.

The proposal two storey extension to the rear of no 153 High Street provides a series of recesses, setbacks and variety of materials which not only creates visual interest, but also ensures that the bulk and massing and is arranged to be lower and narrower than the principal building. The proposed rear addition to no 153 High Street is therefore considered to be proportionate to the arrangement of the existing High Street buildings and would consequently cause no harm to the character or appearance of the conservation area or change to the setting which would cause harm to the significance of the listed building at no.151, particularly as viewed from its most important thoroughfare (High Street). The proposed alterations and extension to

no.153 High Street would not physically affect the historic fabric of the listed building at no.151 High Street, as confirmed by the Councils Conservation Team.

Having regard to the above, the subject proposal has successfully addressed the previous concerns raised by both the Council and the Planning Inspectorate. In summary, the proposed works to no 153 High Street would not be harmful to the significance of 151 High Street and the proposal delivers public benefits and would secure the buildings optimum viable use it is considered that consent should be granted in accordance with policies CS5 of the Local Plan Core Strategy (2012) and policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and the NPPF (2019).

- The proposed alterations to no 151 High Street and associated impacts on the architectural interest and special character of this Grade II Listed Building and the character and appearance of Monkey Hadley Conservation Area.

The Council determined that the proposed alterations to the Grade II Listed Building in the previous scheme would have been harmful to its internal fabric and would fail to sufficiently preserve or enhance the architectural integrity and special character of the Grade II Listed Building. These works included the removal of part of the wood panelling at ground floor level and the only surviving ground floor window at front to facilitate the new entrance door.

The Planning Inspectorate broadly agreed with the Councils decision, in particular noting that: "changing the existing window to a partly glazed door the character of the room would change to more of a circulation space, and the light within would be reduced. There would be some harm to the special interest of the listed building as a result". Further, the proposed two large front dormer windows to the listed would have a "less harmful" impact on the building. Nevertheless, Inspectorate noted that "the proposed subdivision of the sashes to the dormers and first floor windows would be appropriate. The attic room would also be lit by a rooflight which would not appear over-sized". Further, "The new residential use of the listed building and the investment in its fabric, including the reinstatement of sash windows and repairs to panelling would be beneficial".

The Councils details on the listed description for the building advises that the rear single storey extension, whose form bears little relation to the original dwelling, does not have the special interest to merit listing. The Inspectorate took an alternative view noting that "the extension is not without heritage value", and thereby the rear extension should remain in situ and remain part of the proposed residential use at no 51 High Street.

Overall, the Inspectorate concluded that the proposal "would not preserve the listed building or its setting and would not preserve or enhance the character and appearance of the conservation area, considered as a whole. The harm to the significance of the designated heritage assets would in each case be less than substantial, mainly because of the existing degree of alteration of the listed building and of No.153 High Street".

In response to the Councils and Planning Inspectorate's decision, the applicant has sought to address the all previous concerns raised on the refurbishment works to the listed building, as part of this subject application.

The proposed external works to the Listed building no 151 High Street now include:

- The change of use and alteration from car showroom (sui generis) to single family dwelling house (C3 use);
- Replacement of the projecting shopfront;
- Reconstruction of the front wall, including front door and window to match existing, to restore a traditional composition facing the street;
- Replacement of first-floor 1-over-1 sashes with 6-over-6 sash windows;
- Addition of one, centralised dormer window to the front roof slope and one conservation rooflight to the rear roof slope, and
- Demolition of WC at western end of slate-roofed Victorian lean-to.

The proposed internal works to the Listed building at no 151 High Street include:

- Reopening of two fireplaces and addition of appropriate inserts where missing at ground floor level;
- The removal of mid-20-century part-glazed door in the same room and closing up of the existing (18th-century) opening (existing door frame and architraves retained in-situ);
- Removal of modern internal wall and toilets from slate-roofed Victorian lean-to, at ground floor level;
- Reopening of two fireplaces and addition of appropriate inserts where missing on the upper floors;
- Replacement of moulded 20th-century fire doors with timber panelled doors on the upper floors; and
- Removal of modern internal walls and toilets from modern flat-roofed lean-to and change of use of the attic to residential use.

The heritage significance at no.151 High Street currently lies in its interior, where all features date back to the early 20th Century. The proposals have been designed to respect the remaining historic fabric whilst also improving the building's external appearance and ensuring an appropriate long-term and sustainable use.

The removal of the existing front extension shopfront would increase the visual prominence of the Listed building in the streetscene. New 6-over-6 sashes to be restored to the first floor and the restoration of a centralised subservient dormer window to the roof would enhance the character and appearance of the conservation area. The alterations to the slated Victorian lean-to will have no significant heritage effect, as this much-altered extension has only neutral heritage value.

The Councils Conservation Team have reviewed all the proposed internal and external works to the listed building in detail and are satisfied that the works would not be harmful to the historic integrity and fabric of the building. Conversely, Officers consider that the proposed works to the listed building would significantly improve the

contribution this designated heritage asset makes to the streetscene and the Conservation Area.

Having regard to the above, it is evident that the applicant has taken on board the concerns raised in the previous planning application and has addressed them in this subject application. Officers are therefore satisfied that there would be no material harm caused to the designated heritage asset and the proposal would preserve and enhance the architectural integrity and special character of the Grade II Listed Building or the character and appearance of this part of the Monken Hadley Conservation Area in accordance with policies CS NPPF and CS5 of the Local Plan Core Strategy (2012) and Policies DM01 and DM06 of the Local Plan Development Management Policies DPD (2012).

-The impact the proposed dormer windows, rooflights and front shopfront extension has on the Grade II Listed Building at 151 High Street and the Conservation Area.

Dormer windows and rooflights

The previous application was in part refused on the cumulative impact the proposed cumulative impact of the proposed roof dormers at no 151 and 153 High Street would have on the setting, character, and appearance to the listed building at no 151 High Street, and the Conservation Area. The previous proposal included two large front dormer windows to no 151 and a further two front dormer windows to the replacement building at no 153 High Street. The combined impact of four dormer windows to the front elevation fronting the High Street was considered to be excessive and failed to remain subservient to the respective buildings, and therefore would have had a detrimental impact on the setting of the listed building. Furthermore, the proposed rooflights to the overall development would have been detrimental to the character and appearance of the Conservation Area.

The Inspectorate considered the impact of the front dormer windows and rooflights would be "less than substantial" and advised that "there is a historic precedent for a single dormer window (to the listed building at 151 High Street), but noted that the proposed scale and form of the two dormer buildings to the listed building "would suggest a somewhat greater formality of design than that of the original modest house.

In response to this, the subject proposal includes one small dormer windows to no 151 High Street and one small dormer to 153 High Street. The subject proposal comprises a total two proportioned front dormer windows fronting the High Street, in contrast to the previous application, which proposed four large front dormer windows across the roofslopes at no's 151-153 High Street.

The proposed dormer windows under this subject planning application, are traditional in appearance and the materials would largely replicate the original front dormer window that existed in 151 High Street. Both dormer windows are centrally placed on the roofslope, uniform in appearance and would remain subordinate to the existing roofslopes providing symmetry, visual interest and enhance the character and appearance of both heritage asserts.

The proposed alterations to the slated roof would not adversely on the heritage assets and heritage effect, and the new 6-over-6 timber sash windows would be restored at no's 151 High Street which would enhance the character and appearance of the conservation area. Moreover, the proposed Conservation style rooflights across the proposed development are respectful and in keeping with the character and appearance of the Conservation Area.

Single story front extension

The previous planning application included a single storey shopfront which was unsympathetically modern in design and out of keeping with the appearance of this historic listed building, as it extended across the entire frontage at both no's 151-153 High Street, eroding the heritage significance of this listed building.

The Planning Inspectorate reiterated and reinforced the Councils decision noting that "the proposed treatment of the shopfront would be neither fully traditional nor successfully contemporary. The proportions of the glazing topped by a long unbroken length of unmodelled fascia would not provide a convincing design response to the historic context. By extending across the frontage as a continuous horizontal element, the projection would further serve to erode the distinctiveness of the two original buildings".

The subject application proposes a significant reduction to the shop front extension which is confined solely to the front of no 153 only and would remain proportionate to the scale of the building. The shopfront whilst contemporary in appearance and includes a deep fascia, would nevertheless incorporate traditional shopfront features such as stallrisers and transoms which are welcomed as they would preserve and enhance the character and appearance of the streetscene, the Conservation Area and the setting of the Listed Building at 151 High Street. As such, it is evident that this proposal has resolved the previous grounds for refusal on these matters. The proposal therefore achieves compliance with policies DM01 and DM06 of the adopted Development Management Policies DPD (2012) and the Monken Hadley Conservation Area Character Appraisal Statement.

-Quality of design and standards of accommodation proposed for the two Mews Cottages, and their impact on the character and appearance of the streetscene and the Conservation Area.

The two Mews cottages proposed along Nursery Row were previously considered unacceptable to the Council by reason of their layout, design, proximity to site boundary and poor quality outlook to the front, particularly at ground floor level, would provide a poor standard of residential amenity to the detriment of the future occupiers of these residential units.

The Planning Inspectorate disagreed with the Councils decision and considered the design and quality of the proposed Mew Cottages were acceptable. The Appeal decision set out that the "The main living space would face the rear garden and could be closed off from the front" and "the gardens of the two cottages would be bounded by high walls to the rear. Together with new party wall boundaries, the result should be a 'courtyard garden' effect, which could provide attractive amenity space.". The

Inspectorate concluded that "it is unlikely that noise would seriously affect living conditions and the effect on occupiers would not be significantly harmful".

The subject proposal includes 2no x three storey Mews cottages on Nursery Row, which are respectful to the prevailing heights of buildings in the local area, which broadly range from two to four storeys in height. Further, the design and scale of the mews cottages would have an appropriate relationship with the row of terrace existing properties on Nursery Row. The use of slate roofs and conservation area rooflights to the proposed mews cottages would also have a positive contribution to the Conservation Area. Moreover, the proposed frontage of the mews cottages would feature entrances and openings to make it an active frontage whilst providing natural surveillance to Nursery Row.

Views of the Mews Houses would be limited from around the site. A public view would be gained along parts of St Albans Road and from Nursery Row, Overall, it is considered that the bulk, scale and mass of the three-storey building would be in harmony with the adjoining buildings, given that they are taller and the varied roof profile common in this part of the Conservation Area would be retained.

To reiterate, the Planning Inspectorate did not raise concerns to the previous application, and the concerns which the Council expressed have been successfully addressed. The proposed quality of design and standard of accommodation of the two mews cottages are in accordance policies DM01 and DM02, of the Council's Development Management Policies (2012), Policies CS NPPF, CS1 and CS5 of the Council's Core Strategy (2012) as well as the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

-Elevation treatment and appearance of the proposed development

With reference to external material finishing to the various parts of the proposed development onsite, the elevation treatments would include white render; painted white brickwork and other brickworks; slate and tile roofing; conservation roof lights; and photovoltaic solar panels; timber sash to the listed building and UPVC windows to other parts of the development; timber and concrete to the rear of the listed building; and triple glazed windows to the shopfront. The execution of these materials to the respective parts of the proposed development would ensure that the appearance of the listed building would be enhanced and that the character and appearance and appearance of the Conservation Area would be preserved. 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.

- Concluding Design and heritage comments

Overall, it is considered that the proposal has successfully addressed all the grounds for refusal under the previous planning application (ref no: 18/6607/FUL - decision date: 1st May 2019. The current subject proposal does not warrant a refusal on design and heritage grounds. Officers are of the opinion that a reason(s) for refusal could not be substantiated on design and/or heritage grounds. Importantly, it must be stressed that the Conservation Team have confirmed that that this proposal is a significant

improvement to the previous application and raise no formal objections on the application.

The applicant would be required to adhere to the listed building conditions set out earlier in this report, in order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Officers have engaged extensively with the applicant on this application and consider that the proposal would be a positive contribution to the Conservation Area and achieves full compliance with the National Planning Policy Framework (2019); policies 7.4 7.6, 7.8 (of the London Plan 2016); policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (2012); policies DM01, DM02, DM06 of the adopted Development Management Policies DPD (2012) and the as well as the Residential Design Guidance SPD (2016); Sustainable Design and Construction SPD (2016); and the Monken Hadley Conservation Area Character Appraisal Statement.

Officers have engaged extensively with the applicant on this application and consider that the proposal would be a positive contribution to the Conservation Area and achieves full compliance with the National Planning Policy Framework (2019); policies 7.4 7.6, 7.8 (of the London Plan 2016); policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (2012); policies DM01, DM02, DM06 of the adopted Development Management Policies DPD (2012) and the as well as the Residential Design Guidance SPD (2016); Sustainable Design and Construction SPD (2016); and the Monken Hadley Conservation Area Character Appraisal Statement.

-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, over-bearing 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:

- No 1 Hadley Parade (directly north of the site)
- No 4 Nursey Row (To the west of the site)
- No 149 Hadley House (directly south of the site)

The BRE Guide considers residential properties as being more important for receiving adequate levels of daylight and sunlight when compared to other buildings such as commercial uses, where the occupants do not have a reasonable expectation of daylight. On that basis, the applicant notes that the identified ground floor windows on the commercial property to the north of the site (1 Hadley Parade) and to the south of the site (149 Hadley House) have not been assessed

1 Hadley Parade

The residential property at 1 Hadley Parade is situated to the north of the proposed site. The applicants assessed confirm that the proposed windows assessed would continue to achieve good daylight and sunlight standards, in accordance with BRE Guidelines.

No 4 Nursery Row

The residential property at 4 Nursey Row is situated to the west of the proposed site. Due to the absence of floor plans, it has been assumed that the ground and first floor windows serve habitable areas. Therefore, all south facing windows have been assessed. The analysis results indicate that all of the assessed windows would continue to receive daylight and sunlight levels in accordance with BRE Guide Guidance. The assessment also notes that proposal would have a negligible impact on the neighbouring gardens at no's 1-43Nursery Row.

Overshadowing

With reference to an overshadowing assessment, the proposed development comprises three amenity areas (each for the mews cottages, as well as garden space for the ground floor apartment). Due to the length and shape of the garden for the end mews cottage (referred to as 5 Nursery Row), it receives very good daylight. The existing mew cottage house at no 6 Nursery Row already has a reduced level of sunlight due to the shadow cast by the existing boundary wall to the south of the property. As such, this property does not receive the full amount of daylight to meet relevant criteria. However, the supporting text to Policy DM11 indicates that amenity levels may be relaxed in town centre locations, and given the units receive some daylight during the middle of the day, the impact is found to be acceptable given the Site's inherent constraints.

Privacy/overlooking

On the southern boundary the site is adjoined by Hadley House, a restaurant which has a garden and terrace area giving rear access to the first floor. A residential flat is located on the upper floors as well as the kitchen and function rooms. The building includes a two-storey rear projection with some flank windows. The proposal includes a windows to bathrooms at ground and first floor on the southern elevation at no 151 High Street which would look directly over the side of Hadley House and only 13 metres would separate the flank walls, however given that the flank windows of Hadley House light non-habitable room windows this relationship is considered acceptable. The relationship of the flank windows to the restaurant's garden area is considered acceptable given the public use of the garden.

In relation to the northern boundary the proposed flank windows would look over the rear car parking area of Hadley Parade and the first-floor gallery/terraced area which gives access to the individual flats and is used as a terrace. Some of the flank windows of the apartment on the second floor of the proposed block at No. 153 High Street would look directly over this terrace resulting in a loss of privacy. However, these

windows have been obscure glazed to prevent overlooking and given that they are secondary windows this is considered an acceptable solution.

With regard the western boundary windows lighting a living/dining room window and a terrace would directly look over the flank wall/roof of Nursery Row so no loss of privacy would result. The other additional windows would light a stairwell which would not result in a loss of privacy. Some of the windows to the listed building which face the rear garden of 6 and 8 St Albans Road already exist and light non-habitable rooms, so this relationship is considered acceptable.

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 standard of accommodation

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 6 units would meet the minimum size standards as set out below:

- 3 bed (5 person) Policy Requirement 93sqm; Proposed: 121 sqm
- 1 bed (2 person) Policy Requirement 50 sqm; Proposed 60 sqm
- 1 bed (2 person) Policy Requirement 50 sqm; Proposed 54 sqm
- 2 bed 3-person Policy Requirement 61sqm; Proposed: 72sqm
- 2 bed (3 person) Policy Requirement 61sqm; Proposed: 72sqm
- 2 bed (3 person) Policy Requirement 70sqm; Proposed 66.8Ssqm

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 (five out of six units or 83 % of the total) are dual aspect, which is welcomed.

Ceiling Heights

The plans indicate that the new build and mews houses provide a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling, as set by the nationally described space standards document (2015). Although the London Plan standard of 2.5 metres which is strongly encouraged is not met, Officers are

satisfied the units would provide adequate ceiling heights, especially given the constraints of the site and that the heights of the proposed mews houses and the replacement building at 153 High Street have been designed to tie in with the heights of the adjoining buildings. Furthermore, although the maisonette within the listed building would not meet the standards, with the bedroom in the loft only achieving a maximum height of 2 metres and the ceiling heights in some of the rooms being below the proposed standard, this is considered acceptable given that the ceiling heights are maintaining the existing situation and historic fabric of the building. Listed buildings are also precluded in the need to meet the prescribed standards.

Stacking

The units of the apartment block have been designed so rooms are laid out on a 'like for like' basis on the ground, first and second floor limiting stacking issues between the units. A condition to ensure adequate sound proofing between floors is also proposed to the new build element helping to minimising any noise and disturbance issues.

Daylight/Outlook/Privacy

Section 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states, that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms/kitchens should have reasonable outlook with clear glazed windows. It is considered that all the units would provide a good standard of visual outlook for future occupants.

In terms of outlook all the habitable rooms would receive an adequate view. In the case of the flank window of the second-floor apartment that fronts the High Street, the flank window would need to be obscure glazed to prevent overlooking, however as this is not the sole window to light the room this could be supported. The ground floor lobby/entrance hall of the listed building would have no windows and the only light would be received from the glazed panels in the front door. This on balance is considered acceptable however given the room's use as a ground floor lobby.

A daylight, sunlight and overshadowing Assessment has been submitted with the application. This indicated that all the habitable rooms of the development would meet the Average Daylight Factors criteria. The results of the sunlight analysis found that all of the windows serving main living rooms would comply with the Building Research Establishment Guidance requirements for sunlight. The overshadowing assessment analysis found that only one of the proposed private amenity areas would receive good sunlight levels, with the remaining two gardens receiving reduced sunlight levels, largely due to the existing tall boundary wall to the south of the site. It is considered that the reduced levels to the rear amenity space would not be so significant to warrant refusal of the application.

Private amenity space provision

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 5sqm of quality, private and usable outdoor amenity space should be provided per habitable

room for each apartment and 40 sqm would be required for the cottages. The proposal provides private amenity space in gardens, balconies or terraces.

The proposed private amenity space provision is as follows:

- 3 bed (5 habitable rooms) Policy Requirement 25sqm; Proposed 14 sqm
- 1 bed (2 habitable rooms) Policy Requirement 10 sqm; Proposed 5sqm
- 1 bed (2 person) Policy Requirement 10sqm; Proposed 3 sqm
- 2 bed (3 habitable rooms) Policy Requirement (for Mews cottage) 40 sqm Proposed 42sqm
- 2 bed (3 habitable rooms) Policy Requirement (for Mews cottage) 40 sqm Proposed 24sqm
- 2 bed (3 habitable rooms) Policy Requirement 15sqm; Proposed 24sqm

The amenity space requirement is only met by proposed Cottage A and one of the apartments, although Cottage B also has a garden area, but this is undersized. The garden depth requirement of 10.5 metres would also not be achieved for the cottages. However, given the town centre location, that Monken Hadley Common is located nearby and that with the exception of the maisonette in the listed building, the flats that have no amenity space are one-bedroom non-family flats, it is considered that under these circumstances the lack of provision can be supported.

Importantly, paragraph 2.3. 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. Further, the under provision of private amenity space is outweighed by the public benefit associated with the scheme as set out earlier in this report, including delivery of much needed housing in the borough. 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

The site is located on High Street within a walking distance of town centre location.

The Public Transport Accessibility Level (PTAL) for the site is 3 which is considered as a medium accessibility.

Car parking

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);

The proposed 6 residential units would require parking provision in the range of between 4 to 8 parking spaces. Taking into account the PTAL rating of the site as 3, the parking requirement would approximately 5 parking spaces.

The proposal does not make provision for on site car parking spaces, which therefore does not accord with policy. Notwithstanding, taking the following factors into consideration:

- The site is located in a Town Centre location and with local amenities;
- The site is within a PTAL rating of 3 which is a medium accessibility;
- The site is located within an all-day Controlled Parking Zone (CPZ) C which is in operation from Monday to Saturday 08:00-18:30 with pay by phone parking bays on High Street in the close proximity of the site;

On balance the proposed development would be acceptable on highway ground subject to a CPZ Permit exemption for the occupiers of the new development. This would be secured in a S106 Agreement.

Cycle parking

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

The proposal makes provision for 18 cycle spaces,(including 6 spaces for visitors). Whilst the proposed number of cycle storage spaces would be in accordance with policy, further details on the location of cycle of cycle parking spaces, gaps between stands, and types of stands would need to be submitted to and approved by the Local Planning Authority in writing, prior to the occupation of the development, to be implemented and retained thereafter. This would be secured by way of condition.

Refuse Collection Arrangements

Servicing and deliveries would operate from kerbside as existing, with a recycle and refuse store located in the northeast corner of the site. The Local Highway Authority have confirmed that the proposed refuse storage and collection arrangements are acceptable but require elevations of refuse store, which would be secured by way of condition.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition has been proposed to ensure compliance with these Policies.

The applicant has submitted an Energy and Sustainability report, which demonstrates the sustainability and energy related credentials of the proposed development. The proposed development would meet the requirements,

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 11.49 % CO₂ reduction to comply with building regulations. This is achieved in part due to the inclusion of photovoltaics (solar panels) on the roof of the apartment building. This level of reduction is considered to be the maximum CO₂ reductions which can be achieved onsite and complies with the requirements of Policy 5.2 of the London Plan.

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

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

Impact of the proposals on Ecology

The applicant has submitted a bat survey in support of the scheme. This concludes that the buildings on the site have a negligible likelihood of supporting roosting bats. Bats are very unlikely to be roosting within these buildings and as such there are not anticipated to be any impacts on bats as a result of the proposed works.

7. 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.

It is 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.

Retail units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies. A retail use would have a positive contribution to the vitality of the nearby time centre.

It is considered that the alignment of the proposed front extension is acceptable especially given that the current extension breaches the original alignment of the medieval line of the Great North Road, as do other properties. The proposed front extension would not cause obstruction to Nursery Row. The shape, form, siting of the retail extension is considered to be acceptable. The proposed fencing for the curtilage of the front of 151 High Street is refined and not imposing and would not detract from the listed building. The proposal is considered to be respectful of the siting of building line of its historical context and given the fencing is lower rise and non-expansive, it is not considered to have a negative or awkward impact on the original road layout would not have a negative impact on the visibility. Conversely, the proposed front extension would enhance the character and appearance of the Conservation area and setting of the listed building at no 151 High Street. Contemporary styles can be accommodated

within a Conservation Area whilst still preserving and enhancing the Conservation Area.

It is accepted that 151-153 High Street form a terrace representing the point where the old route of the Great North Road was diverted, however No. 153 High Street has been substantially unsympathetically altered and the benefits gained from the proposed scheme would on balance allow for its loss.

It is considered that the alignment of the proposed front extension is acceptable especially given that the current extension breaches the original alignment of the medieval line of the Great North Road, as do other properties.

The applicant would be required to undertake a detailed written scheme of archaeological and historic building investigations prior to the commencement of works onsite. These works can be submitted to and approved by the Local Planning Authority in writing (in consultation with Historic England) prior to the commencement of works onsite. Any further works must be carried out or mitigation measures implemented. This would be secured by way of condition.

The purpose of this application is to assess what has been submitted, rather than an alternative scheme recommended by an objector. It is considered that the subject proposal would ensure that the character and appearance of the listed building would be enhanced. It is also considered that the proposed works elsewhere onsite would not have a negative or detrimental impact on the setting of the listed building or the Conservation Area.

The proposed public benefits of the proposal would outweigh any concerns residents may have with the proposed development.

Overall, the proposal is of high design quality and would have a positive contribution to the integrity of the listed building, setting of the listed building and the Conservation Area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

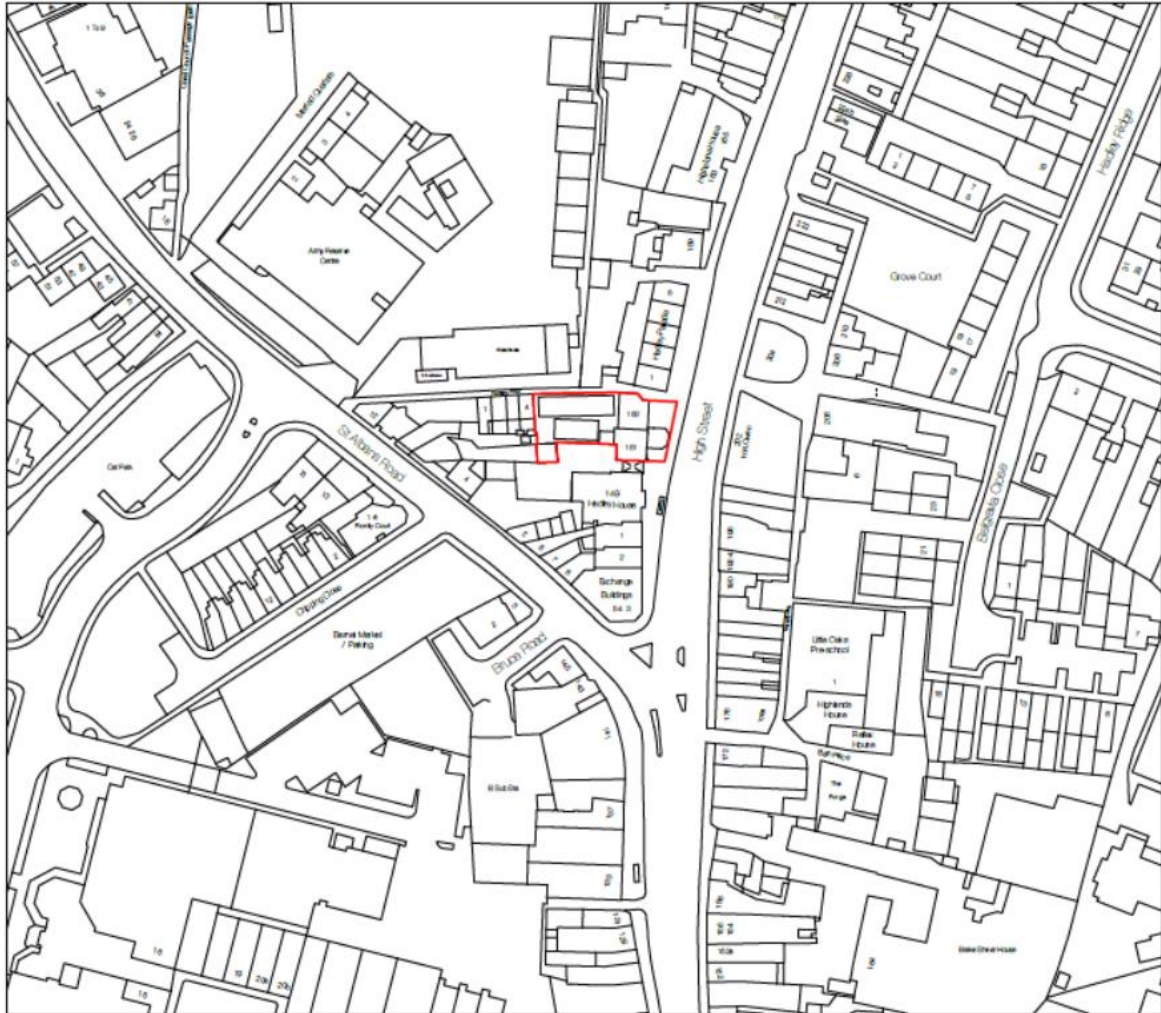
8. Equality and Diversity Issues

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 Plan



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Location **Land North Of 105 Camlet Way Barnet**

Reference: **20/0576/RCU**

Received: 5th February 2020

Accepted: 5th February 2020

Ward: High Barnet

Expiry 1st April 2020

Applicant: Mr Nicholas Cockburn

Proposal: Erection of a single storey agricultural building (retrospective application)

AGENDA ITEM 11

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:

Drawing 20-0029 D01 - Site Location Plan

Drawing 20-0029 D02 - Existing and Proposed Block Plans

Drawing 20-0029 D03 - Proposed Plan and Elevations

Planning Statement

Email from Nick Cockburn, 18th May 2020 at 07.51

Email from Nick Cockburn, 18th May 2020 at 08.04

Swan Hotel Bedford Letter, 14th May 2020

Cromwell Hotel Letter, 13th May 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 The use of the agricultural building hereby permitted shall at all times be ancillary to and occupied in conjunction with the use of the site as a farm and shall not at any time be occupied as a separate unit or residential dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and of the Green Belt, or the amenities of occupiers of adjoining residential

properties in accordance with Policies DM01 and DM15 of the Development Management Policies DPD (adopted September 2012).

- 3 a) A plan including details of existing trees to be retained, removed and size, species, planting heights, densities and positions of new planting, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

- d) Details of the location and type of ecological enhancement, as determined by a qualified ecologist, to provide habitat for nesting birds, bats or both as appropriate shall be submitted and approved prior to installation.

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.

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.

1. Site Description

The application site is land to the north of 105 Camlet Way, EN4 0NJ.

The applicant refers to the site as Beech Hill Farm.

The land to the south has recently been redeveloped to provide two new dwellings approved under application reference 15/01703/FUL in May 2015 and are now built out.

The application site is within the Green Belt.

The site is also within the Monken Hadley Conservation Area.

Access to the site is from Camlet Way.

The site is surrounded by open Green Belt land.

2. Site History

Reference: ENF/1499/18

Address: Dolphin Manor, 105 Camlet Way

Breach: Without planning permission, the construction of a building to the rear of the site

Decision: Open. Application Invited.

Decision Date: Application Invited 17th December 2018.

Reference: 15/01703/FUL

Address: Dolphin Manor, 105 Camlet Way

Proposal: Demolition of the existing house and construction of two self-contained two-storey detached dwellings (Lower ground and ground floor levels). Landscaping and associated works

Decision: Approved subject to conditions

Decision Date: 22nd May 2015

Reference: B/05235/14L

Address: Dolphin Manor, 105 Camlet Way, EN4 0NJ

Proposal: Demolition of the existing house and erection of 2no. two storey dwellings with associated landscaping, amenity space and off-street parking spaces.

Decision: Approved subject to conditions

Decision Date: 30th January 2015.

3. Proposal

"Erection of a single storey agricultural building (retrospective application)"

The building is located just to the north of the application site for the 15/01703/FUL, just beyond the rear gardens of these new dwellings.

The submitted Drawing 20-0029 D02 - Existing and Proposed Block Plans shows the proposed (built) building to have the following dimensions.

12.2m wide by 6.2m deep.

Height to ridge 3.9m. Height to eaves 3.1m.

The building has a pitched roof and is constructed from timber under a tiled roof.

There are 4 no. up and over type doors on the West elevation. There are no doors or windows on any other elevation.

4. Public Consultation

Consultation letters were sent to 93 neighbouring properties.

5 responses were received comprising 5 objections.

The comments received can be summarised as follows:

- Planning permission should have been sought before building was constructed
- Building is larger than any previous building on the site
- Eyesore when viewed from neighbouring properties
- Concerns that the building will be used for non agricultural activities

- Overbearing impact, loss of outlook
- Land level has been raised, increasing visibility of the building
- Road runs down middle of site
- Harmful Impact on Monken Hadley Conservation Area
- Harmful Impact on Green Belt
- Size of building seem disproportionate to the 10 hectare size of smallholding.

The neighbouring authority, LB Enfield, has no objection to the proposal.

Monken Hadley and Wood Street CAAC comments 15th July 2020 - "What is the building used for? It looks like 4 garages. It does not appear to be on the applicant's land."

5. Planning Considerations

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 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, CS7, CS9, CS13, CS15.
- Relevant Development Management Policies: DM01, DM03, DM04, DM15, DM16, 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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Does the land have a lawful agricultural use?
- Impact on the Green Belt
- Impact on Character and appearance of site and surrounding area
- Impact on Residential amenity of neighbouring properties
- Trees and Landscaping

5.3 Assessment of proposals

Does the land have a lawful agricultural use?

The first consideration is whether the land has a lawful agricultural use. This also affects whether the proposal is required to demonstrate Very Special Circumstances as part of the Green Belt assessment.

The submitted Planning Statement states:

"Beech Hill Farm has been in agricultural use for many years and is registered with the Government's Rural Payments Agency (SBI: 200503160).

References to the use of the land as a farm in correspondence with the local authority have most recently been made in various historic enforcement-related communication dating back to 2004 (ENF/00389/04/N, amongst others) - see appendix 4.

The application site was also the subject of an appeal in the High Court of Justice Chancery Division case no. A3/2007/2374, citation number [2008] EWCA Civ 1308, in which the land is described as an established farm (see historic aerial photograph at appendix 3)."

The Planning Statement goes on to say that:

"The application site consists of 10 hectares of agricultural land used primarily for the following activities:

Hay crop, Field grown trees, Line grown trees, The growing of Christmas trees, Fruit

growing, Vegetable growing, The growing of potted plants from seed, The production of honey, Meadow land, Harvesting meadow flower seeds

The site is located within the green belt and is bordered on three sides by fields both farmed and fallow."

An email received from the applicant dated 18th May at 07.51 states:

As I may have mentioned (and shown in the photographs) the site is being used for a number of agricultural purposes including the production of hay, growing of a large number of line grown (in air pots) and field grown trees, a fruit orchard, the production of hundreds of kilos of honey, the growing of 2000+ Christmas trees, the provision of British native wildflower meadows and the production of specialist items of fruit and veg. These functions can all be seen in the photographs I have already provided, but I am happy to take more photos if it would help.

A subsequent email from the applicant dated 18th May at 08.04 provided two letters from the Swan Hotel, Bedford and the Cromwell, Hotel:

The letter from the Swan Hotel suggests that Beech Hill Farm supplies the Swan Hotel with produce but does not give specific details.

The letter from the Cromwell Hotel again suggests that Beech Hill Farm supplies the hotel with produce but does not give further details.

The Planning Statement submitted with the 15/01703/FUL application states that land which is subject of the current application is 'disused agricultural land'. and historically it has been used as an agricultural land.

Impact on the Green Belt

The application site is located within the Green Belt.

The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2019) and establishes the great importance government attaches to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- To check the uncontrolled sprawl of urban areas
- To prevent neighbouring towns merging into one another
- To assist in the safeguarding of countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 143 states that "inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. It goes on to comment (paragraph 145) that the local planning authority should regard the construction of new buildings as inappropriate in the green belt. A number of exceptions are listed which include:

"a) buildings for agriculture and forestry"

Policy 7.16 of the London Plan (2016) reiterates that "the strongest protection should be given to London's Green Belt, in accordance with national guidance".

Local Policies CS7, DM01, DM15 would apply to the proposal, in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt. Although the Policy was formulated before the revised NPPF the aims of the policy are generally in line with the revised guidance. Policy DM15 states:

"i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).

ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:

a. Agriculture, horticulture and woodland;

b. Nature conservation and wildlife use; or

c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL."

The proposal is for an agricultural building; which is not inappropriate development in the Green Belt.

Impact on Character and appearance of site and surrounding area

Policy CS5 of the Core Strategy which states, that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'

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

The submitted Drawing 20-0029 D02 - Existing and Proposed Block Plans shows the proposed (built) building to have the following dimensions:

12.2m wide by 6.2m deep.

Height to ridge 3.9m. Height to eaves 3.1m.

The building has a pitched roof and is constructed from timber under a tiled roof.

There are 4 no. up and over type doors on the West elevation. There are no doors or windows on any other elevation.

The submitted Planning Statement states:

"The application for retrospective planning permission relates to the erection of an agricultural building with external measurements of 12.2m x 6.2m, which is used predominantly for the dry storage of agricultural machinery and vehicles, and for the dry storage of hay, seed, and other produce from the land.

The building is of a timber frame construction under a pitched felt roof, and externally clad in dark stained waney edge timber with four large timber doors for access. The building has been situated to replace a previous structure and at an optimally efficient point on the site.

The operation of the farm holding is such that an agricultural building is a core requirement in order to ensure that the farm can continue to operate and develop. In itself the barn is commensurate with the use and size of the plot and the current level of agricultural activity on the land."

The floor area, height, design and materials of the proposed agricultural building are considered to be acceptable and appropriate for the use of the building which is to store

agricultural machinery and vehicle and the dry storage of produce.

Whilst the building can be viewed from outside of the site it is not considered that the building would cause unacceptable harm to the surrounding Green Belt or Conservation Area.

The proposal is therefore considered to be acceptable in character and appearance terms.

Impact on Residential amenity of neighbouring properties

The proposed building is a significant distance from the nearest neighbouring residential properties and it is not considered that it would have a harmful impact on the visual or residential amenity of any neighbouring occupiers.

Trees and Landscaping

The Council's Tree Officer has no objection subject to landscaping conditions.

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 Woodside Park Underground Station, Station Approach London N12
8SE

AGENDA ITEM 12

Reference: 20/4166/CON Received: 8th September 2020
Accepted: 9th September 2020

Ward: Totteridge Expiry 4th November 2020

Applicant: HTA Design LLP

Proposal: Submission of details of condition 12 (Landscaping), 3 (Materials) pursuant to planning permission 19/4293/FUL dated 13/08/2019

Recommendation: Approve

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 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)

Informative(s):

1 The plans accompanying this application are:

1400 B (Building A - Elevations)
1401 B (Building A - Elevations)
1402 B (Building A – Elevations)
1403 D (Building B - Elevations)
1404 B (Building B - Elevations)
1405 A (Building B - Elevations)

SK01 B (Car Parking Layout)
PLL-WPB_HTA-L_00_DR_0901 P02 (Landscape General Arrangement)
PLL-WPB_HTA-L_00_DR_0901 P03 (Landscape General Arrangement)

Woodside Park Materials Report, HTA (dated August 2020)

Officer's Assessment

At the Chipping Barnet Area Planning Committee on 7th January 2020, it was formally noted within the committee minutes, that members requested that both applications for condition 3 (Materials) and Condition 12 (Landscaping) be referred to the CB Area Planning Committee for their decision. When the application was reheard on the 30th July 2020, the informative advising of this request was carried over and approved by the committee.

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM06
- Residential Design Guidance SPD (2016)

2. Background Information

Planning Permission was approved for the erection of 2no. five storey buildings comprising 86no. one-bed one-person residential units (Use Class C3). The development will provide 100% affordable housing.

The application was approved at the Chipping Barnet Area Planning Committee on 30th July 2020.

3. Assessment of proposal

Condition 3 (Materials)

Condition 3 states:

a) Before the relevant parts of the works are begun, 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.

The applicant has submitted a Materials Report which provides details on the proposed elevations, materials palette, brick bonds, typical bays, signage and landscaping.

The development is proposed to be constructed with red brick which is unchanged to the detail and visualisations provided within the main planning application. During the assessment of the main application, the red brick colour was revised to reflect closer to the adjacent St Barnabas Church. Officers have reviewed the proposed brick palette and details provided within this report and consider them to be acceptable in relation to the character and appearance of the surrounding area and to the setting of St Barnabas Church.

In order to provide visual interest and provide design cues to the church, four types of brick

bonds are proposed to be incorporated into both blocks. These bonds are:

- a horizontal stretcher bond which comprises the majority of the blocks;
- a vertical soldier course at each floor level;
- a corbelled Flemish bond at the top floor which will have bonds protruding outwards; and
- a hit and miss brick bond located around the external staircase core.

Overall, Officers consider that the variety of brick bonds adds visually interest to the blocks and also seeks to reference the traditional features of the church and station buildings. For these reasons the brick detailing is considered to be acceptable in this location.

In terms of the remaining materials, the proposed aluminium framed windows, metal railings along the ground floor and metal Juliet balconies are considered to be appropriate and integrate successfully with the external appearance of the blocks.

At the very front of the site, a small free-standing sign is proposed to be erected, constructed from metal, with the word Pocket cut into the metal. The signage proposed is very small and is considered to be acceptable.

In terms of hard surfaced areas, a series of different paving materials are proposed comprising of concrete paving and clay style paving. The different paving materials will help delineate the areas within the site. The proposed hard-surfaced materials are considered to be acceptable.

Overall, the proposed materials for the external surfaces of the buildings and hard surfaced areas are considered to be acceptable and are appropriate in the context of the surrounding area and to the settings of St Barnabas Church and Woodside Underground Station. The materials, external appearance and detailing proposed is similar to that approved within the main planning application. The requirements of condition 3 are therefore considered to be satisfied.

Condition 12 (Hard and Soft Landscaping)

Condition 12 states:

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

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

c) Any existing tree shown to be retained or trees 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.

The applicant has submitted a Materials Report which covers details of the hard landscaping, furniture and boundaries and planting.

As discussed in the materials section above, it is proposed to install a variety of paving materials across the site which will help delineate different areas within the site. Other landscaping features include:

- A number of timber slated benches are proposed to be installed at various points across the landscaping;
- A 2m high closeboard timber fence to be erected around the refuse bin store;
- 1.1m high metal railings along the external amenity areas to the ground floor units; and
- A variety of bird and bat boxes are to be incorporated within the external brickwork of the blocks.

It is considered that the proposed hard landscaping elements are acceptable and will provide a visually attractive space.

In addition to the materials report, a couple of detailed landscape drawings have been submitted in support which illustrate the positioning of the proposed hard and soft landscaping elements to be installed across the site. These drawings detail the retention of the existing trees along the western boundary and the addition of new trees to be planted along the same boundary in order to provide additional screening. New trees are also proposed to be planted within the central courtyard. These new trees are to have a height of 3 – 6 metres.

Overall, the proposed soft landscaping is considered to be acceptable in terms of its location and appearance and will help provide a visually attractive space within the development but also provide new and additional privacy screening along the western boundary. The requirements of condition 12 are therefore considered to be satisfied.



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