

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 14TH OCTOBER, 2020

AT 6.00 PM

VIRTUAL MEETING: PLEASE VIEW AT THIS LINK: <https://bit.ly/2Ei7mNG>

TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Cllr Eva Greenspan
Vice Chairman: Cllr John Marshall

Councillors

| | | |
|--------------|----------------|-------------------|
| Shimon Ryde | Danny Rich | Alan Schneiderman |
| Melvin Cohen | Claire Farrier | |

Substitute Members

| | | |
|------------------|--------------|-------------------|
| Jennifer Grocock | Kath McGuirk | Gabriel Rozenberg |
| Anne Hutton | Alison Moore | Reuben Thompstone |
| Peter Zinkin | | |

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

Andrew Charlwood – Head of Governance

Governance Services contact: finchleyandgoldersgreen@barnet.gov.uk Tel 020 8359 2315

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
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| 1. | Minutes of last meeting | 5 - 8 |
| 2. | Absence of Members (If any) | |
| 3. | Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any) | |
| 4. | Report of the Monitoring Officer (If any) | |
| 5. | Addendum (if applicable) | |
| 6. | 20/2152/FUL 181D Squires Lane and rear of 172 Long Lane N3 2QS West Finchley | 9 - 40 |
| 7. | 20/3235/FUL 45 Grove Road N12 9EB Woodhouse | 41 - 84 |
| 8. | 19/4711/FUL 21-23 Beechcroft Ave NW11 8BJ Childs Hill | 85 - 116 |
| 9. | 20/3503/FUL 946a High Road N12 9RT Woodhouse | 117 - 130 |
| 10. | 20/3364/HSE 9 Cenacle Close NW3 7UE Childs Hill | 131 - 140 |
| 11. | 20/3405/S73 The Avenue Tennis Club N3 2LE Church End | 141 - 150 |
| 12. | First Floor Flat 65 The Drive London NW11 9UJ 19/5915/FUL Golders Green | 151 - 166 |
| 13. | Any item(s) the Chairman decides are urgent | |

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Committee Rooms also have induction loops.

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Decisions of the Finchley and Golders Green Area Planning Committee

1 September 2020

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 20 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)

Cllr Marshall declared a pecuniary interest under Item 10, 290-294 Golders Green Road, by virtue of the fact that historically, the previous applicants have contributed to various charity walks which he has partaken in and noted that whilst the money has gone to charity, it could be considered that this could affect his judgement on the application. Councillor Marshall would not join in the discussion or vote for this item.

Cllr Marshall declared an interest under Item 8, 55 Christchurch Ave by virtue of the fact that he is a member of Jami's Advisory Council.

Councillor Melvin Cohen declared a non-pecuniary interest in relation to Agenda Item 10, 290 - 294 Golders Green Road, by virtue of the fact that the applicant was known to him but not to the extent that he felt precluded from speaking and voting on this item.

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. 20/0856/FUL - 138 - 140 STATION ROAD LONDON N3 2SG (FINCHLEY CHURCH END)

The Planning Officer introduced the report, which was considered by the Committee.

A statement was read out by the Governance Officer on behalf of Mr Fuad Kamal. Mr Darpan Dhanak, agent for the applicant, addressed the Committee.

Following the discussion of the report, the Chairman moved to the vote on the recommendations set out in the report to APPROVE the application subject to Section 106 Agreement.

Votes were recorded as follows:

| | |
|---------|---|
| For | 7 |
| Against | 0 |

RESOLVED that the Committee approve the application 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).

7. 20/0299/FUL - ST MICHAELS SCHOOL NETHER STREET LONDON N12 7NJ (WEST FINCHLEY)

The Planning Officer introduced the report and addendum, which was considered by the Committee.

A statement was read out by the Governance Officer on behalf of Dr Ben Stieglitz. Mrs Mariola Viegas, agent for the applicant, addressed the Committee.

Following the discussion of the report, the Chairman moved to the vote on the recommendations set out in the report to APPROVE the application subject to Section 106 Agreement with additional conditions as set out in the addendum.

Votes were recorded as follows:

| | |
|---------|---|
| For | 7 |
| Against | 0 |

RESOLVED that the Committee approve the application 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).

8. 20/0399/FUL - 55 CHRISTCHURCH AVENUE LONDON N12 0DG (WOODHOUSE)

The Planning Officer introduced the report and addendum, which were considered by the Committee.

Mr Andrew Gore addressed the Committee on behalf of Mrs Lynn Bleakley. Mr Laurie Rackind, CEO of Jami, spoke to the Committee.

Following the discussion of the report, the Chairman moved to the vote on the recommendations set out in the report and on the additional informative as set out in the addendum, to APPROVE the application.

Votes were recorded as follows:

| | |
|------------|---|
| For | 5 |
| Against | 1 |
| Abstention | 1 |

RESOLVED that the Committee approve the application 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).

9. 19/5098/FUL - 1 HOLLY PARK LONDON N3 3JA (FINCHLEY CHURCH END)

The Planning Officer introduced the report and addendum, which were considered by the Committee.

Ms Simonne Geller addressed the Committee. Mr Charles Moran, agent for the applicant, addressed the Committee.

Following the discussion of the report, the Chairman moved to the vote on the recommendations set out in the report to APPROVE the application subject to Section 106 Agreement, with the additional condition as set out in the addendum, and amendment to condition 10:

“Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 6 (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”.

Votes were recorded as follows:

| | |
|---------|---|
| For | 4 |
| Against | 3 |

RESOLVED that the Committee approve the application 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).

10. 19/6857/FUL - 290 - 294 GOLDERS GREEN ROAD LONDON NW11 9PY (GOLDERS GREEN)

The Planning Officer introduced the report, which was considered by the Committee.

Two objectors and the applicant had addressed the Committee at the meeting held on 15th July.

Following the discussion of the report, the Chairman moved to the vote on the recommendations set out in the report to APPROVE the application subject to Section 106 Agreement.

Votes were recorded as follows:

| | |
|------------|---|
| For | 3 |
| Against | 3 |
| Abstention | 1 |

The Chairman used her casting vote to approve the application.

RESOLVED that the Committee approve the application 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).

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

The meeting finished at 7.22 pm

Location 181D Squires Lane And Land Rear Of 172 Long Lane London N3 2QS

Reference: 20/2152/FUL Received: 12th May 2020
Accepted: 14th May 2020

Ward: West Finchley Expiry 9th July 2020

Applicant: Mr A Rexha

Proposal: Erection of a four storey building including lower ground floor level to provide 4. no self-contained flats with associated amenity space, refuse/recycling store and cycle storage area [AMENDED PLANS]

AGENDA ITEM 6

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 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:

Location Plan - Drawing No. P-000 (Uploaded 12 May 2020)
Existing Site Plan - Drawing No. P-000 (Uploaded 12 May 2020)
Proposed Lower Ground floor plan - Drawing No. P-001B (Uploaded 15 September 2020)
Proposed Ground floor plan - Drawing No. P-002E (Uploaded 29 September 2020)

Proposed first floor plan - Drawing No. P-003C (Uploaded 15 September 2020)
Proposed second floor plan - Drawing No. P-004C (Uploaded 15 September 2020)

Proposed roof plan - Drawing No. P-0010C (Uploaded 15 September 2020)
Proposed front elevation with overlay - Drawing No. P-007D (Uploaded 30 September 2020)
Proposed rear elevation with overlay - Drawing No. P-008C (Uploaded 13 August 2020)

Proposed side elevation with overlay - Drawing No. P-009A (Uploaded 13 August 2020)

Proposed section through staircase - Drawing No. P-0010A (Uploaded 15 September 2020)

Parking Stress Survey for 187 Squires Lane by Alpha Parking dated 16.01.2020

Email from agent dated 07 September 2020

'Geotechnical Investigation' by Your Environment dated May 2002 (report number YE8236)

'Phase 1: Desktop Study and Preliminary Risk Assessment Report' by Your Environment dated January 2020 (report number YE7977)

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 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.

- 4 Notwithstanding the details shown in the drawings and documents submitted and otherwise hereby approved the development is not to commence (other than for ground works and site preparation works) unless and until details (necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick detailing (annotated plans at a scale of not less than 1:20 and brick sample).
- External doors, windows, window reveals, balconies and balustrading/privacy screens (manufacturing details and annotated plans at a scale of not less than 1:10).
- Obscure glass for the ground floor front windows (manufacturing details)
- Any necessary rainwater goods and miscellaneous external features or fittings including external lighting (manufacturing details and/or annotated plans at a scale of not less than 1:10)

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

Reason: To safeguard the character and visual amenities of the site and conservation area and to ensure that the development is constructed in accordance with policy DM01 of the Barnet Local Plan and policy 7.4 of the London Plan.

- 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.
- 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 watching brief shall be maintained during the course of the development hereby approved, including the ground works stage, as recommended in Paragraph 9.6 of the submitted 'Geotechnical Investigation' by Your Environment dated May 2002 (report number YE8236). A report that provides verification that the required works have been carried out (including for soils used for the landscaping areas), shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

- 7 a) No development (other than for ground works and site preparation works) shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

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

- 8 a) Before development (other than for ground works and site preparation works) 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 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.

- 9 a) No development other than demolition works shall take place until details of the glazing adjacent to the boundary of No. 181 (b and c) Squires Lane and No. 170 Long Lane, and the internal communal staircase 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 in perpetuity for the lifetime of the development. No structures shall be erected or fixed to the glazing approved under this condition for the lifetime of this development.

Reason: To safeguard the amenities of neighbouring occupiers 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 the Residential Design Guidance SPD (2016).

- 10 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.

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

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

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

12 a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development hereby permitted shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of

the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 13 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. Details shall include the type of stands, gaps between stands, location and type of cycle store proposed.
- 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.

- 14 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 16 Before the building hereby permitted is first occupied the front windows at ground floor serving Unit 2 (as shown on Drawing No. P-002D (Proposed ground floor plan)) shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 (October 2016).

- 17 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.

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

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

- 19 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused

on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to

commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

Please visit

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

- 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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 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 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.

- 7 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.

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

 - o 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 Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust

from demolition and construction, Institute of Air Quality Management, January 2014

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

- 10 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.
- 11 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

Officer's Assessment

1. Site Description

The application site is a piece of land sited between the flank elevations of No. 181 (b and c) Squires Lane/170 Long Lane and 183 Squires Lane. It borders properties along Long Lane to the rear. It immediately abuts No. 174 Long Lane to the rear (south).

A workspace previously occupied the site.

The site is not located within a designated conservation area.

It is not a statutory or locally listed building/site and it does not border the curtilage of a statutory or locally listed building.

It is located within the ward of West Finchley.

There are no Tree Preservation Orders on site.

It is not in an Area of Special Archaeological Interest.

It is not a Site of Importance for Nature Conservation.

2. Site History

Reference: 20/3058/CON

Address: Land To Rear Of 172 Long Lane, London, N3 2RA

Decision: Approved

Decision date: 19 August 2020

Description: Submission of details of Condition 8 Part 1 (Contaminated Land) pursuant to planning permission 17/4327/FUL dated 14/04/18 [amended description]

Reference: 20/0313/CON

Address: Land To Rear Of, 172 Long Lane, London, N3 2RA

Decision: Approved

Decision date: 10 March 2020

Description: Submission of details of conditions 7 (Demolition and Construction Management and Logistics Plan), 8 (Desktop Study, Part 1 a) only), 9 (Air Pollution), 10 (Noise Mitigation) pursuant to planning permission 17/4327/FUL dated 14/03/2018

Reference: 19/5706/FUL

Address: 181D Squires Lane And Land Rear Of 172 Long Lane, London, N3 2RA

Decision: Refused

Decision date: 20 December 2019

Description: Demolition of the existing building and construction of a four storey building with lower ground floor level comprising of a B1(a) office use and 4no self-contained flats above, with associated amenity space, refuse/recycling store and cycle storage area

Reasons for refusal:

"1. The proposed development would, by reason of its size, siting and design, fail to respect the appearance, scale, mass and heights of surrounding buildings. This would be of detriment to the character and appearance of the street scene and surrounding area.

The application is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.4 and the Residential Design Guidance SPD 2016.

2. The proposed development would, by reason of its depth of rearward projection and proximity to the boundary, appear visually obtrusive and overbearing when viewed from the rear garden area of No. 183 Squires Lane, and result in a degree of loss of light, to the detriment of the amenities of these neighbouring occupiers. The orientation of the rear balconies facing No. 183 Squires Lane would result in overlooking and loss of privacy for these occupiers.

The application is therefore found unacceptable and contrary to Policy DM01 of the Development Management Policies DPD (2012), the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.

3. The proposed unit at ground floor would fail to provide adequate outlook in the master bedroom. This would be of detriment to the amenity of future occupiers.

The application is therefore found unacceptable and contrary to Policy DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the guidance set out in Barnet's Sustainable Design and Construction SPD (2016).

4. The application does not include an updated highways survey. Officers therefore cannot be satisfied that the proposed development would not have a detrimental impact on on-street parking and the local highways network.

The application is therefore found unacceptable and contrary to Policy CS9 of Barnet's Core Strategy DPD (2012) and Policy DM17 of Barnet's Development Management Policies Document DPD (2012)."

Appeal reference: APP/N5090/W/20/3245802

Appeal decision: Pending consideration

Appeal decision date: Pending consideration

Reference: 17/4327/FUL

Address: Land To Rear Of 172 Long Lane, London, N3 2RA

Decision: Approved subject to conditions

Decision date: 14 March 2018

Description: Demolition of existing building. Erection of a three storey building with a lower ground floor level comprising of 3no self-contained flats with balconies at first floor and second floor levels to rear elevation. Access steps to side elevation at ground floor level to first floor and associated amenity areas, cycle storage and refuse/recycling storage

Reference: F/02999/09

Address: Land R/O 172 Long Lane, N3 2RA

Decision: Withdrawn

Decision Date: 14 October 2009

Description: Demolition of existing single storey building and erection of a four storey building to provide 4no. 2 bedroom flats.

3. Proposal

The applicant seeks consent for the erection of a four-storey building including a lower ground floor level to provide 4. no self-contained flats with associated amenity space, refuse/recycling store and cycle storage area.

Upon amendments a roof level has been removed from the proposals and the number of flats reduced to four.

Following the most recent set of amendments, the application proposes a three-storey building, when viewed from the front elevation (of Squires Lane).

The building, when viewed from Squires Lane, would measure a total height of 9.6 metres with a flat roof.

At ground and first floor, it would measure a full width of 9 metres. Part of the first floor would be set back from the front pier by 1.6 metres. The set back element at first floor would be 1.7 metres in width.

At second floor, it would step in from the boundary adjacent to No. 183 Squires Lane, sited to the west of the application site, by 0.5 metres. Part of the second floor would be set back from the front pier by 5.5 metres. The set back element at second floor would be 1.3 metres in width. The set back element would be set down from highest part of the building by 0.8 metres.

At the rear, it would appear as a four-storey building (due to the topography of the land) and be a total of 12.15 metres in height. The set back at second floor from the boundary adjacent to No. 183 Squires Lane is followed through to the rear.

Regarding floorplans, the lower ground floor would have a total depth of 11 metres from the back edge of the pavement to the most rearward wall. It would align with the rear building line of No. 183 Squires Lane, and then project 1 metre at a distance of 2.6 metres from the boundary adjacent to No. 183 Squires Lane and project 1 metre at a distance of 2.3 metres from the boundary adjacent to No. 181B-181C.

The ground floor would have a total depth of 10.7 metres. Like the lower ground floor below, it would align with the rear building line of No. 183 Squires Lane, and then project 1 metre at a distance of 2.7 metres from the boundary adjacent to No. 183 Squires Lane and 2.3 metres from the boundary adjacent to No. 181B-181C. With the inclusion of the balcony it would project 1.25 metres in depth.

The first and second floor would follow the same as the ground floor (albeit with the set backs from the front wall and side adjacent to No. 183 Squires Lane detailed above).

The rear yard area at lower ground level would provide, in part a communal amenity space and cycle storage, and a private garden area for Unit 1. Balconies would be provided for the upper floor flats.

The proposed development would include:

- 1 x 1 bedroom 2 person unit at lower ground floor
- 1 x 1 bedroom 2 person unit at ground floor
- 1 x 2 bedroom 3 person unit at first floor
- 1 x 1 bedroom 2 person unit at second floor

4. Public Consultation

A site notice was printed 18 May 2020.

Consultation letters were sent to 92 neighbouring properties.

Neighbours were initially consulted via letter dated 18 May 2020. Following amendments to the proposed development neighbours were reconsulted via letter on 16 June 2020; on 11 August 2020 and again on 15 September 2020.

At the time of writing this report, there was a total of 11 objections.

An additional 2 objections were received but later withdrawn at the request of the respective resident.

The objections received can be summarised as follows:

- Impact on parking and highways network
- Impact on access to local facilities and infrastructure, and pressure on these facilities (such as doctors and dentists)
- Overdevelopment
- Impact on immediate neighbours' enjoyment of their garden area including No. 183 Squires Lane
- Disruption, noise and pollution arising from building work (noisy machinery etc.)
- Damage from required foundations on neighbouring properties (vibration, subsidence, cracks)
- If the Council approve this development then should only be done after providing me and my neighbours with a legally binding commitment to take full responsibility and liability to cover costs related to subsidence in the future.
- The land at the rear of the Long Lane parade of shops is not a carpark and is a children's leisure/play area in trust by Barnet Council. Issues with heavy building machinery constantly moving in this playground
- Impact on privacy of the garden area of No. 183 Squires Lane
- Risk to emergency services access to the flats above the Long Lane shopping parade which could be closed off by a building site
- Access to the veterinary practice on Long Lane
- Issues with address naming and numbering
- The proposed building would overshadow surrounding buildings
- Works already commenced on site
- There is no current basement at this site to justify going down a floor
- Query whether any structure on this site has ever had planning permission. Resident claims it was historically a garden area/open space
- Querying that the owners of the neighbouring buildings have not been consulted, including reference to the consultation of previous applications
- Impact on sewerage and drainage of neighbouring properties
- Proposed development would obstruct natural light to neighbouring property at No. 170 Long Lane, with specific reference to the side windows at lower ground level and first floor in the flank facing the site (181B-C Squires Lane and 170B Long Lane)

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14, DM17.

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 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.

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:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the street scene and the wider area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- Whether harm would be caused to highways and parking;
- Whether appropriate refuse and recycling facilities are provided;
- Any other material considerations

5.3 Background

Application reference 17/4327/FUL, decision dated 14 March 2018, granted approval subject to conditions at the application site for:

"Demolition of existing building. Erection of a three storey building with a lower ground floor level comprising of 3no self-contained flats with balconies at first floor and second floor levels to rear elevation. Access steps to side elevation at ground floor level to first floor and associated amenity areas, cycle storage and refuse/recycling storage"

The consent remains extant and therefore holds material weight. The agent has provided proposed floor plans with a red overlay/outline of the previously approved scheme (reference 17/4327/FUL, decision dated: 14 March 2018).

At lower ground floor, the rear building is the same (i.e. in line with the rear building lines of both adjoining properties) and projects a depth of 1 metre further than the approved scheme. This would be set 2.7 metres from the boundary adjacent to No. 183 Squires Lane and 2.3 metres from the boundary adjacent to No. 181 (b and c) Squires Lane/170 Long Lane.

At ground and first floor, the front building lines follow the respective red outlines of the previously approved scheme. To the rear, like the lower ground floor, the ground and first

floor would be in line with the rear building lines of both adjoining properties and project a depth of 1.2 metre further than the approved scheme. Like the lower ground floor, this depth of rear ward projection would be set 2.7 metres from the boundary adjacent to No. 183 Squires Lane and 2.3 metres from the boundary adjacent to No. 181 (b and c) Squires Lane/170 Long Lane.

At second floor, the front building line remains the same as the approved scheme. The second floor would extend 1.2 metres in width towards the boundary of No.183 Squires Lane. It would project 4 metres in depth to the rear. This would align with the rear building line of No.183 Squires Lane. It would project 1.6 metres in depth beyond the rear building line of No. 170 Long Lane. Overall, the rear building line at second floor would project 1.6 metres beyond the approved rear building line, then extent a further 1.2 metres rearwards to accommodate the balcony (totalling approximately 2.8 metres greater in depth).

A second application, reference 19/5706/FUL, decision dated 20 December 2019, was refused for:

"Demolition of the existing building and construction of a four storey building with lower ground floor level comprising of a B1(a) office use and 4no self-contained flats above, with associated amenity space, refuse/recycling store and cycle storage area".

The reasons for refusal were:

"1. The proposed development would, by reason of its size, siting and design, fail to respect the appearance, scale, mass and heights of surrounding buildings. This would be of detriment to the character and appearance of the street scene and surrounding area.

The application is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.4 and the Residential Design Guidance SPD 2016.

2. The proposed development would, by reason of its depth of rearward projection and proximity to the boundary, appear visually obtrusive and overbearing when viewed from the rear garden area of No. 183 Squires Lane, and result in a degree of loss of light, to the detriment of the amenities of these neighbouring occupiers. The orientation of the rear balconies facing No. 183 Squires Lane would result in overlooking and loss of privacy for these occupiers.

The application is therefore found unacceptable and contrary to Policy DM01 of the Development Management Policies DPD (2012), the Residential Design Guidance SPD 2016 and Sustainable Design and Construction SPD 2016.

3. The proposed unit at ground floor would fail to provide adequate outlook in the master bedroom. This would be of detriment to the amenity of future occupiers.

The application is therefore found unacceptable and contrary to Policy DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the guidance set out in Barnet's Sustainable Design and Construction SPD (2016).

4. The application does not include an updated highways survey. Officers therefore cannot be satisfied that the proposed development would not have a detrimental impact on on-street parking and the local highways network.

The application is therefore found unacceptable and contrary to Policy CS9 of Barnet's Core Strategy DPD (2012) and Policy DM17 of Barnet's Development Management Policies Document DPD (2012)."

This application has been appealed by the applicant to the Planning Inspectorate. At the time of writing this report, the appeal decision remains pending and no decision has been reached.

For the benefit of clarity, the current application will be assessed on its own merits with reference to the planning history where appropriate and relevant.

5.4 Assessment of proposals

Principle of development

The site was previously occupied by a warehouse/workspace building.

The site is not located in a designated Locally Significant Industrial Site, Industrial Business Park or Business Location. It is not within a designated Town Centre. It is in a predominantly residential area.

The previous consent (application reference: 17/4327/FUL, decision dated 14 March 2018) permitted the loss of employment space at the site for the reasons set out in the Officer's delegated report.

For thoroughness, the delegated report stated the following:

"Policy DM14 of Barnet's Development Management Policies Document DPD (2012) states that loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term 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.

The applicant has submitted an 'Employment Land Review Statement' dated 16 June 2017, which includes an assessment of the site against Industrial Site retention/release criteria set out in the London Plan. No evidence has been provided to demonstrate that an effective marketing period has been undertaken. Furthermore the proposed re-use will only be for residential use. No small business units will be provided.

The existing building on the site is a stand-alone unit. The applicant argues that the site is compromised by its residential location and lack of vehicular access and parking. The site currently does not generate any employment. One member of staff is employed by the applicant off-site, whom occasionally visits the site for use and stock-take. The applicant does not foresee the building will not continue to generate employment under the current use/owner. The applicant has also argued that the building is not of sufficient quality and is not capable of a viable conversion to accommodate a B1a use or other such 'light' employment use which is not so vehicle dependant. Many alternative employment/storage options are not suitable for the sensitive residential context of the site and lack of

parking/vehicle access. In this way, Officers are satisfied there is little prospect of continued use as a B1 use class.

It is noted that Paragraph 51 of the National Planning Policy Framework (2012) states that LPA's should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. For the abovementioned reasons Officers concur that the economic reasons are not significant or strong enough to resist redevelopment of the land into residential use. The proposal would boost the supply of housing in the borough and use previously developed land.

In summary, considering the specific circumstances and restraints of the site and its context, the loss of employment space is deemed acceptable in this particular instance. The proposed use to housing is considered acceptable in this location and there do not appear to be any strong economic reasons why such re-development would be inappropriate."

This permission remains extant and thus holds material weight. Local development plan policy has not changed or updated since this decision.

The proposed use for housing is considered acceptable in this location due to its residential character.

For the reasons stated above, the principle of development is deemed acceptable.

Impact on character and appearance

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that 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.

To the north-east of the site (181B-181C Squires Lane and 170 Long Lane) is a substantial three-storey early twentieth century, building which occupies a prominent corner position at the junction of Long Lane and Squires Lane. The building has a brick frontage, with a hipped-roof design.

To the south-west of the site (183 Squires Lane) is a two-storey gable end terrace house. It features a bay window at first floor and ground floor front porch projection which abuts the back edge of highway. It has a white pebble dash/render finish with brick detailing and tiled roof.

When viewed from the front elevation, the proposed building will be three storeys in height and will be no greater than the eaves of No. 181B-181C Squires Lane/170 Long Lane.

The 'main' part of the front building would then step down by 0.8 metres and would be set back by 0.5 metres from the boundary adjacent to No. 183 Squires Lane at second floor, which achieves a transition in heights between the two properties. As shown from the red outline/overlay on the plans and elevations submitted, this additional built form at second floor is the main difference with the previously approved scheme 17/4327/FUL. However, as explained, this part of the building would step down and be set back from the boundary adjacent to No. 183 Squires Lane, and thus deemed acceptable even though it represents additional built form compared to the approved scheme.

The front wall of the proposed building will be set back from the front wall of No. 181B-181C Squires Lane/170 Long Lane at all levels.

No. 183 Squires Lane has undertaken a front extension at ground floor. The proposed ground floor would be in line with this.

At first floor, the proposed building would sit forward of the front building line of No. 183 Squires Lane by 1.6 metres, but part of the first floor would be set back, in line of the front building line of No. 183 Squires Lane, immediately adjacent to the boundary, at a width of 1.7 metres.

At second floor, again the proposed building would sit forward of the front building line of No. 183 Squires Lane by 1.6 metres, but part of the second floor would be set back from the proposed buildings front wall by 5.5 metres, at a width of 1.3 metres and set off the boundary adjacent to No. 183 Squires Lane by 0.5 metres.

Therefore, although at first and second floor the proposed building will be sited forward of the front building line of No. 183 Squires Lane, the building will retain a sufficient separating distance and setbacks in its design to aid this.

The building will have a brick façade, which is considered in keeping with the general character and materiality of the street scene and neighbouring buildings.

Regarding the previously refused application (application reference 19/5706/FUL, decision dated 20 December 2019), the development proposed under that application included an additional floor (in the form of a mansard roof) and a second floor which immediately abutted the boundary adjacent to No. 183 Squires Lane and would sit further forward than that proposed under this application. For these reasons, the application was refused.

As detailed in this report, the roof level has been removed in this application, and the second floor has been set back at a greater distance from the front wall (the second floor of the refused application was set back 2.8 metres increasing to 5 metres; in this application the second floor is set back 5.5 metres). The second floor is also now set off the boundary adjacent to No.183 Squires Lane by 0.5 metres.

In summary, for the reasons discussed above it is not considered that the proposed building would detrimentally impact the character and appearance of the street scene and surrounding area.

It is considered that, upon amendments, the application has addressed the reason for refusal (regarding impact on character) of application reference 19/5706/FUL, decision dated 20 December 2019.

Impact on amenity of neighbouring occupiers

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

Impact on No. 181 (b and c) Squires Lane/No. 170 Long Lane and No. 183 Squires Lane:

No.181 (b and c) Squires Lane and 170 Long Lane are within the same three storey building (to the east of the application site). No. 183 Squires Lane is a terraced property to the west.

The main building would align with the respective rear building lines of 181 (b and c) Squires Lane/170 Long Lane and 183 Squires Lane.

There would be rear projection of a depth of approximately 1 metre at the rear (1.25 metres including the balconies), but this would be set at a distance of 2.7 metres from the boundary adjacent to No. 183 Squires Lane and 2.3 metres from the boundary adjacent to No. 181 (b and c) Squires Lane. Considering these distances and modest depth, the impact on these neighbouring occupiers is considered acceptable.

The balconies would be formed of solid brick walls either side, to protect the privacy of neighbouring occupiers at No. 181 (b and c) Squires Lane and No. 183 Squires Lane.

It is noted that comparative to the previously approved scheme, the second floor would project 1.6 metres greater in depth at the rear along the boundary adjacent to No. 181 (b and c) Squires Lane, however as observed, at this level, a glazed access door from the stairwell is sited closest to the boundary, located 1.4 metres from the boundary.

The second floor, comparative to the previously approved scheme would project greater in depth and come close to the boundary of No. 183 Squires Lane. However, at this level it is adjacent to the pitched roof of No. 183 Squires Lane and it would project no greater in depth than the rear building line of No. 183 Squires Lane.

Application reference 19/5706/FUL, decision dated 20 December 2019, was refused on grounds of the impact on the amenities of the neighbours of No. 183 Squires Lane, regarding the depth of rearward projection and orientation of the rear balconies which would have faced the garden of No. 183 Squires Lane.

Under this application the rear building line has been brought back now in line with that previously approved scheme, which is in line with the rear wall of No. 183 Squires Lane. As explained above, there would be projection of a depth of approximately 1.25 metres at the rear (to accommodate the balconies), but this would be set at a distance of 2.7 metres from the boundary adjacent to No. 183 Squires Lane. Considering these distances and modest depth, it is considered acceptable.

The side wall of the balcony facing No.183 Squires Lane would be brick, and thus not result in overlooking or loss of privacy, as the balconies are orientated towards the south, unlike the previously refused scheme where they faced No. 183 Squires Lane. Furthermore, the boundary line of the garden of No. 183 Squires Lane angles gradually away from the proposed development.

There are no flank windows in the side elevation of No. 183 Squires Lane facing the application site.

There are flank windows in the side elevation of No. 181B-181C Squires Lane/170 Squires Lane facing the application site.

From site observations and information available to the Planning Officer there are the following:

- Two lower ground side windows
- One ground floor side window
- Two first floor side windows

It is the understanding of the planning officer that the two lower ground side windows and the one ground floor side window facing the application site serve the flat at No. 181 (b and c) Squires Lane.

Information provided by the owner of this neighbouring property shows the two lower ground windows serve a) a bedroom and b) the staircase providing access to this lower ground level.

However, reviewing archive plans for the conversion of the flat at No. 181 (b and C) Squires Lane (application reference: C02396H/00, decision dated 21 November 2000, for: "Change of use of shop to a two bedroom flat involving alterations to front elevation") no habitable space in the basement was ever consented.

It appears the use of the lower ground level as habitable space was done so without express planning permission.

Furthermore, when the warehouse building existed on the application site, these neighbouring lower ground floor windows faced the side wall of the warehouse building, thus blocking the outlook and light to these windows. Photographs have been sent by the owner of No. 181 (b and c) Squires Lane showing this (when the industrial building existed on site).

From the information provided, the ground floor side window facing the application site which serves No. 181 (b and c) Squires Lane appears to be obscure glazed and is a secondary window, serving a living room, which also benefits from two rear facing windows.

There are two first floor side windows which serve a flat within No. 170 Long Lane. Based on the information submitted under application reference 17/4327/FUL, decision dated 14 March 2018, these windows appear to be secondary windows with light and outlook received from the front window.

Planning Officers recognise that the proposal would represent a taller building than what previously existed on site, which would have impact on the light received to these neighbouring windows.

The previously approved scheme (reference 17/4327/FUL, decision dated 14 March 2018) included what was termed an 'atrium'; which was essentially a triple height void adjacent to the flank wall of No. 181b and c Squires Lane/170 Long Lane. This acted as a break and buffer between the two buildings whilst allowing a continuous façade to the streetscape. The purpose of this 'atrium' was to ensure a degree of light reached these neighbouring windows by not constructing a wall along this boundary.

Under this application, the agent has advised in an email dated 07 September 2020:

"The approved permission assumed the building could be tied into the neighbouring building but agreement on this is not possible, hence the need to build a separate wall.

The approved permission also allows for the absurd position of a neighbouring window opening into the internal parts of the proposed building which is an obvious big security issue."

The proposed scheme (as amended) addresses this by providing a gap between the buildings and proposes a void.

There would at lower ground be a gap of 0.4 metres between the two buildings. There would be a gap of between 0.2 and 0.4 metres at ground floor and a gap of 0.3 metres at first and second floor.

At ground, first and second floor triple height glazing in the form of a void is proposed in the position of the first floor windows, as demonstrated on the section submitted (drawing no. P-0010A). At ground floor glazing would extend to include the ground floor window.

Skylights would be placed in the flat roof above the voids to allow light to come in (proposed roof plan - Drawing No. P-0010C).

The agent advises that the staircase would have railing balustrades to ensure light is not impeded to the side window at the rear (email dated 07 September 2020).

Following all the matters discussed above, it is considered that the proposed development would, on balance, have an acceptable impact on the amenities of neighbouring occupiers at No. 181 (b and c) Squires Lane and 170 Long Lane.

Impact on properties to the south-east (rear) along Lane Lane:

There are railings proposed to the rear (south face) of the balconies at a height of 1.1 metre at ground, first and second floor level.

There would be oblique views of the rear of the properties fronting Long Lane. However, this is no different to the current relationship with No. 181(b and c) Squires Lane and No. 170 Long Lane, as observed on site.

No. 172 Long Lane is a single storey building and appears to be currently used a fitness studio, or similar. It is not in residential use.

The immediate neighbour of No. 174 Long Lane which abuts the application site appears to have commercial use at ground floor. The closest first floor rear windows (which appears to be residential) are west facing, one of which appears to be obscure glazed, and the second window (which is an angled bay window) is partially obscured by a flue. There is an access door to a small balcony, but this door appears to be obscure glazed, as observed on site.

The rear yards of No. 176 and No. 178 Long Lane are occupied by structures and/or rear extensions serving the commercial uses at ground floor. The upper floor windows of these properties are west-facing and would not have immediate views of the proposed development.

The proposed development is sited north of these properties.

As such, it is considered that no harm arises to the neighbouring amenities and living conditions of the immediate properties to the rear which front Long Lane.

Impact on amenity of future occupiers

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

Policy DM02 of Barnet's Development Management Policies Document PD (2012) states that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including minimum floorspace

standards as set out in London Plan Policy 3.5 and outdoor amenity space requirements as set out in Barnet's Sustainable Design and Construction SPD (2016).

Officers are satisfied that the proposed units would meet minimum floorspace standards.

Officers are satisfied that the minimum ceiling heights would be met, and that the bedroom room dimensions and floor areas would be met.

Table 2.4 of the Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

Application reference 19/5706/FUL, decision dated 20 December 2019, was refused as the proposed master bedroom at ground floor facing the pavement of Squires Lane would be required to have obscure glazed windows (to preserve the privacy of occupants) and thus would fail to provide acceptable outlook.

Under this application, the ground floor front windows facing the public pavement of Squires Lane would be obscure glazed up to a height of 1.7 metres above the finished floor level and would serve a kitchen/dining area and bathroom of Unit 02.

Outlook for the sitting area of that open plan living/kitchen/dining room would be received from the rear, as would the bedroom serving that flat. Considering the area with obscure glazed windows would be for cooking purposes, and the open plan room would receive reasonable outlook with clear glazed windows to the rear, this is deemed acceptable and would address the previous reason for refusal.

Officers are satisfied that the proposed units would receive adequate levels of privacy, outlook and light.

Although the lower ground floor unit (Unit 01) would be single aspect, it would be south-east facing and would be served by glazing along its rear elevation. The glazing to the habitable rooms of the lower ground floor unit would be greater than 20% of the internal floor area of those rooms, as advised by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

In regard to outdoor amenity space, Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that 5 sqm of outdoor space per habitable room should be provided.

The lower ground unit would be served by a private outdoor amenity space which exceeds the requirement for that unit.

The ground, first and second floor units would be provided with balconies of area of 4 sqm.

In total, the amenity space shortfall for the development (including the communal area at lower ground floor) would be 26.6 sqm.

The amenity space shortfall of the approved (extant) consent is 22 sqm [application reference: 17/4327/FUL, decision dated 14 March 2018].

The delegated report for this decision stated:

"Although these areas would fail to meet outdoor amenity space standards as set out in Barnet's Sustainable Design and Construction SPD (2016), Officers acknowledge the particular constraints of this site and its ability to deliver outdoor amenity space. It is observed that the neighbouring properties to No. 181 Squires Lane are served by limited outdoor amenity space too and the development would follow this character pattern. The rear balconies, although small, would still give occupiers the ability to undertake day-to-day functions, such as drying washing and storage. The units meet amenity standards in all other aspects. On balance, the amenity space is deemed acceptable in this particular instance."

The same approach and flexibility would be adopted in this instance also.

In summary, for the reasons discussed above, the application is deemed acceptable in terms of its impact on the amenity of future occupiers and has addressed the previous reason for refusal in regard of outlook from the ground floor front windows.

Impact on parking and highways

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) 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:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The application site is not within a controlled parking zone (CPZ). The site has a PTAL rating of 2 (where 6b is the best and 0 is the worst).

Application reference: 17/4327/FUL, decision dated 14 March 2018, granted planning permission for: "Demolition of existing building. Erection of a three storey building with a lower ground floor level comprising of 3no self-contained flats with balconies at first floor and second floor levels to rear elevation. Access steps to side elevation at ground floor level to first floor and associated amenity areas, cycle storage and refuse/recycling storage".

This application was accompanied by a parking beat survey in accordance with the Lambeth Methodology which indicated that there are parking spaces available on street to accommodate the overspill parking from the proposed development to justify car free development.

The refused planning application (reference: application reference 19/5706/FUL, decision dated 20 December 2019) was accompanied by the same parking beat survey, which was

dated October 2017. The application was therefore refused in the absence of an updated survey.

Under this application, the applicant has received permission for the parking survey produced for No. 187 Squires Lane to be used in the assessment of this planning proposal (application reference: 19/5712/FUL, decision dated 31 January 2020, which granted consent for: "Conversion of existing dwelling into 2no self contained flats").

The survey for No. 187 Squires Lane was carried out recently (before COVID lockdown) and covers the areas relevant to this application. The conclusion of that survey was that "The day 1 and 2 results at 84.83% reflect an average of 22 unoccupied parking spaces during the survey nights."

Following an assessment by a highways officer, based on the parking survey results, the proposed development is deemed acceptable as a car-free scheme, subject to conditions.

Cycle parking is provided in accordance with the London Plan standard.

Refuse and recycling

Secure refuse and recycling storage is located at ground level with levelled access to the public highways. 2 x 1100 litre bins are provided. This meets the requirements set out in Barnet's document: "Information for developers and architects- Provision of Household Recycling and Waste Service".

Environmental health matters

The environmental health officer has deemed this application acceptable subject to conditions. As part of the discharge of the land contamination condition of the previously approved scheme, Part 1 has already been approved (reference: 20/3058/CON and 20/0313/CON), thus Part 2 has been attached as a condition.

5.5 Response to Public Consultation

- Impact on parking and highways network

As discussed in the assessment above, the application is considered acceptable in terms of impact on highways and parking.

The application site is not within a controlled parking zone (CPZ).

Under this application, the applicant has received permission for the parking survey produced for No. 187 Squires Lane to be used in the assessment of this planning proposal (application reference: 19/5712/FUL, decision dated 31 January 2020, which granted consent for: "Conversion of existing dwelling into 2no self contained flats").

The survey for No. 187 Squires Lane was carried out recently (before COVID lockdown) and covers the areas relevant to this application. The conclusion of that survey was that "The day 1 and 2 results at 84.83% reflect an average of 22 unoccupied parking spaces during the survey nights."

Following an assessment by a highways officer, based on the parking survey results, the proposed development is deemed acceptable as a car-free scheme, subject to conditions.

Cycle parking is provided in accordance with the London Plan standard.

- Impact on access to local facilities and infrastructure, and pressure on these facilities (such as doctors and dentists)

Considering the scale of the development proposed, this is not considered a reason for refusal in this particular instance.

- Overdevelopment

As discussed in the assessment above, the application is considered an acceptable size and scale. The proposed units meet the requirements for living conditions for future occupiers. Considering the assessment above, and the previous consent, this application is deemed acceptable.

- Impact on immediate neighbours' enjoyment of their garden area including No. 183 Squires Lane

As discussed in the assessment above, there would be rear projection of a depth of approximately 1 metre at the rear (1.25 metres including the balconies), but this would be set at a distance of 2.7 metres from the boundary adjacent to No. 183 Squires Lane and 2.3 metres from the boundary adjacent to No. 181 (b and c) Squires Lane. Considering these distances and modest depth, the impact on these neighbouring occupiers is considered acceptable.

The side wall of the balcony facing No.183 Squires Lane would be brick, and thus not result in overlooking or loss of privacy, as the balconies are orientated towards the south, unlike the previously refused scheme where they directly faced No. 183 Squires Lane. Furthermore, the boundary line of the garden of No. 183 Squires Lane angles gradually away from the proposed development.

There are no flank windows in the side elevation of No. 183 Squires Lane facing the application site.

- Disruption, noise and pollution arising from building work (noisy machinery etc.)

Any potential disruption would be over a limited time period and could be managed in a way that minimises disturbance through a Construction and Demolition Method Statement (CDMS) and Logistics Plan, which could be secured by condition.

- Damage from required foundations on neighbouring properties (vibration, subsidence, cracks)

This is not a planning matter and would not constitute a reason for refusal.

- If the Council approve this development then should only be done after providing me and my neighbours with a legally binding commitment to take full responsibility and liability to cover costs related to subsidence in the future.

This is not within the control or remit of planning.

- The land at the rear of the Long Lane parade of shops is not a carpark and is a children's leisure/play area in trust by Barnet Council. Issues with heavy building machinery constantly moving in this playground

Neighbours appear to be referring to an open yard to the rear of the site.

From a site visit it appeared to be used for car parking. Beyond that, on maps, it appears there are two halls - one for sea cadets, the other a Scout Hut. Beyond that are Allotment Gardens.

Notwithstanding this, as abovementioned, a Construction and Demolition Method Statement (CDMS) and Logistics Plan will be attached as a condition.

- Impact on privacy of the garden area of No. 183 Squires Lane

Addressed above.

- Risk to emergency services access to the flats above the Long Lane shopping parade which could be closed off by a building site

Methods of construction will be secured by way of Construction and Demolition Method Statement (CDMS) and Logistics Plan will be attached as a condition.

- Access to the veterinary practice on Long Lane

As discussed above.

- Issues with address naming and numbering

This appears to be an issue not directly related to the proposed planning application.

However, an informative has been attached regarding street naming and numbering for this proposed development.

- The proposed building would overshadow surrounding buildings

The proposed building is sited north of the properties along Long Lane.

The proposed building would project 1.25 metre (set at a distance from the respective neighbouring boundaries) beyond the rear walls of No. 181 (b and c) Squires Lane/170 Long Lane and No. 183 Squires Lane.

For these reasons it is not considered the proposed development would detrimentally impact the daylight and sunlight levels received to the surrounding buildings.

- Works already commenced on site

This would not constitute a reason for refusal in this instance.

- There is no current basement at this site to justify going down a floor

There are variations in site levels, as existing on site.

- Query whether any structure on this site has ever had planning permission. Resident claims it was historically a garden area/open space

Even in the event that the previous structure on site never received express planning permission, this would not constitute a reason for refusal. It is being demolished.

- Querying that the owners of the neighbouring buildings have not been consulted, including reference to the consultation of previous applications

Regarding this planning application all neighbouring addresses have been consulted via letter. A site notice was also erected.

- Impact on sewerage and drainage of neighbouring properties

This would not constitute a reason for refusal in this instance.

- Proposed development would obstruct natural light to neighbouring property at No. 170 Long Lane and the side windows at lower ground level and first floor in the flank facing the site (181B-C Squires Lane and 170B Long Lane)

This has been addressed in some detail in the assessment above.

In light of the amendments made to the proposed plans, with the introduction of a void adjacent to the flank wall of No. 181 (b and c) Squires Lane and No. 170 Long Lane, this is considered acceptable.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would address the previous reasons for refusal (in reference to application reference 19/5706/FUL, decision dated 20 December 2019) and is considered to be in accordance with the development plan. This application is therefore recommended for approval.



Location 45 Grove Road London N12 9EB

Reference: 20/3235/FUL

Received: 16th July 2020

Accepted: 17th July 2020

Ward: Woodhouse

Expiry 11th September 2020

Applicant: Mrs Natasha Greensite

Proposal: Erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4no self-contained residential units. Associated alterations to hard and soft landscaping, parking and refuse/recycle store

AGENDA ITEM 7

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. A financial contribution of £2,272.55 towards the amendment of the Traffic order to restrict occupants of the development from obtaining a parking permit.
4. Meeting the Council's costs of monitoring the planning obligation- £113.63

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 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:

Drawing No. 17. 219. 100 (Existing site plan)
Drawing No. 17. 219. 101 (Existing roof plan)
Drawing No. 17. 219. 102 (Existing ground floor plan)
Drawing No. 17. 219. 110 (Existing site sections)
Drawing No. 17. 219. 111 (Existing sections)
Drawing No. 17. 219. 112 (Existing elevations)
Drawing No. 17. 219. 113 (Existing elevations)

Drawing No. 17.219. 002 (Site location plan)
Drawing No. 17. 219. 300 A (Proposed site plan)
Drawing No. 17. 219. 301 A (Proposed roof plan)
Drawing No. 17. 219. 302 C (Proposed ground floor plan)
Drawing No. 17. 219. 303 A (Proposed lower ground floor plan)
Drawing No. 17. 219. 304 A (Proposed pad foundation plan)
Drawing No. 17. 219. 310 A (Proposed site sections e-e and h-h)
Drawing No. 17 .219. 311 A (Proposed section e-e)
Drawing No. 17 .219. 312 A (Proposed sections g-g and h-h)
Drawing No. 17 .219. 313 A (Proposed elevations south and west)
Drawing No. 17. 219. 314 A (Proposed elevations north and east)
Drawing No. 17.219. 330 A (Proposed hard landscape plan)
Drawing No. 17. 219. S39 A (Proposed privacy screen between units 2 and 3)
Arboricultural Survey and Impact Assessment by Marcus Foster dated 15 May 2019
(report reference: AIA/MF/049/19)
Swept Path Analysis by JG Highway Design dated 01.09.20

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 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. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform and buildings.

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.

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 2016.

5 a) No site works or works on this development including demolition or construction work shall commence until details of the temporary means of enclosure, including boundary treatments to neighbouring properties, 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 site works including demolition and construction work commence and retained as such throughout the demolition and construction period of the development.

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 during the demolition and construction work 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).

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate

containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractors compound and car parking arrangements;

ix. details of interim car parking management arrangements for the duration of construction;

x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety, 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).

7 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.

8 No development or site works shall take place until a Flood Risk Assessment and a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details approved under this condition and retained as such thereafter.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development 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) and best practice design guidance (such as the SuDS Manual, C753).

9 a) No development other than demolition works shall commence on site in connection

with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the MVHR system, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and 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 proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

10 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.

11 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

12 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).

13 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

14 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and front gates, 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).

15 Before the development hereby permitted is first occupied or the use first commences the parking spaces and access to the parking area from the publish highway shown on Drawing No. 17. 219. 302 C (Proposed ground floor plan); shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the

Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

16 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.

17 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been 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 submission of details pursuant to conditions 3, 7 and 15 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policy DM01 of the Development Management Policies DPD (September 2012).

19 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).

20 The level of noise emitted from the MVHR system/plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

22 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.

23 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.

24 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/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31.12.2020, 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 does not include a legal agreement to amend the traffic order. The proposal would therefore not address the highways impacts of the development, contrary to Policy CS9 of Barnet's Core Strategy DPD (2012) and Policy DM17 of the Barnet's Adopted Development Management Policies Document DPD (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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or

feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

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

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

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

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

3 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.

3 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.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 7 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o 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.

- 8 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 9 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.

- 10 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.
- 11 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.

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

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 6th Floor, 2 Bristol Avenue, Colindale, NW9 4EW.

Officer's Assessment

1. Site Description

The application site is located to the rear of the properties fronting Grove Road, in the ward

of Woodhouse. The application site is accessed from an access road from Grove Road.

The site is not located within a designated conservation area and there are no statutory or locally listed buildings on site, or adjacent to the site.

There are no Tree Preservation Orders on site.

The site is not within a Site of Importance for Nature Conservation.

The existing bungalow on the application site is single storey; set on a lower level than the surrounding area; has a shallow-pitch roof and is sited away from its respective boundaries. In addition, the property is served by outbuildings and surface paving and a garden area.

To the north of the application site is the garden area of No. 47 Grove Road and beyond that are the rear gardens of the properties fronting Castle Road.

To the east and south of the application site are the rear gardens of the properties fronting Grove Road.

To the west of the application site are the rear gardens of the properties fronting Lambert Road.

The surrounding area therefore consists primarily of residential development within a suburban character comprising two storey semi-detached properties and terraces. The High Road of the designated North Finchley Town Centre is a short distance from the application site.

The existing dwelling is sited 7 metres from the boundary adjacent to No. 37 to 43 Grove Road to the east; 11.5 metres from the boundary adjacent to No. 35 Grove Road to the south; 8.0 metres from the boundary adjacent to the properties along Lambert Road to the west and 1.14 metres from the boundary adjacent to No. 47 Grove Road to the north.

2. Site History

Reference: C10117

Address: 43 & 45 Grove Road London N12

Decision: Refused

Decision date: 14 December 1988

Description: Bungalow in rear garden and new garage for No. 43

Reference: C10117A

Address: 43 & 45 Grove Road London N12

Decision: Refused

Decision date: 23 August 1989

Description: Bungalow in rear garden and new garage for No. 43

Reference: C10117B

Address: 43 & 45 Grove Road London N12

Decision: Approved subject to conditions

Decision date: 10 May 1995

Description: Erection of bungalow in rear garden and new detached garage for No. 43.

Reference: 17/5098/192

Address: 45 Grove Road, London, N12 9EB

Decision: Withdrawn

Decision Date: 03 October 2017

Description: Erection of 2 single storey rear outbuildings. 2no side dormer window (1 to each side)

Reference: 17/6636/192

Address: 45 Grove Road, London, N12 9EB

Decision: Lawful

Decision Date: 21 March 2018

Description: Erection of a single storey rear outbuilding. 2no side dormer window (1 to each side). Single storey rear extension

Reference: 17/7398/FUL

Address: 45 Grove Road, London, N12 9EB

Decision: Refused

Decision Date: 18 January 2018

Description: Demolition of existing dwelling and erection of a new single storey dwelling with basement level.

Reason for refusal:

"The proposed development would by reason of its size and design, in particular its form,

footprint, appearance and failure to provide adequate landscaping or safeguard trees, fail to respect the constraints of the site. It is considered the proposal would appear as an incongruous form of development which relates poorly, and causes harm to, the character and appearance of the surrounding area.

The application is therefore found to be unacceptable and fails to comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Development Management Policies Development Management Plan (DMP) (2012), Policy 7.4 and 7.6 of the London Plan (2015), the advice set out in Barnet's Residential Design Guidance SPD (2016) and the principles of the National Planning Policy Framework (2012)."

Reference: 18/3393/FUL

Address: 45 Grove Road, London, N12 9EB

Decision: Refused

Decision date: 13 August 2018

Description: Demolition of existing building. Erection of a single storey family dwellinghouse with a basement level. Associated alterations to hard and soft landscaping

Appeal reference number: APP/N5090/W/18/3213664

Appeal decision: Allowed

Appeal decision: 08 March 2019

Reason for refusal by the Local Planning Authority:

"The proposed development would by reason of its size and design, in particular its form, footprint, appearance and failure to respect the constraints of the site. It is considered the proposal would appear as an incongruous form of development which relates poorly, and causes harm to, the character and appearance of the surrounding area.

The application is therefore found to be unacceptable and fails to comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Development Management Policies Development Management Plan (DMP) (2012), Policy 7.4 and 7.6 of the London Plan (2016), the advice set out in Barnet's Residential Design Guidance SPD (2016) and the principles of the National Planning Policy Framework (2012)."

Reference: 19/2757/FUL

Address: 45 Grove Road, London, N12 9EB

Decision: Refused

Decision date: 18 July 2019

Description: Erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4no self-contained residential units. Associated alterations to hard and soft landscaping, parking and refuse/recycle store

Appeal reference number: APP/N5090/W/19/3237980

Appeal decision: Dismissed

Appeal decision date: 13 February 2020

Reason for refusals by Local Planning Authority:

1. "The proposed development, by reason of the inclusion of four separate households with the potential to have up to fifteen occupants, in this particular location would result in a harmful increase in the levels of activity on the site arising from the movement of people, changes in the patterns of those movements and increased noise and disturbance from general, and increased, activity. This would represent an over-intensive use of the site and would have a significantly adverse impact on the character and amenities of the wider area.

The proposal is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), and the guidance contained within Barnet's Residential Design Guidance SPD (2016)."

2. "The proposed development would, by reason of its design, fail to provide acceptable standards of accommodation to meet the needs of future residents, as a result of poor quality of sunlight, outlook and privacy for future occupiers of Unit 2 and Unit 3.

The proposal is therefore found unacceptable and contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the guidance contained within Barnet's Sustainable Design and Construction SPD (2016) and the Mayor's Housing Supplementary Planning Guidance (March 2016)."

3. Proposal

The applicant seeks consent for the erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4 no. self-contained residential units, in addition to associated alterations to hard and soft landscaping, parking and refuse/recycle store.

The proposed building would be designed in essentially two parts joined together, arranged around a central open courtyard, with two 'wings' at ground floor to the east and west.

The 'core' of the building would accommodate Units 2 and 3 at ground and lower ground level. It would measure 12.15 metres in width and 19.2 metres in length above ground. The same footprint of this core would be constructed below ground. Both units would have an open courtyard at lower ground level and include projecting balconies at ground floor and screening at lower ground and ground level.

The eastern section of the building off this core would accommodate Unit 4 (ground floor only) and would measure 4.1 metres in width and 13.1 metres in length.

The western section of the building off this core would accommodate Unit 1 (ground floor

only) and would measure 4 metres in width and 22.7 metres in length.

The building would measure a total width of 20 metres.

Each part would have a shallow pitch roof, measuring a total height at the highest part of 4.2 metres.

The links would have a flat roof at a height of 3.3 metres.

Each unit would have an associated demarcated area of garden which would include cycle parking. Plans indicate three off-street parking spaces. Refuse and recycling would be located along the access road adjacent to 47 Grove Road.

4. Public Consultation

A site notice was posted 30 July 2020.

Consultation letters were sent to 89 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Harm to the character and appearance of the surrounding area
- There would be a negative impact on neighbouring residents' living conditions with continuous noise and disruption of workmen, vehicles and machinery.
- Despite the measures proposed, digging the foundations would cause damage to the surrounding trees and have an adverse impact on the environment.
- The trees provide security, shelter and privacy to residents as well as reducing the risk of local flooding. The latter is a particular risk as it is known that springs are situated at the rear of this plot of land. The trees also would impact wildlife and reduce pollution mitigation effects.
- Future residents of the proposed dwelling would cause noise and disruption to the surrounding neighbourhood on leaving and entering the site.
- The driveway to access the site is very narrow and the increased flow of vehicles in and out poses a risk to already significant through traffic in the road as well as pedestrians.
- The proposed site would not accommodate adequate parking for the number of units, resulting in even more parking in an already congested residents parking area in Grove Road.
- Queries of access of vehicles related to the demolition and construction works of the proposed development.
- Vibration, noise and dust from building a deep basement. Land slide (clay soil) possible from digging down.
- Queries issues with emergency vehicle access

- Impact of light pollution on surrounding properties
- Water table and general drainage as a result of the basement construction
- Impact on privacy of neighbouring occupiers

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9
- Relevant Development Management Policies: DM01, DM02, DM04, DM17

Barnet's Local Plan (2012)

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.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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:

- Whether the principle of development is acceptable;
- Whether harm would be caused to the character and appearance of the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;

- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused to parking and the local highways network;
- Any other material planning considerations

5.3 Background

There are two relevant appeal decisions on the application site relevant to the proposed development subject to this planning application.

The first was an application for: "Demolition of existing building. Erection of a single storey family dwellinghouse with a basement level. Associated alterations to hard and soft landscaping" which was refused by the local planning authority under planning application reference 18/3393/FUL, by notice dated 13 August 2018.

The reason for refusal read:

"The proposed development would by reason of its size and design, in particular its form, footprint, appearance and failure to respect the constraints of the site. It is considered the proposal would appear as an incongruous form of development which relates poorly, and causes harm to, the character and appearance of the surrounding area.

The application is therefore found to be unacceptable and fails to comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Development Management Policies Development Management Plan (DMP) (2012), Policy 7.4 and 7.6 of the London Plan (2016), the advice set out in Barnet's Residential Design Guidance SPD (2016) and the principles of the National Planning Policy Framework (2012)."

The application was appealed and subsequently allowed by the Planning Inspectorate (appeal reference APP/N5090/W/18/3213664, appeal decision dated 08 March 2019).

The decision letter stated:

"The proposal is to replace an existing detached bungalow and outbuildings that occupy land behind properties that face Grove Road with a new detached dwelling. The new addition would be noticeably larger in built form and footprint than its existing single storey counterpart with living space at both ground and basement levels. Unlike the dwelling to be replaced, the proposal would be modern in design consisting of 2 parts joined at one end and arranged around a central open courtyard. The shallow pitched roof of each new part would include green sedum on the outer-facing slope." [Paragraph 4]

"Although close to the rear gardens of some properties that back onto the site, the appeal scheme would still retain reasonable separation to the boundaries of the site and the neighbouring buildings beyond, which would also allow for soft landscaping. The simple form and staggered profile of the new built form and the variation in rooflines would all serve to visually 'break down' its scale and mass when viewed from nearby properties. With adequate space around the new building on all sides, it would stand confidently within its plot with the overall density of development comparing favourably with those advised in the development plan policy guidelines." [Paragraph 5]

"For all of these reasons, I am unable to share the concern of the Council and others that the proposal would constitute overdevelopment of the site. Rather than appearing cramped and obtrusive, the proposal would nestle comfortably into the site and respect the generally spacious rear gardens immediately around the appeal property." [Paragraph 6]

"The new dwelling would differ in scale, height and roof form compared with the more substantial 2-storey terraces that predominate in the local area. However because of its coherent design, low profile and sympathetic layout, the new dwelling would respect rather than compete for attention with these larger, more traditional and visually dominant dwellings. Its backland position would also contrast with most properties in the local area that tend to directly face the road. However, the location of the existing bungalow is already a departure from the prevailing pattern of existing development around the site." [Paragraph 7]

"The contemporary design and extensive use of glazing, timber and zinc would also set the new dwelling apart from other nearby properties. Even so, developments of contemporary or contrasting design can often enhance visual interest and add diversity to an area. That would be the case here. As the proposal would be set back from the highway and behind existing properties there would be no discernable effect on the character and appearance of the local street scene. For all of these reasons, the proposed development would be compatible with its context. The appeal scheme is an appropriate and positive response to the particular characteristics of the site." [Paragraph 8]

"In reaching this conclusion, I have taken into account the dwelling enlargement and outbuildings that were recently the subject of a Certificate of Lawfulness. I have, however, assessed the proposal on its own merits and find it to be acceptable for the reasons given." [Paragraph 9]

The Inspector concluded in Paragraph 10:

"On the main issue, I conclude that the proposed development would not materially harm the character and appearance of the local area. Accordingly, it does not conflict with Policies 7.4 and 7.6 of The London Plan, Policy CS5 of the Barnet's Local Plan (Core Strategy), Policy DM01 of Barnet's Local Plan (Development Management Policies) or the Council's Supplementary Planning Document, Residential Design Guidance. These policies and guidance aim to ensure that development achieves the highest standards of design and respects local character. It would also comply with the National Planning Policy Framework, which emphasises the importance of securing high quality design and seeks to ensure that development adds to the overall qualities of an area."

The second was an application for: "Erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4no self-contained residential units. Associated alterations to hard and soft landscaping, parking and refuse/recycle store" which was refused by the local planning authority under planning application reference 19/2757/FUL, by notice dated 18 July 2019.

The proposal under this application had a similar size, scale and form of the scheme allowed at appeal (abovementioned). In regards to form, the main differences lay in the fact that the two parts/elements of the building would be joined at both ends, rather than just one. This created a courtyard. As such, the application was not refused on design grounds, in light of the Inspectors decision (detailed above).

The reasons for refusal of the second application read:

1. "The proposed development, by reason of the inclusion of four separate households with the potential to have up to fifteen occupants, in this particular location would result in a harmful increase in the levels of activity on the site arising from the movement of people, changes in the patterns of those movements and increased noise and disturbance from general, and increased, activity. This would represent an over-intensive use of the site and would have a significantly adverse impact on the character and amenities of the wider area.

The proposal is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), and the guidance contained within Barnet's Residential Design Guidance SPD (2016)."

2. "The proposed development would, by reason of its design, fail to provide acceptable standards of accommodation to meet the needs of future residents, as a result of poor quality of sunlight, outlook and privacy for future occupiers of Unit 2 and Unit 3.

The proposal is therefore found unacceptable and contrary to Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the guidance contained within Barnet's Sustainable Design and Construction SPD (2016) and the Mayor's Housing Supplementary Planning Guidance (March 2016)."

This was appealed by the applicant (appeal reference: APP/N5090/W/19/3237980, decision dated 13 February 2020).

In regard to the first reason for refusal, the Inspector stated:

"Application Ref 18/3393/FUL, which was allowed at appeal, would provide living accommodation for up to 11 people as part of a single household. In contrast, the proposed development would provide living accommodation for up to 15 people between four separate households. While the proposed development would result in a greater level of activity within the site, as well increased movement to and from the site, I consider that the resultant increase in activity resulting from four additional people living on site would be limited and not be significantly more harmful to the character of the surrounding area than that which would result from the scheme in the extant permission. Furthermore, as such activity and movement would be contained within a secluded, backland location, any impact upon the overall character of the area would be minimal. I therefore consider that the level of activity resulting from the proposal would have an acceptable effect on the character of the area." [Paragraph 12]

"For the above reasons, I conclude that the proposed development would have an acceptable effect on the character of the surrounding area. The proposed development would therefore comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies (2012) and the Residential Design Guidance SPD (2016) which state that development must respect local context and distinctive local character and be based on an understanding of local characteristics." [Paragraph 13]

In regards to the second reason for refusal, the Inspector stated:

"The appeal site comprises a bungalow within a backland location accessed from Grove Road. The site lies between the rear gardens of properties which front Grove Road to the

east, Castle Road to the north and Lambert Road to the west." [Paragraph 6]

"Two privacy screens, each measuring 1.7m in height, would be positioned between Units 2 and 3 at ground and lower ground floor level. However, from the plans, there would be significant gap of around 2.3m between the bottom of the ground floor level screen and the top of the lower ground floor level screen. A person standing on a ground floor balcony of either unit would therefore have clear, unobstructed views through this gap into the courtyard and kitchen, living and dining rooms of the other unit. The resulting level of overlooking between the occupants of both units would cause unacceptable harm to their respective living conditions in terms of privacy." [Paragraph 7]

"The appellant states that the resultant level of overlooking would be comparable to that of first floor windows in terraced houses. However, such first-floor views would usually extend over the garden of the neighbouring property, whereas in this case the ground floor balconies would provide multiple, close-range views directly into the living areas and courtyards (which in the case of unit 2 is the only outdoor amenity area) of the adjacent unit. As such, the example provided is not comparable and does not provide justification for the harm identified above." [Paragraph 8]

"The outlook towards the courtyard from the kitchen, living and dining rooms of Units 2 and 3 would be partially obstructed by the ground floor balconies above. However, both units would have additional views through the lightwells and clerestory windows and through the floor-to-ceiling height glazing at the northern and southern elevations of the courtyard. As such, both units would have an acceptable level of outlook. I am also satisfied from the evidence before me that the glazing would provide future occupants with sufficient levels of daylight and sunlight at lower-ground floor level." [Paragraph 9]

"While there may be a degree of overshadowing caused by the overhanging ground floor level balconies, I do not consider that the harm caused in this respect would be significant due to positioning and limited depth and width of these balconies. Furthermore, as a condition could be imposed to ensure that the privacy screens would be translucent, I do not consider that they would cause an unacceptable level of harm to the lower ground floor level habitable rooms or the courtyard of Unit 2 in terms of overshadowing." [Paragraph 10]

"Nonetheless, for the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to privacy. The proposal therefore conflicts with Policy DM01 of Barnet's Development Management Document (2012), the Sustainable Design and Construction SPD (2016) and the Housing SPG (2016) which state that development should allow for adequate levels of privacy for occupiers." [Paragraph 11]

Therefore, the only harm the Inspector identified was the harm to the privacy of neighbouring occupiers, in specific regard to the two privacy screens positioned between Units 2 and 3 at ground and lower ground floor level, which due to the gap of around 2.3 metres between them, would have allowed overlooking between the occupants of both units. This was the only reason the Inspector dismissed the appeal on. He found it acceptable on all other planning grounds.

The applicant has therefore sought to address this with a translucent glazed screen positioned between Units 2 and 3 at both ground and lower ground level, which would be supported by a structural beam. There would be no gap, and thus no mutual overlooking would occur.

This is demonstrated on the illustrations on Page 13 of the submitted Design and Access

Statement and Drawing No. 17.219.S39 Revision A, showing a plan and section of the proposed privacy screen.

This is considered an acceptable solution - it would preserve the privacy of the future occupants on Unit 2 and 3 as there would be now no gap between the two screens, and the screens would be translucent, which as acknowledged by the Planning Inspector (Paragraph 10 of the appeal decision letter) would not cause undue overshadowing. This has addressed the only reason for dismissal.

5.4 Assessment of these proposals

Principle of development:

The applicant seeks consent for the erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4 no. self-contained residential units.

As detailed above, this was deemed acceptable by the Planning Inspector (appeal decision APP/N5090/W/19/3237980, decision dated 13 February 2020).

This current application would not represent an increase in the number of units or households proposed. Nor would it represent an increase in bed spaces or number of occupants. The proposed development includes three 3 bedroom units, which could accommodate families.

Considering the previous appeal decision, the principle of development is deemed acceptable.

Impact on character and appearance:

The proposal under this application has a similar footprint, scale and design as the scheme allowed at appeal (appeal reference APP/N5090/W/18/3213664, appeal decision dated 08 March 2019, as detailed above).

Regarding form, the main difference with the allowed appeal decision lie in the fact that the two parts/elements of the building would be joined at both ends, rather than just one. This creates a courtyard at lower ground level. Lightwells have also been added.

Considering the similarities between the proposed development under this application and the development deemed acceptable by the Planning Inspector (appeal reference APP/N5090/W/18/3213664, appeal decision dated 08 March 2019), no objection is raised in regard to impact on character and appearance of the local area.

Impact on amenity of neighbouring occupiers:

In the previous applications, the local planning authority did not consider that the proposed development detrimentally impacts the amenities of the neighbouring occupiers. This is because the proposed development would be a single storey (above ground); remain set back from its respective boundaries; and would be sited adjacent to the rearmost parts of the neighbouring garden areas.

The proposed development would be sited between 3.5 to 5.5 metres away from the boundary adjacent to No. 47 Grove Road (to the north). The development would be sited between 3 to 7 metres from the boundaries adjacent to No. 37 to 43 Grove Road (to the east). The development would be sited between 2 to 4.4 metres from the boundary adjacent to No. 35 Grove Road (to the south). The development would be sited a minimum of 3.3 metres from the boundaries adjacent to the properties fronting Lambert Road.

The Inspector noted in appeal decision reference APP/N5090/W/18/3213664, decision dated 08 March 2019, in Paragraph 13: "Reasonable distances would separate the new dwelling and the houses that back onto the site. In those circumstances, the appeal scheme would not cause an undue loss of privacy through overlooking."

The footprint, size and scale of the proposed building is broadly similar to the previous appeals, in which the local planning authority and Inspectorate found no harm to the amenity of neighbouring occupiers and the case would remain the same in this instance.

Impact on amenity of future occupiers:

As explained above, the only reason the previous appeal (appeal reference: APP/N5090/W/19/3237980, decision dated 13 February 2020) was dismissed was on grounds of mutual overlooking arising from the gap between the privacy screens positioned between Unit 2 and 3.

The applicant has therefore sought to address this under this application with a translucent glazed screen positioned between Units 2 and 3 at both ground and lower ground level, which would be supported by a structural beam. There would be no gap, and thus no mutual overlooking would occur.

This is demonstrated on the illustrations on Page 13 of the submitted Design and Access Statement and Drawing No. 17.219.S39 Revision A, showing a plan and section of the proposed privacy screen.

This is considered an acceptable solution - it would preserve the privacy of the future occupants on Unit 2 and 3 as there would be now no gap between the two screens, and the screens would be translucent, which, as acknowledged by the Planning Inspector (Paragraph 10 of the appeal decision letter), would not cause undue overshadowing. This has addressed the only reason for dismissal.

The Inspector (appeal reference: APP/N5090/W/19/3237980, decision dated 13 February 2020) found the proposed development acceptable in terms of light, overshadowing and outlook for future occupiers, and the case therefore remains the same in this instance.

The proposed development, like the previous scheme, meet minimum space standards and outdoor amenity space requirements (as required by Policy DM02 of Barnet's Development Management Policies Document DPD 2012), in addition to ceiling heights and bedroom sizes/areas.

For the above reasons, the proposed development is deemed acceptable in terms of impact on the amenity and living conditions of future occupiers.

Impact on highways and parking:

The application proposes four self-contained units (3 x 3bedrom units and 1 x 1bedroom units).

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) 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:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

It states that residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ

A highways officer has assessed the application and commented:

"The proposal is for the demolition of the existing 1x 4+bed single family dwelling and the construction of 4x self-contained units (1x 1bed and 3x 3bed). The applicant is proposing to make provision for 3x off-street car parking spaces.

The site lies within a PTAL 3, which means that there is moderate public transport accessibility to and from the site. Controlled car parking is in operation on street (FN) in operation Monday-Saturday between the hours of 9am-5pm. According to requirements set out on Policy DM17 of the Barnet Local Plan, 4.5 off-street car parking spaces should be provided for use by future residents of the proposed units.

Therefore the proposal for 3 spaces means an under-provision of 1.5 spaces. Taking the following into consideration;

- o The site also lies within a CPZ (FN) 9am-5pm in operation from Monday-Saturday;
- o The site is located within a PTAL 3 site;
- o The site lies within walking distance of a Town Centre location;
- o The site is located within walking distance of local amenities.

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located.

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For a proposal such as this the required cycle parking provision is 7 spaces."

The applicant has agreed to secure a S106 to remove the future resident's ability to obtain parking permits.

Impact on trees:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate (point k).

As explained, the current scheme is the same size in footprint to that approved at appeal (appeal reference APP/N5090/W/18/3213664, decision dated 08 March 2019).

The Inspector stated in appeal reference APP/N5090/W/18/3213664, decision dated 08 March 2019, (the first application):

"The appellant's Arboricultural Survey and Impact Assessment (AS&IA) states that none of the trees within or just beyond the site are protected. It identifies only 3 trees of higher value, all of which would be retained if the development to proceed. The submitted Arboricultural Method Statement (AMS) includes measures to protect the health and longevity of the retained trees, which could be secured by condition." [Paragraph 12]

The same arboricultural report submitted under the 19/2757/FUL (the second application) has been submitted to support this application. The Tree Officer has deemed that this approach is reasonable and acceptable as the report is still within time.

Considering the appeal decision (above), no objection is raised to the proposed tree works, but the Tree Officer recommends a condition is attached to secure a tree planting plan, in addition to a tree protection plan and arboricultural method statement which would also be secured by condition as the applicant's submitted AS&IA does not include this.

The Tree Officer has also suggested that a green roof will minimise the visual impact of the building from surrounding residential properties and that full details can be secured via condition.

A landscape plan condition is required to ensure that if any trees are removed to accommodate the development other than approved, and any post development pressure for more garden space, the authority can enforce replacement planting if needed.

Adjoining properties own the majority of the trees and therefore the responsibility for the maintenance of these trees and the screening they provide remains within their control.

Considering the above, the Tree Officer has raised no objection to this application.

Environmental Health matters:

An environmental health officer has assessed the application and deemed it acceptable subject to conditions.

The agent has stated that a MVHR system (a Mechanical Ventilation with Heat Recovery system) may be installed on site. Conditions have been attached accordingly.

Drainage/Flooding:

The application site is within Flood Zone 1. The site is within a critical drainage area.

The application has been assessed by a senior flood risk manager who has recommended a condition to be attached in the event of an approval considering it is within a critical drainage area.

5.5 Response to Public Consultation

- Harm to the character and appearance of the surrounding area

As explained above, appeal reference APP/N5090/W/18/3213664, decision dated 08 March 2019, deemed the proposed development acceptable regarding its impact on the character and appearance of the surrounding area. The case remains the same in this instance, as the proposed development is similar in scale, size and appearance as the appeal scheme.

- There would be a negative impact on neighbouring resident's living conditions with continuous noise and disruption of workman, vehicles and machinery.

Under appeal decision reference APP/N5090/W/18/3213664, decision dated 08 March 2019, the Inspector stated in Paragraph 11:

"During demolition and construction there would inevitably be some impact on the local area, traffic flows and nearby occupiers from noise and general disturbance and from vehicles going to and from the site. However, this potential disruption would be over a limited time period and could be managed in a way that minimises disturbance through a Construction and Demolition Method Statement (CDMS), which could be secured by condition. With an approved Statement in place and adhered to, the proposal would not contribute unacceptably to traffic disruption, prejudice highway safety or significantly harm residential amenity."

The case remains the same in this instance. A CDMS will be attached, as would a condition to limit the times in which demolition and construction may take place.

- Despite the measures proposed, digging the foundations would cause damage to the surrounding trees and have an adverse impact on the environment.

As explained in the main assessment, the proposed development is considered acceptable in terms of trees and conditions have been attached accordingly.

- The trees provide security, shelter and privacy to residents as well as reducing the risk of local flooding. The latter is a particular risk as it is known that springs are situated at the rear of this plot of land. The trees also would impact wildlife and reduce pollution mitigation effects.

As explained in the main assessment, the proposed development is considered acceptable in terms of trees and conditions have been attached accordingly.

The application has been deemed acceptable in regard to flooding/drainage, subject to conditions.

- Future residents of the proposed dwelling would cause noise and disruption to the surrounding neighbourhood on leaving and entering the site.

The Inspector stated in Paragraph 11 of appeal reference APP/N5090/W/19/3237980, decision dated 13 February 2020:

"While the proposed development would result in a greater level of activity within the site, as well increased movement to and from the site, I consider that the resultant increase in activity resulting from four additional people living on site would be limited and not be significantly more harmful to the character of the surrounding area than that which would result from the scheme in the extant permission. Furthermore, as such activity and movement would be contained within a secluded, backland location, any impact upon the overall character of the area would be minimal. I therefore consider that the level of activity resulting from the proposal would have an acceptable effect on the character of the area."

Furthermore, the environmental health officer has not objected.

- The driveway to access the site is very narrow and the increased flow of vehicles in and out poses a risk to already significant through traffic in the road as well as pedestrians.

The application has been deemed acceptable on highways grounds by the highways officer, subject to conditions and a legal agreement restricting future occupants ability to secure parking permits.

- The proposed site would not accommodate adequate parking for the number of units, resulting in even more parking in an already congested residents parking area in Grove Road.

The application has been deemed acceptable on highways grounds by the highways officer, subject to conditions and a legal agreement restricting future occupants ability to secure parking permits.

- Queries of access of vehicles related to the demolition and construction works of the proposed development.

As abovementioned, a CDMS will be secured by way of condition.

- Vibration, noise and dust from building a deep basement. Land slide (clay soil) possible from digging down.

The application has been deemed acceptable in regard to flooding/drainage, subject to conditions.

A CDMS has been attached to manage matters related to demolition and construction works. The environmental health does not believe that monitoring of vibrations will be needed as the property is detached and nearest receptors are at a distance that should not be affected by excavations for basement.

A condition has been attached in regard to the control of dust and emissions during construction and demolition in accordance with GLA guidance.

- Queries issues with emergency vehicle access

In response to this the highways officer has stated that a previous application on the same site required a S184/278 application be made to the Highways Department. Under this application, the Highways Department will ensure that the access way is constructed in line with requirements for health and safety. An informative has been attached accordingly. Furthermore, the previous use was already residential with vehicular access.

- Impact of light pollution on surrounding properties

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that new development should take into account neighbouring properties to ensure that nuisance will not be caused from lighting during night time hours.

Considering the existing land use is for residential, it is not considered that the proposed development would result in a greater level of harm than existing in regard to lighting during night time.

- Water table and general drainage as a result of the basement construction

The application has been deemed acceptable in regard to flooding/drainage, subject to conditions.

- Impact on privacy of neighbouring occupiers

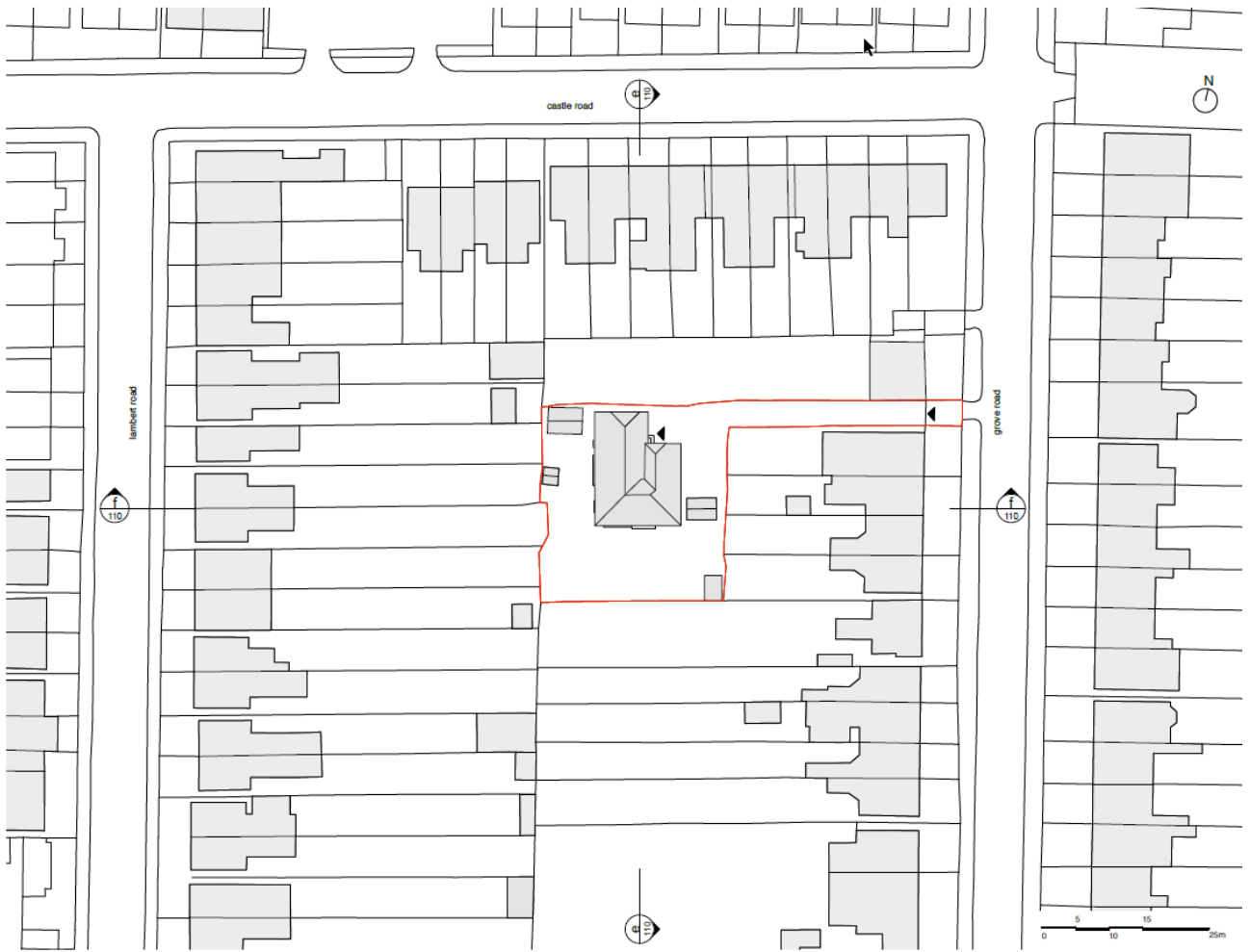
As discussed in the main assessment, the impact on the amenity of neighbouring occupiers is deemed acceptable.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and obligations, the proposed development is deemed acceptable. This application is therefore recommended for approval.



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Appeal Decision

Site visit made on 25 January 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 March 2019

Appeal Ref: APP/N5090/W/18/3213664

45 Grove Road, North Finchley, London N12 9EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Greensite against the decision of the Council of the London Borough of Barnet.
 - The application Ref 18/3393/FUL, dated 1 June 2018, was refused by notice dated 13 August 2018.
 - The development proposed is the erection of a replacement family 6-bedroom dwelling for an existing 4-bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement family 6-bedroom dwelling for an existing 4-bedroom dwelling at 45 Grove Road, North Finchley, London N12 9EB in accordance with the terms of the application Ref 18/3393/FUL, dated 1 June 2018, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. Several additional plans have been submitted at the appeal stage with different drawing numbers to their respective counterparts that were before the Council when it refused planning permission. From my inspection of these additional plans and the accompanying drawing schedule, it is unclear whether any changes have been made to the development compared to the scheme that was before the Council when it decided to withhold planning permission. For the avoidance of doubt, I have assessed the proposed development as it is shown on the drawings that are listed on the Council's decision notice.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The proposal is to replace an existing detached bungalow and outbuildings that occupy land behind properties that face Grove Road with a new detached dwelling. The new addition would be noticeably larger in built form and footprint than its existing single storey counterpart with living space at both ground and basement levels. Unlike the dwelling to be replaced, the proposal would be modern in design consisting of 2 parts joined at one end and arranged around a central open courtyard. The shallow pitched roof of each new part would include green sedum on the outer-facing slope.

5. Although close to the rear gardens of some properties that back onto the site, the appeal scheme would still retain reasonable separation to the boundaries of the site and the neighbouring buildings beyond, which would also allow for soft landscaping. The simple form and staggered profile of the new built form and the variation in rooflines would all serve to visually 'break down' its scale and mass when viewed from nearby properties. With adequate space around the new building on all sides, it would stand confidently within its plot with the overall density of development comparing favourably with those advised in the development plan policy guidelines.
6. For all of these reasons, I am unable to share the concern of the Council and others that the proposal would constitute overdevelopment of the site. Rather than appearing cramped and obtrusive, the proposal would nestle comfortably into the site and respect the generally spacious rear gardens immediately around the appeal property.
7. The new dwelling would differ in scale, height and roof form compared with the more substantial 2-storey terraces that predominate in the local area. However because of its coherent design, low profile and sympathetic layout, the new dwelling would respect rather than compete for attention with these larger, more traditional and visually dominant dwellings. Its backland position would also contrast with most properties in the local area that tend to directly face the road. However, the location of the existing bungalow is already a departure from the prevailing pattern of existing development around the site.
8. The contemporary design and extensive use of glazing, timber and zinc would also set the new dwelling apart from other nearby properties. Even so, developments of contemporary or contrasting design can often enhance visual interest and add diversity to an area. That would be the case here. As the proposal would be set back from the highway and behind existing properties there would be no discernable effect on the character and appearance of the local street scene. For all of these reasons, the proposed development would be compatible with its context. The appeal scheme is an appropriate and positive response to the particular characteristics of the site.
9. In reaching this conclusion, I have taken into account the dwelling enlargement and outbuildings that were recently the subject of a Certificate of Lawfulness. I have, however, assessed the proposal on its own merits and find it to be acceptable for the reasons given.
10. On the main issue, I conclude that the proposed development would not materially harm the character and appearance of the local area. Accordingly, it does not conflict with Policies 7.4 and 7.6 of The London Plan, Policy CS5 of the Barnet's Local Plan (Core Strategy), Policy DM01 of Barnet's Local Plan (Development Management Policies) or the Council's Supplementary Planning Document, *Residential Design Guidance*. These policies and guidance aim to ensure that development achieves the highest standards of design and respects local character. It would also comply with the National Planning Policy Framework, which emphasises the importance of securing high quality design and seeks to ensure that development adds to the overall qualities of an area.
11. During demolition and construction there would inevitably be some impact on the local area, traffic flows and nearby occupiers from noise and general disturbance and from vehicles going to and from the site. However, this potential disruption would be over a limited time period and could be managed in a way that minimises disturbance through a Construction and Demolition

Method Statement (CDMS), which could be secured by condition. With an approved Statement in place and adhered to, the proposal would not contribute unacceptably to traffic disruption, prejudice highway safety or significantly harm residential amenity.

12. The appellant's Arboricultural Survey and Impact Assessment (AS&IA) states that none of the trees within or just beyond the site are protected. It identifies only 3 trees of higher value, all of which would be retained if the development to proceed. The submitted Arboricultural Method Statement (AMS) includes measures to protect the health and longevity of the retained trees, which could be secured by condition.
13. Reasonable distances would separate the new dwelling and the houses that back onto the site. In those circumstances, the appeal scheme would not cause an undue loss of privacy through overlooking. There is no clear evidence to demonstrate that wildlife habitats would be adversely affected or that the proposal would cause or exacerbate local drainage problems. I therefore find no compelling reasons to justify withholding planning permission on these particular grounds. The appellant also makes clear that the dwelling would not be used for business purposes.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring details of external materials, ground and finished floor levels, means of enclosure, landscaping and refuse storage. Conditions to encourage water efficiency and to reduce carbon dioxide emissions are also necessary to reduce water consumption and to promote sustainable development respectively.
15. To safeguard the living conditions of the occupiers of nearby properties, a condition requiring the approval of and subsequent compliance with a CDMS is necessary. For the same reason, a condition is imposed to limit the times in which demolition and construction may take place. To protect retained trees on site, a condition is attached to require compliance with the submitted AMS.
16. Additional extensions and alterations to the new dwelling or additional outbuildings within the plot could affect the visual character of the area as well as the living conditions of nearby residents. Therefore, it is necessary to remove exceptionally some permitted development (PD) rights by condition to safeguard the character of the local area and residential amenity.
17. Where necessary, I have amended the Council's suggested conditions for clarity, concision and to more closely reflect national policy. That the restriction on PD rights should apply to land to the rear of 138 Clitterhouse Road, as suggested by the Council, has not been applied because I could find no such property near to the site.
18. The Planning Practice Guidance states that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning. Accordingly, I have not imposed a condition to require compliance with building regulations. A requirement that water be supplied through a meter has not been imposed since this requirement is unnecessary to make the development acceptable in planning terms.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 17.219.001, 17.219.100, 17.219.101, 17.219.102, 17.219.110, 17.219.111, 17.219.112, 17.219.113, 17.219.230 a, 17.219.231 a, 17.219.232 a, 17.219.233 a, 17.219.234 a, 17.219.240 a, 17.219.241 a, 17.219.242 a, 17.219.243 a, 17.219.250 a, 17.219.260 a, 17.219.261 a, 17.219.262 a, 17.219.263 a and LD-001.
- 3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of the dwelling.
- 5) Demolition, construction works and deliveries associated with the development hereby permitted shall take place only between 0800 hours and 1800 hours, Monday to Friday; between 0800 hours and 1300 hours on Saturday and shall not take place at any time on Sundays or on Bank Holidays or Public Holidays.
- 6) No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. The approved Statement shall be adhered to throughout the demolition and construction period for the development.
- 7) The dwelling hereby permitted shall not be occupied until refuse storage and collection facilities have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved refuse storage and collection facilities shall be permanently retained thereafter.

- 8) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that measures have been incorporated to 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. These carbon dioxide reduction measures shall be permanently retained thereafter.
- 9) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that the development will not exceed a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. These measures shall be permanently retained thereafter.
- 10) The measures specified in the Arboricultural Method Statement prepared by Marcus Foster Arboricultural Design & Consultancy dated 15 May 2018 shall be implemented in their entirety for the duration of the demolition and construction phases of the development hereby permitted.
- 11) Development shall not begin until details of the existing and proposed ground levels and the proposed finished ground floor levels of the building hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform and buildings. Development shall be carried out in accordance with the approved details.
- 12) The dwelling hereby permitted shall not be occupied until hard and soft landscape works have been carried out in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. Where appropriate, the scheme shall include: car parking layout; pedestrian access and circulation areas; green roofs, hard surfacing materials; minor artefacts and structures (eg. furniture, gates, play equipment, signs, lighting); and proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes and supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges, plants or any part of the green roofs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and

Country Planning Act 1990) as may otherwise be permitted by Classes A to F (inclusive) of Part 1 of Schedule 2 of the Order shall be carried out.



Appeal Decision

Site visit made on 21 January 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/N5090/W/19/3237980

45 Grove Road, North Finchley, London N12 9EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Natasha Greensite against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/2757/FUL, dated 13 May 2019, was refused by notice dated 18 July 2019.
 - The proposed development is erection of a single storey building with a basement level following demolition of existing single family dwellinghouse to create 4no self-contained residential units. Associated alterations to hard and soft landscaping, parking and refuse/recycle store.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interests of clarity and precision, the description of the proposed development set out within the banner heading above has been taken from the decision notice.
4. The appellant has provided revised plans with the appeal showing lightwells and larger high-level glazing. While neighbouring occupants have not had the chance to provide comments on these, I consider that they would not be prejudiced by my acceptance of them as they do not drastically alter the proposal. I have therefore accepted the revised plans and have taken them into consideration as part of my recommendation.

Main Issues

5. The main issues are:
 - i) whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to light, outlook and privacy;
 - ii) the effect of the proposed development on the character of the surrounding area.

Reasons for the Recommendation

Living Conditions for Future Occupants

6. The appeal site comprises a bungalow within a backland location accessed from Grove Road. The site lies between the rear gardens of properties which front Grove Road to the east, Castle Road to the north and Lambert Road to the west.
7. Two privacy screens, each measuring 1.7m in height, would be positioned between Units 2 and 3 at ground and lower ground floor level. However, from the plans, there would be significant gap of around 2.3m between the bottom of the ground floor level screen and the top of the lower ground floor level screen. A person standing on a ground floor balcony of either unit would therefore have clear, unobstructed views through this gap into the courtyard and kitchen, living and dining rooms of the other unit. The resulting level of overlooking between the occupants of both units would cause unacceptable harm to their respective living conditions in terms of privacy.
8. The appellant states that the resultant level of overlooking would be comparable to that of first floor windows in terraced houses. However, such first-floor views would usually extend over the garden of the neighbouring property, whereas in this case the ground floor balconies would provide multiple, close-range views directly into the living areas and courtyards (which in the case of unit 2 is the only outdoor amenity area) of the adjacent unit. As such, the example provided is not comparable and does not provide justification for the harm identified above.
9. The outlook towards the courtyard from the kitchen, living and dining rooms of Units 2 and 3 would be partially obstructed by the ground floor balconies above. However, both units would have additional views through the lightwells and clerestory windows and through the floor-to-ceiling height glazing at the northern and southern elevations of the courtyard. As such, both units would have an acceptable level of outlook. I am also satisfied from the evidence before me that the glazing would provide future occupants with sufficient levels of daylight and sunlight at lower-ground floor level.
10. While there may be a degree of overshadowing caused by the overhanging ground floor level balconies, I do not consider that the harm caused in this respect would be significant due to positioning and limited depth and width of these balconies. Furthermore, as a condition could be imposed to ensure that the privacy screens would be translucent, I do not consider that they would cause an unacceptable level of harm to the lower ground floor level habitable rooms or the courtyard of Unit 2 in terms of overshadowing.
11. Nonetheless, for the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to privacy. The proposal therefore conflicts with Policy DM01 of Barnet's Development Management Document (2012), the Sustainable Design and Construction SPD (2016) and the Housing SPG (2016) which state that development should allow for adequate levels of privacy for occupiers.

Character of Surrounding Area

12. Application Ref 18/3393/FUL, which was allowed at appeal, would provide living accommodation for up to 11 people as part of a single household. In contrast,

the proposed development would provide living accommodation for up to 15 people between four separate households. While the proposed development would result in a greater level of activity within the site, as well increased movement to and from the site, I consider that the resultant increase in activity resulting from four additional people living on site would be limited and not be significantly more harmful to the character of the surrounding area than that which would result from the scheme in the extant permission. Furthermore, as such activity and movement would be contained within a secluded, backland location, any impact upon the overall character of the area would be minimal. I therefore consider that the level of activity resulting from the proposal would have an acceptable effect on the character of the area.

13. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character of the surrounding area. The proposed development would therefore comply with Policy CS5 of Barnet's Core Strategy (2012), Policy DM01 of Barnet's Development Management Policies (2012) and the Residential Design Guidance SPD (2016) which state that development must respect local context and distinctive local character and be based on an understanding of local characteristics.

Planning Balance, Conclusion and Recommendation

14. Although I have found that the proposed development would have an acceptable effect on the character of the surrounding area, this is outweighed by the harm that would be caused by the unacceptable living conditions that would be provided for future occupants in terms of privacy.
15. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

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Location **21 - 23 Beechcroft Avenue; London, NW11 8BJ**

AGENDA ITEM 8

Reference:

| | | |
|-------------------|-----------|------------|
| | Received: | 28.08.2019 |
| 19/4711/FUL | Accepted: | 28.08.2019 |
| Ward: Childs Hill | Expiry | 23.10.2019 |

Applicant:

Hazel Group LTD

Proposal:

Demolition of existing 2no. dwelling houses and erection of 3 storey building plus basement to facilitate 9no. self-contained flats (comprising 1 x bed; 7 x 2 bed and 1 x 3 bedroom units) with associated amenity space, lift, off street car parking and refuse and recycle store and cycle store

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 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 and documents:

- Existing Plan; Site location plan, BA19-100; BA19- 201 (Rev P3 SEP 20); BA19-202 (Rev P3 SEP 20); BA19-203 Rev P3 SEP 20
- Energy Statement by SIAW dated July 2019
- Regulation Compliance Report dated 17th July 2019
- Transport Statement by John Elliot Consultancy dated July 2019#
- Planning, Design and Access Statement dated August 2019 by SIAW Architectural Workshop
- Arboricultural Survey and Impact Statement dated 25 July 2019 (ref no: A14/MF/080/19)

- Tree Planting Design Template by Marcus Foster Arboricultural and Landscaping consultancy
- Car Lift Specifications by Ideal Park (Reference no: IP1-HMTV.07)

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

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

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

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

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

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

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

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

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

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

- 5. (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.

- 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.

- 6. Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. 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.

7. a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

8. Prior to the first occupation of the development, a Maintenance Agreement for the operation of the car lifts and the Automated Electronic Access Control Shutter must be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented and maintained in accordance with the details hereby approved under the Car Lift Management Agreement.

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development

Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10.** The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

This sound insulation shall ensure that the levels of noise generated from the car lift; 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 2016.

12. Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

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

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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

15. Before the building hereby permitted is first occupied the proposed window(s) and skylights to both side elevations facing nos 19 and 25 Beechcroft Avenue respectively 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).

16. 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.

- 17.** 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).

- 18.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.

- 19.** The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: to confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan policy CS9 of the Core Strategy (2012) ; policy DM17 of the Development Management Document (2012) and policies 6.11 and 6.12 of the London Plan (2016).

- 20.** Other than the terraces shown on the approved plans, no part of the roof of each floor shall be used as balcony, amenity or sitting out area.

Reason. To safeguard the neighbouring amenity in accordance with policy DM01 of the Development Management Document (2012).

- 21.** Prior to occupation of the development the proposed car parking spaces within the parking area as shown in Drawing Nos.BA19-201 Rev 03 SEP 20 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with policy CS9 of Core Strategy (2012) and policy DM17 of Development Management Document (2012).

- 22.** Prior to works commencing on the basement, the following details will have to be submitted to and approved in writing to the Local Planning Authority.

"(i) A preliminary report detailing existing hydrology and soils and how the approved works would impact on hydrology and how stability of neighbouring properties during construction will be protected and monitored;

(ii) means by which the Local Planning Authority can cover the costs of having the report required in (i) to be independently reviewed by a suitably qualified person; and

(iii) Following independent review of the interim report, a final report that shall make recommendations arising from the initial findings and independent review.

The construction works shall be implemented in accordance with the recommendations of the approved final report, and any on-going requirements shall be maintained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties and local hydrogeology

in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 5.13 of the London Plan 2016."

23.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.

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. 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 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>.
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 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.

5. 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.

6. 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.
7. 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.

8. The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

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.

9. Various trees, shrubs and hedging are protected as they are shown to be retained or planted as part of the landscaping condition of the planning permission granted for the development of the site. This landscaping condition specifies that any trees or shrubs removed, dying, becoming severely damaged or becoming diseased within five years of the completion of the development are to be replaced with trees or plants of appropriate size and species.
10. The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980).

As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

To receive a copy of our Guidelines for Developers and an application form please contact:

Traffic & Development Section - Development and Regulatory Services,
London Borough of
Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

11. 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.
12. 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.

13. If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred.

The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officers Assessment

- **Site description.**

The application site is located on the Northern side of Beechcroft Avenue and contains two detached houses.

Although the local area is predominantly characterised by single family houses, there are also a mix of flatted developments, Houses in Multiple Occupation (HMOs) and flat conversions in the immediate area.

The site lies within a PTAL 5 site which means that there is very good public transport accessibility to and from the site.

The existing properties are not listed, and the site does not lie within a Conservation Area.

2. Site History

There is no relevant planning history onsite.

3. Proposal

The application seeks consent for the demolition of the two existing houses and garages and the erection of a 3-storey plus basement building to provide 9 self-contained residential units (comprising of 1 x 1bed, 7 x 2 bed and 1 x 3 bed units) with 10 basement and off-street parking accessed by a car lift and associated landscape.

4. Public Consultation

91 Consultation letters were sent to neighbouring properties on 30.08.2019. A site notice was published on 05.09.2019 and advertised in Barnet Times on 03.09.2019.

Five objection letters were received on the initial proposed development onsite. Following a series of design amendments, neighbouring properties were reconsulted on the revised proposed drawings on 11 September 2020. Officers received a further nine objections to the amended proposal, of which four individuals had previously commented on the initial proposal.

The objections received can be summarised as follows:

- The proposed flatted development would not be in keeping with Beechcroft Avenue, which is predominantly characterised by single family dwelling houses with back gardens;
- Loss of front garden area and replaced with hard surfacing, thereby altering the appearance of the streetscene;
- The design, appearance, scale, siting, bulk and massing of the proposal would have an imposing impact on the streetscene;
- The site is unsuitable for a flatted development as Beechcroft Avenue have experienced and still vulnerable to flooding;
- Exacerbate further the pressure on the demand for street parking;
- Additional noise distance in area, noise disturbance from the car lift which may be experienced by the neighbours;
- Air pollution;
- Congestion;
- Over intensification and overdevelopment of the site;
- Would have an impact on street parking on Elmcroft Avenue;

- The proposed operation of the car lift could result in undue noise disturbance to neighbouring properties;
- The proposal would extend beyond the existing building line at the rear of the property and would adversely impact on amenity of neighbouring properties;
- Loss of daylight, sunlight and privacy and general amenity to no's 19 and 25 Beechcroft Avenue, no 7B Elmcroft Avenue and other surrounding properties.
- The proposed basement level may impact the foundations and structure of 25 Beechcroft and could cause subsidence and damage to walls.

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

Statutory Consultee Comments

London Borough of Barnet (Transport and Development):

The application is recommended for approval on highway grounds subject to the following

Conditions:

- Provision of disabled car parking spaces;
- Further details of general car parking space;
- Cycle parking details;
- Demolition and Construction Management Plan;
- Details of electric vehicle charging points (20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facilities);
- Details of refuse collection arrangements;
- Details of highway works, including the creation or modification of a vehicular access as a result of the development; and
- Maintenance agreement for the car lift

London Borough of Barnet Environmental Health

The applicant submitted car lift specifications on transmission and noise mitigation details.

LBB Environment Team are satisfied with the proposed acoustic glazing which has been proposed for windows nearest to car lift and that the levels of noise will be within recommended guidelines.

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

- Construction Method Statement
- Restriction noise from plant

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.

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 3.3; 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 7.13 ; 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. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan.

Draft Replacement London Plan 2017

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

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

The Secretary of State wrote to the Mayor on the 13th March advising that the London Plan 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; CS1; CS4; CS5; CS8; CS9; CS14
- Relevant Development Management Policies: DM01; DM02; DM03; DM04; DM08 AND DM17

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

Supplementary Planning Documents

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

Residential Design Guidance SPD (adopted October 2016).

6. Main issues for consideration

The main issues for consideration in this case are:

- Principle of the loss of two single-family unit and replaced by a flatted development comprising no 9 residential units;
- The quality of the design and 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

- Quality of residential proposed accommodation;
- Impact on the local highway;
- Removal and replanting of trees onsite; and
- Accessibility and Sustainability

Principle of the loss of two single-family unit and replaced by a flatted development comprising no 9 residential units

Policy DM01 seeks to protect the character of the borough, which has been informed by the characterisation study undertaken as part of the production of the Local Plan. The supporting text of Policy DM01 states that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(i) states that:

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

Beechcroft Avenue contains a mix of single-family dwellings, flatted developments, house conversions to flats and Houses in Multiple Occupation (HMOs). As such, it is evident that there is a mixture in residential typology within close vicinity of the site.

The principle of the loss of a single family dwellinghouse and providing self-contained flats is considered acceptable in this case. In this instance it is not considered that the policy to protect single family dwellings in roads that are characterised by single dwellings directly applies given the mixed character in the street with blocks of flats directly opposite the site and further along the street at no's 10-12 Beechcroft Avenue and no 26-28 Beechcroft Avenue respectively.

Officers therefore consider that the loss of two single-family dwellings at onsite is acceptable in principle.

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 1 x 1 bedroom (11% of total number of units); 7 x 2 bed units and 1 x 3 bed units (89% of total number of units).

The proposal makes provision for a 3 x bed unit which can house up to 6 persons, which is welcomed by Officers. The proposal makes provision for 7 x 2 beds, all of which are suitable for occupation by 4 persons. In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment.

The quality of the design and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

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

The existing two x 2 storey buildings onsite are not listed buildings and are considered to have limited architectural merit. As such, the proposal demolition of the existing buildings is acceptable, subject to an appropriate replacement.

Throughout the planning process, officers have engaged with the applicant to ensure that the final proposed development onsite is of an appropriate design within the streetscene . The proposed height of the development is 3 storeys however, the top storey is accommodated in a pitched roof with a ridge no higher than either neighbouring property. Notwithstanding, the proposal follows a similar height to the three-storey development across the street at no 10-12 and no's 26-28 Beechcroft Avenue. The proposal height is therefore consistent with other flatted development in the immediate area and would not have an imposing or domineering impact on the neighbouring properties or the streetscene.

In terms of footprint, the proposed building would not extend forward of the front most building line of the existing property and as such there is sufficient relief between the public highway and the building line. The footprint of the scheme is broadly in keeping with the footprint of other flatted developments on Beechcroft Avenue.

Whilst the development to the rear does extend beyond the existing building lines at the rear of no's 19 and 25 Beechcroft Avenue, it would not have an overbearing or domineering impact on these properties. The proposal is sited on the boundaries at ground floor level, with the first floor being staggered away from the boundaries, except for the element that is adjacent to the property at no. 25 where the building is up to the boundary line. These relationships are not considered to compromise the visual amenity of neighbouring properties and is in accordance with the Councils adopted Supplementary Planning Document (SPD) for new Residential Development.

With reference to bulk and massing, the gradual changes in levels across the site, including recesses and setbacks on the upper levels give the proposed development visual interest whilst also limiting the perception of bulk and massing of the overall design of the building. Moreover, the eaves and ridge level of the proposal is broadly in keeping with neighbouring buildings, which appears to be respectful of the street context and further contributes to the reduction in bulk and massing. The width of the ridge line, together with the angle of the pitch roof are proportionate to the scale of the overall development.

The proposal makes provision for five appropriately sized dormer windows in total. The front and rear elevations each contain two dormer windows which are well positioned on the roofslope, set away from eaves and ridges of the roof. The west facing side elevation has one dormer window. The dormer windows would remain subordinate to the overall building and would not adversely impact on the architectural integrity of the building. Conversely, the dormer windows are more akin to family dwellings rather than flatted developments and is respectful of its context and the streetscene. Rooflights are also proposed on all elevations.

In terms of the appearance of the front of the building, the proposed car lift is to be a lightweight element, which helps reduce visual impacts on the streetscene and the proposed lightwells to the front of the building are discreet. The car lift and lightwells to the front of the site will be the only visual manifestations of the basement level, which is welcomed by Design Officers. The proposed is not considered to be contemporary in appearance, and therefore not characteristic of a typical flatted development in town centre or built up area.

The proposed fenestration pattern and detailing, provides symmetry to elevations, adding to the overall design quality of the proposal. These features, together with the design of the sloped pitched roofs, mean that the new building could be read as a large single-family dwelling frontage within the streetscene. The design features of the proposal do not obviously announce itself as a flatted development, and thereby the appearance of the building is not considered to be out of character with the streetscene. Moreover, the proposed materials which include brickwork, render, aluminium windows, and slate roof are characteristic of the other flatted development and many houses on Beechcroft Avenue.

The scheme incorporates a parking area at basement level which extends the depth of the garden. This would accommodate 10 cars and provide cycle and general storage for each flat, as well as refuse storage.

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.

On balance, the proposal is considered to be of high design quality, which would respect the relationship between itself, the adjoining buildings, immediate context and the streetscene in accordance with policies CSNPPF and CS5 of Barnet Council's Core Strategy (adopted) 2012; policy DM01 of Barnet Council's Development Management Policies (adopted) 2012; Policies 7.4, 7.5 and 7.6 of the London Plan (2016, as amended); and guidance contained within the National Planning Policy Framework (2012).

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

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 height of the ridgeline has been reduced during the course of the application to reduce its impact on neighbouring properties. Part of the amendments involved, in part change from a gable to hipped roof to reduce the bulk and impact on no 19 Beechcroft Avenue (south east of the subject site). The proposed rearmost "extensions" at first floor are 2m away from the boundary and over 3 metres from their windows. At ground floor the building would project 4m further rearward than the ground floor of no. 19.

The ground floor of the proposed building would project 4m on the boundary rearward of the building line of no.25 Beechcroft Avenue. The first floor would project 3m rearward of no. 25 at a distance of 1.7m, the first floor is then stepped further from the boundary. The proposal would not unduly impact on the daylight and sunlight levels or create unacceptable overshadowing to these respective properties.

In terms of privacy, the proposal would not result in any direct inter-visibility of habitable rooms of neighbouring properties. Further, the development incorporates elements which enhance the privacy of the occupiers and its neighbours, both at ground level and upper levels. The proposed windows would be obscured below height of 1.7 metres and all skylights on the side elevations would be obscured to ensure there would be no direct overlooking to properties at no 19 and no 25 Beechcroft Avenue. The applicant would be required to keep these obscured window and skylights to be permanently fixed shut. This would be secured by way of condition.

A resident at no 7A Elmcroft Avenue expressed concern that the proposal would result in the loss of privacy to their property. Officers considered that the distance between the two sites sufficient to not result in undue loss of privacy to other properties on Elmcroft Avenue or any other properties within the immediate vicinity of the site.

Noise and vibration

The Councils Environmental Health Team have reviewed the submission and do not raise any formal objections to the proposal. The applicant submitted car lift specifications on transmission and noise mitigation details and Officers are satisfied levels of noise will be within recommended guidelines. LBB Environment Team are satisfied with the proposed acoustic glazing that has been proposed for windows nearest to car lift and that the levels of noise will be within recommended guidelines.

Notwithstanding, the applicant would be required to submit details relating to Demolition and Construction Management Plan; Restriction of noise from plant and sound Insulation against internally/externally/generated noise. The details to be approved in writing would be required to be implemented thereafter. This would be secured by way of planning conditions to ensure the proposal would not result in undue noise disturbance to local residents.

The applicant submitted car lift specifications on transmission and noise mitigation details, which have been reviewed by the Councils Environment Health team and considered acceptable. The proposed acoustic glazing proposed for windows nearest to car lift are also supported.

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

- Flat 1 2B (4 person) Policy Requirement 70sqm Proposed 100 sqm
- Flat 2 2B (4 person) Policy Requirement 70sqm Proposed 72 sqm
- Flat 3 2B (4 person) Policy Requirement 70sqm Proposed 96sqm
- Flat 4 2B (4 person) Policy Requirement 70sqm Proposed 100sqm
- Flat 5 3B (6 person) Policy Requirement 90sqm Proposed 198sqm
- Flat 6 2B (4 person) Policy Requirement 70sqm Proposed 72sqm
- Flat 7 1B (2 person) Policy Requirement 65m2 Proposed 65m2
- Flat 8 2B (4 person) Policy Requirement 70sqm Proposed 100sqm
- Flat 9 2B (4 person) Policy Requirement 70sqm Proposed 100sqm

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 nine or 56% of the total) are dual aspect, which is welcomed.

Floor-space standards: All meet the minimum National Space Standards and the London Plan.

Ceiling Heights:

The London Plan 2016 states the nationally described space standard sets a minimum ceiling height of 2.3 m for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

Stacking:

The Residential Design Guidance SPD requires that the vertical stacking of rooms between flats should as far as practicably achievable to ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance, unless the scheme can demonstrate any mitigation measures. The proposed layout and stacking are considered sufficient to prevent any unnecessary noise or disturbance.

Glazing: The Sustainable Design and Construction SPD requires glazing to all habitable rooms to be no less than 20% of the internal floor area of the room. Occupiers would benefit from an acceptable degree of daylight and privacy.

Private amenity space provision

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

Units number no 1, 4 and 5 have private amenity terraces, Flat 2 includes 33sqm private garden. Other flats do not contain private garden areas and therefore would not meet the minimum private amenity space standards as set out in the Council's adopted SPD of Residential Design Guidance.

However, as set out at paragraph 2.3.32 of the Housing SPG states that where site constraints mean it is not possible to provide private open space the dwellings may instead be provided with additional internal living space equivalent to the open space requirement in area terms. Most residential units will exceed internal minimum unit size standards and the proposal makes provision for 138sqm of communal amenity which could accommodate child playspace in accordance with the Mayor of London's Supplementary Planning Guidance Document on Providing for Children and Young People's Play and informal recreation.

Impact on the local highway

The site lies within a PTAL 5 site which means that there is very good public transport accessibility to and from the site. Controlled Parking is in operation on streets surrounding this site (G) in operation between mon-sat 8am-6:30pm and Sunday 9:30am-6:30pm.

The existing vehicular accesses are proposed to be removed and one access to the car lift on the property forecourt provided. The applicant must firstly make an application to the Highways Development Control Team, who will assess the proposed changes to vehicular access. The applicant must also provide a maintenance agreement for the use of the car lift, this would be secured by way of condition.

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 required off street car parking provision for a proposal such as this is 9 spaces, therefore the provision of 9 spaces, plus one disabled space at lower ground floor level is acceptable on highways grounds. The Local Highway Authority have confirmed they are satisfied with the car parking space provision for the Residential Building onsite, and that the proposed should not result in traffic congestion or put undue pressure on

existing on street car parking spaces on Beechcroft Avenue and streets within the immediate vicinity of the site.

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 proposed drawings make provision for 9 car parking spaces .the proposal should make provision for a total of 16 secure cycle storage spaces onsite to accord with policy. The applicant would be required to submit details of the location for 16 cycle parking spaces onsite, to be approved in writing by the Local Planning Authority and implemented and retained thereafter. This would be secured by way of condition.

Refuse and recycling

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

LBB Highways have reviewed refuse and recycling storage arrangement's and do not object to provision and the location of the bin storage provision. Bins would be taken out within 10 meters of the collection point on collection days . This would be secured by way of a condition.

Removal and replanting of trees onsite

Impacts associated with the removal of 3 x trees and replacement of 8 x trees (1 semi mature and 7 smaller trees) on the visual amenity onsite.

Polices 7.21 of the London Plan (2016) and DM01 of the Development Management Document (2012) advises that trees should be safeguarded. When protected trees are to be felled the council would require replanting with suitable size and species of tree where appropriate. Where trees are located on or adjacent to a site the council would require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The site is not located within a Conservation Area and Tree Preservation Orders do not affect the site. The proposal involves the removal of one sycamore tree and two apple trees to the rear of no 23 Beechcroft Avenue. The applicant has submitted details of landscaping and tree replacement strategy. The proposal would involve the planting of eight new trees (1 semi mature tree and 7 smaller trees). On balance, the removal of 3 x trees onsite would not have a detrimental impact upon the amenity value within the site with the implementation of the replacement planting scheme. The

proposed landscaping, including tree replacement would provide appropriate mitigation.

The landscaping and tree replacement plans would be required to be implemented and retained in accordance with the details hereby approved. Any trees 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. This would be secured by way of condition to safeguard the health of the new replacement tree which represent an important amenity feature and to ensure a satisfactory appearance to the development.

The applicant has also considered the impact the proposal development would have on trees to neighbouring properties at no 11 Elmcroft Avenue; 11 Elmcroft Avenue and 19 Beechcroft Avenue. The Arboricultural Report concludes that the proposed building works and siting of the development would not have a detrimental impact on the health of these respective tree. Furthermore, the formal boundary treatment provides protection of the roots of the trees.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to 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 to ensure compliance with these Policies.

The applicant has submitted an Energy and Sustainability Assessment. The report illustrates that through solar PV panels and fabric heat improvements panel, the 35% target is met and exceeded. As such, the Report demonstrates how the proposed development will meet Policy DM04 which requires all major development to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy 'Be Lean, Be Clean, Be Green.'

The development shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter. This would be secured by way of condition, prior to the occupation of the development. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

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.

The proposed flatted development is not considered to be out of character with Beechcroft Avenue and the overall design of the development would not have a detrimental impact to the character and appearance of the local area. Conversely, the proposal is of high design quality and would have a positive impact on the streetscene.

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

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use onsite. It is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; and would not have a detrimental impact on highway safety, subject to conditions as set out within this report.

With reference to the construction works to accommodate the basement and its relationship with to the neighbouring property at no 25 Beechcroft Avenue, the applicant would be required to submit details of existing hydrology and soils and how the approved works would impact on hydrology and how the stability of neighbours properties during construction would be protected and monitored. The construction of the basement would be implemented in accordance with the final report to be agreed in writing by the Local Planning Authority, prior to the commencement of basement works onsite. This would be secured by way of condition.

Prior to commencement of works onsite, the applicant would be required to submit details of levels of the proposed building, road and footpath in relation to the adjoining land to the Local Planning Authority for approval and implemented thereafter. This would be secured by way of condition 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 and the amenities of the area.

Any perceived harm associated with the proposal would not outweigh the public benefit associated with the of delivery of family sized accommodation onsite.

9. 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.

10. 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 946A High Road London N12 9RT

Reference: 20/3503/FUL

Received: 30th July 2020

Accepted: 31st July 2020

Ward: Woodhouse

Expiry 25th September 2020

Applicant: Mr Ross Azari

Proposal: Demolition of existing building and erection of 2 storey building with basement level providing office space

AGENDA ITEM 9

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 nos.:

Site location plan, P-02; P-022; P-03C; P-04B; P-07; P-08A; P-09.

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

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

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

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

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

4. 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) Before the development hereby permitted is first occupied, notwithstanding the approved plans, 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).

6. a) Before the development hereby permitted is first occupied details of cycle storage facilities shall 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.

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

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

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

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

Reason: In the interests of highway safety, 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).

9. a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall have been 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.

10. The premises shall be used for an office and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

11. 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).

12 The use hereby permitted shall not operate before 0800 and after 1900 hours Mondays to Fridays or before 08:00 and after 16:00 on Saturdays, Sundays and Bank Holidays unless agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

Informative(s):

1. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

3. 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.

4. 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.

5. If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Officer's Assessment

1. Site Description

The site is located to the rear of the eastern side of High Road, within the Woodhouse ward. It is situated on a small row of single storey commercial buildings accessed from High Road. The site does not lie within a Conservation Area and it is neither a listed or locally-listed building, nor is it located adjacent to a listed or locally-listed building.

2. Relevant Site History

Reference: 19/3229/PNO

Address: 946A High Road, London, N12 9RT

Decision: Prior Approval Required and Refused

Decision Date: 27 September 2019

Description: Conversion of existing office into 2no self-contained flats

Reason for refusal:

Given the location of the units in close proximity to commercial premises, including car workshops, insufficient information has been provided to show that future occupiers would be protected from undue noise from commercial properties, which would be detrimental to the wellbeing and amenities of the future occupiers of the units, contrary to Policy DM04 of the Local Plan Development Policies (Adopted) 2012.

3. Proposal

This application seeks full planning permission for "Demolition of existing building and erection of 2 storey building with basement level providing office space".

The proposed includes the demolition of the existing single-storey building. The proposed building measures 11.9 metres in depth and 8.7 metres in width. It has a pitched roof measuring 6.8 metres to the ridge at the front elevation, sloping down to a height of approximately 3.4 metres at the rear elevation. The rear roofslope incorporates a green sedum roof.

The proposed building provides a total of 240 sqm of floorspace over basement, ground and first floor mezzanine levels associated with a B1 office use.

The proposed building benefits from 1no off-street car parking space to the front of the site. It also benefits from a cycle store and bin store similarly located to the front of the site.

4. Public Consultation

Consultation was undertaken including a site notice and letters to 172 neighbouring properties. A total of 5 representations were made in response to the proposed development, including 5no objections. The comments can be summarised as follows:

- There will be more than 2 employees at the site, as stated in the application;
- Concerns regarding the impact of construction on access to neighbouring properties;
- Inaccurate plans not showing ground floor layout;
- The proposed development will cause a loss of light and overshadowing to neighbouring properties;
- The proposed development will result in a loss of privacy to neighbouring occupiers;
- The proposal does not include sufficient off-street car parking;
- Concerns regarding access, servicing and refuse;

- The proposed development will exacerbate traffic and congestion;
- Concerns regarding parking bays on the opposite side of the road;
- Inconsistencies in submitted section plan;
- Concern regarding damage during construction to neighbouring property.

5. Planning Considerations

5.1 Policy Context

Revised 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 19 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 Revised 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 Revised 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 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.

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

Barnet's Local Plan (Reg 18) 2020

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

Supplementary Planning Documents

Sustainable Design and Construction 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;
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Principle of development

The proposals involve the demolition of the existing single-storey building, which is in use as an office. Although not in a designated town centre, the site is located between North Finchley and Whetstone Town Centres, in a small row of commercial buildings set back from the High Road, a busy thoroughfare comprising a variety of commercial uses.

With reference to existing employment space, Policy DM14 of the Local Plan states that loss will only normally be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use. In this instance, the proposal provides replacement employment space, within the same B1 use class, comprising an increased level of floorspace. As such, officers consider that there is no conflict with planning policy in this respect.

Given the existing office use of the site and the mixed character of the surrounding area, it is considered that the proposed building comprising a B1 use would be appropriate and in

keeping with the pattern of development and character of the High Road. As such, there is no objection to the principle of development, subject to other material considerations.

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The proposal replaces the existing single-storey building with two-storey building plus additional basement level. Although this is an increase in scale, the pitched roof of the building is such that it appears as a single-storey building at the rear elevation. The ridge of the proposed building is also only approximately 1 metre above the ridge of the neighbouring single-storey building. As such, officers consider that it sits comfortably within the relatively modest scale of this set-back section of the High Road. It is noted that the building opposite at Brentmead House is substantially larger at three-storeys in scale and also fronts this small access road. Overall, officers consider that the increased height does not result in an unduly prominent building or incongruous feature within the local character. The proposed building occupies the same footprint as the existing building, and is therefore not considered to have any additional impact in this respect.

The proposed basement level is largely within the footprint of the building. The only external visual manifestation of this are the lightwells to the rear of the building, which are screened from view by the boundary treatment. As such, this element of the proposal is not considered to be harmful.

With regards to the appearance of the building, the most prominent material for the external walls is facing brick. This is in keeping with the local character. There are also elements of aluminium cladding to the front elevation. Given the existing commercial buildings, this is also considered to be in keeping. A green roof is proposed to the rear roofslope. This mitigates the perceived bulk of the building from the rear and provides benefit to the visual amenities of the site. A condition is recommended to ensure that more precise details of this are provided to the Local Planning Authority and that the green roof is appropriately maintained.

With regards to the use of the building, this will be similar to the existing office use. It is noted that there is a substantial increase in floorspace, from approximately 87 sqm to 240 sqm. However, it is still anticipated to involve a relatively low level of activity, with a small

number of full-time employees. Given the mixed character of the area, with existing commercial activity at the site and neighbouring site, this is not considered to be detrimental to the local character. A condition is recommended to ensure that the use of the building is retained as an office use as stated in the application form, and not any other use, including other uses within Class E.

Taking all material considerations into account, the proposed development, subject to the attached conditions, would have an acceptable impact on the appearance of the host dwelling, the local character and the streetscene. It would therefore accord with Policy DM01 of Barnet's Local Plan.

The impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The site shares a boundary with neighbouring residential uses to the south on Finchley Park. These include the rear gardens of Nos. 2 and 4 to the rear of the site and No. 6 to the side.

Given the pitched roof of the proposed building, the eaves height at the rear is only increased by approximately 0.4 metres compared with the existing building. While the ridge height is a substantially higher, the slope of the roof will mitigate the perceived bulk as viewed from the neighbouring gardens of Nos. 2 and 4 Finchley Park. Additionally, the proposed green roof will mitigate the impact and provide a more attractive aspect. Given the form of the building and relatively low eaves height, in addition to the slight set off the rear boundary, the proposal is not considered to result in an unacceptable level of overshadowing or loss of light to the rear gardens of Nos. 2 and 4 Finchley Park. There are approximately 14 metres between the closest rear wall of the neighbouring properties and the rear of the proposed building. This distance is increased to over 20 metres to the nearest rear wall of the neighbouring properties at first floor. This separation is considered to be sufficient that there would not be any undue restriction on outlook from neighbouring windows.

The proposed building has a height along the side boundary with No. 6 which increases from 3.4 metres at the rear eaves to 6.8 metres at the front elevation. The impact of this will principally be on the rearmost part of the garden of No. 6, which extends approximately 27 metres to the rear of the dwelling. The orientation of the neighbouring property to the south of the site is such that would not be a significant or harmful impact on sunlight. Officers also consider that given the distance of the building from the neighbouring dwelling, the impact on outlook would be very limited. On balance, it is considered that the proposed building would not result in an unacceptable loss of light, outlook, or an increased sense of overbearing to the neighbouring occupiers at No. 6.

Furthermore, there are no proposed windows on the flank or rear elevations that would give rise to harmful overlooking of neighbouring gardens or windows.

Taking all material considerations into account, it is found that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

Parking and cycle stores

The site has a PTAL rating of 2 (where 0 is worst and 6b is best). However, weight is given to the siting just off the High Road, with good bus links and within walking distance of North Finchley and Whetstone town centres, including Totteridge and Whetstone underground station. Highways officers have calculated the parking requirement based on 240 sqm of office space to be between 0.4 and 2.4 spaces, based on London Plan standards, adopted under Policy DM17 of the Local Plan.

The provision of 1no off-street parking space is within the prescribed range. As such, officers consider that the proposals would not increase parking stress in the surrounding area to an unacceptable level.

Cycle parking provision is shown to the front of the site. A total of 3no spaces should be provided. A condition is recommended to ensure this provision.

On balance, it is considered that the proposal, subject to the recommended conditions, would not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

Refuse

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes on to state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

A refuse store is shown to the front of the site. Details of the screened facilities will be required by condition to ensure this is appropriate and does not harm the character or visual amenities of the site.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should have been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of Policy 5.2 of the London Plan. A condition is recommended to ensure compliance with this.

5.4 Response to Public Consultation

- There will be more than 2 employees at the site, as stated in the application; The proposals are assessed with reference to both the number of employees and the floorspace of the proposed use. In both respects, officers consider that the impact of the proposed use, including the anticipated highways impact, would be acceptable.
- Concerns regarding the impact of construction on access to neighbouring properties; A demolition and construction management and logistics plan is requested by condition to deal with these issues.
- Inaccurate plans not showing ground floor layout; The proposed site plan P-03C contains the proposed ground floor plan.
- The proposed development will cause a loss of light and overshadowing to neighbouring properties;

- The proposed development will result in a loss of privacy to neighbouring occupiers;
- The proposal does not include sufficient off-street car parking and will exacerbate traffic and congestion;

These issues are addressed in the above report.

- Concerns regarding access, servicing and refuse;

Officers are satisfied that these issues can be dealt with appropriately by way of planning conditions, as recommended.

- Concerns regarding parking bays on the opposite side of the road;

This refers to an inaccurate plan which has since been superseded by Site Plan P-03C, which shows a single off-street parking space only.

- Inconsistencies in submitted section plan;

It is noted that this has been corrected in the amended plan P-08A to remove reference to the showroom at basement level.

- Concern regarding damage during construction to neighbouring property.

This is not considered to be a material planning consideration in the assessment of this application.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location 9 Cenacle Close London NW3 7UE

Reference: 20/3364/HSE

Received: 23rd July 2020

Accepted: 28th July 2020

Ward: Childs Hill

Expiry 22nd September 2020

Applicant: Mr & Mrs Tuchman

Proposal: Two storey front extension, single storey side and rear extensions, and infilling of first floor flat roof area. Demolition of existing gazebo and erection of new garden terraces.

AGENDA ITEM 10

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:
29711A_01 P1 Site Location Plan
29711A_02 P1
29711A_03 P1
29711A_05 P1
29711A_07 P1
29711A_12 P9
29711A_14 P9
29711A_15 P9
29711A_17 P6
29711A_21 P10
29711A_22 P8
29711A_26 P2

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

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

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

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

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

- 4 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed along the first floor terrace along the boundary with no. 8 Cenacle Close 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).

Informative(s):

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

Officer's Assessment

Site Description

The application site is located at 9 Cenacle Close, NW3 7UE, consisting of a two-storey detached dwellinghouse with front and rear amenity space and parking facilities to the front. The area surrounding the site is predominantly residential consisting of two-storey detached dwellinghouses. The site is located within the Childs Hill ward and is locally listed.

The local listing states:

"A cul-de-sac development of 16 houses built in 1970. Two storey finished in white render with horizontal boarded eaves detail and very shallow pitch roof. Dark stained timber windows with integral garages. Ted Levy Benjamin & Partners, led by the architect Ted Levy (1931-1986), designed a number of developments and one-off houses in north London throughout the 1970s and early '80s which are notable for their clever harnessing of natural light. The practice comprising three South African émigrés came to define contemporary architecture in north London in the 1970s. Ted Levy's ethos was to provide light and space which he achieved by pitching the ceilings in either the principal bedrooms or reception rooms to give them double height."

2. Site History

Reference: 20/1396/HSE

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Approved subject to conditions

Decision Date: 12 May 2020

Description: Ground and first floor front, side and rear extensions. New rear terraces at first floor level with glass balustrades. Conversion of garage into habitable room including new window to replace existing door. Demolition of existing gazebo and construction of new garden terraces with associated steps and balustrades. Insertion of rooflight to rear roofslope. Relocation of main entrance and alterations to fenestration

Reference: C01332AZ/00

Address: 9 Cenacle Close, London, NW3 7UE

Decision: Lawful

Decision Date: 30 January 2001

Description: Porch to front elevation.

3. Proposal

Two storey front extension, single storey front, side and rear extensions, and infilling of first floor flat roof area. Demolition of existing gazebo and erection of new garden terraces. Enclosure and gates to site entrance.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. 2 letters in support, 1 letter of representation and 5 letters of objection have been received. 2 additional respondents originally objected to the proposal but subsequently withdrew the objection. The objections are summarised below;

- o Ensure that no trees or hedging will be removed, nor will any alterations be made to fence height to rear garden of property to maintain privacy for property to rear

- o The proposed alterations represent a severe overdevelopment of the site. The mass, size and design of the proposed building is not in character with Cenacle Close. Overbearing mass which will spoil the entire character of the Close
- o Cenacle Close is a small cul de sac with a narrow road that will be constantly blocked with noisy, polluting and dangerous site traffic.
- o General noise and dust from lengthy proposed development will affect not just direct neighbours
- o The proposed first floor rear development will adversely affect the enjoyment of our home at no. 8 and privacy and outlook
- o Loss of evening sunlight to no. 8
- o The side terraces will allow our house and garden to be overlooked (no.8). The light study submitted does not take account of any screening
- o The cul-de-sac is characterised by attractive individual dwellings and there is a clear demarcation and obtrusive, leading to significant loss of residential amenity. In particular, the side extension will result in a gap of approx. 0.4m between nos. 8 and 9
- o The proposed plant room could require ventilation which will create noise
- o The proposed front extension appears to cause the loss of off street parking

The letters of support are summarised as:

- o Design and layout is in tune with expectation and enhances the original design and is in keeping with current modernisation of other houses in Cenacle Close
- o The renovations will bring back the property to its original beauty, especially given the current state of the house
- o The applicants have modified the plans and the design ensures the preservation of the authenticity and style of the Close

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

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

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

Barnet's Local Plan (2012)

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

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

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

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:

- 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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Ground floor rear extension:

Policy DM01 requires that all proposals should preserve and enhance the local character of the area. This element of the proposal relates to a ground floor rear extension which ranges in depth from 2-4 metres. The ground floor will be extended by 2 metres at the boundary with no. 8 for a width of 4.6 metres before stepping out to extend 4 metres in depth across the remaining width of the house. The Residential Design Guidance stipulates that a depth of 4 metres is considered acceptable for a single storey rear extension on a detached house and it is noted that the proposal is compliant with this guidance. A stepped rear building line is considered to be in-keeping with the design of the rest of the houses along Cenacle Close. Further, as the host property is located at the end of the cul-de-sac, the extension will not be visible from the public realm and is therefore considered to have a negligible impact on the character and appearance of the host property. The design of the rear extension is considered to be in-keeping with the architectural style of the dwellings on Cenacle Close and fits in with the 'modern' feel. Neighbouring properties have flat roof rear additions, in particular no. 7 in close proximity to the application site and the proposed flat roof design is not therefore considered to be out of keeping with the character. This element of the proposal was deemed to be acceptable under application ref. 20/1396/HSE and this approval is therefore given significant weight.

Ground floor side extension:

The proposed ground floor side extension would at the closest point sit approximately 1 metre from the common boundary with no. 8. Cenacle Close has been arranged and designed in such a way that there are visual gaps between properties. Amended plans were submitted with the proposed ground floor side extension set away further from the boundary in order that the extension would not 'close' this gap. The original proposal included a front extension which would extend approximately 4 metres forward from the existing garage adjacent to no. 8 Cenacle Close. The Residential Design Guidance states that large front extensions will not normally be permitted because of their effect on the street scene and character of the area. Due to the location of the proposed front extension in relation to the street, it was considered that the proposal would result in a prominent front/side extension which would disrupt the design of the locally listed building and would bring the front building line considerably closer to the street. This element was removed from the proposal with the retention of a smaller ground floor side extension measuring approximately 1.3 metres in width and 12 metres in depth. The side extension will not project any further in depth than the original building and will be set back from the front building line by 1 metre. The side extension now complies with the council's Residential Design Guidance which states that side extensions should not be more than half the width of the original house and should be set back from the front building line.

First floor rear infill extension:

The previous application was granted approval for a part infill rear/side extension of the rear terrace located adjacent to the boundary with no. 8 Cenacle Close. Throughout the lifetime of the application this first floor rear extension was reduced in depth from 6 metres to approximately 3.2 metres to match that previously approved in order to ensure that the first-floor element was not too bulky and dominant due to its position on the boundary with no. 8 Cenacle Close.

Following a review of aerial photography and historical records, officers acknowledge that the properties within Cenacle Close have been extended at ground floor, but rear extensions of larger depths at first floor level are uncommon. It is considered that a 3 metre deep extension at first floor rear level was deemed to be a more subordinate addition. This element of the proposal was deemed to be acceptable under application ref. 20/1396/HSE.

Two storey front extension:

The previous application at the site granted approval for a two storey front extension to the right hand side closest to the common boundary with no. 10 Cenacle Close which projected no further than the existing external walls to the side or front of the property. This application seeks to extend this further including extending to the side and front of the existing building. The increase in width and projection forward is minimal in comparison to the previously approved scheme and in particular due to the corner plot location of the host property the impact of this element on the streetscene would be acceptable. Revised plans were received removing the bay window feature to the two storey front extension at ground floor level in order to reduce the visual prominence of this element of the scheme on the streetscene.

The original proposals were discussed with the council's heritage officers and it was considered that overall, the extensions were uncharacteristically large in relation to the existing house and the wider group of which it forms an integral part. The extensions, when viewed together, would not have been subordinate in regard to the size of other properties within the group. Following this, the proposal was substantially reduced in size and elements of the proposal were removed including a ground floor front extension on the boundary with

no. 8 and vehicular and pedestrian access gates to the front boundary as well as the reductions to the first floor rear and ground floor side extension.

Erection of new garden terraces:

Alterations to the existing soft and hard landscaping to the rear are also proposed. As existing there are level changes across the rear, the new steps and terrace are concentrated towards no. 10 Cenacle Close. Similar rear terraces were considered to be acceptable under application 20/1396/HSE and therefore this element of the proposal is considered to be acceptable. The proposal will result in level changes at the rear but these are considered to be acceptable and would not result in any appreciable loss of amenity.

Overall, the amended scheme is now considered to have an acceptable impact on the character of the locally listed property and the streetscene. In particular due to the property's position within the streetscene at the end of the cul-de-sac, which is less prominent than other properties within the close, the proposed development will have an acceptable impact on character and appearance. Other properties within the close show symmetry with neighbouring properties, however, in this case, the host property has a different design to its neighbouring properties, nos. 8 and no. 10 which is at a much lower level and as such, has a much different design when viewed from the streetscene.

The proposed development will still retain the three projecting wings to the front elevation, therefore, retaining elements of the original design.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed ground floor rear extensions were deemed to have an acceptable impact on neighbouring amenity under application 20/1396/HSE and as such is acceptable in this case. The proposed rear infill extension of the first floor terrace was reduced to match that previously approved and as such would have an acceptable impact on neighbouring amenity in terms of light and outlook. The reduced first floor rear extension would mitigate concerns regarding the overbearing nature of the rear extension.

The proposed side extension is not considered to result in an unacceptable loss of light and outlook to the neighbouring property at no. 8 as this would be single storey. No windows in the flank elevation facing no. 8 are proposed and as such there are no concerns regarding loss of privacy.

The two storey front extension would be sited adjacent to the boundary with no. 10 Cenacle Close. The agent has confirmed that no. 10 Cenacle Close is 'wholly introvert' and situated at a much lower level with no windows which will be impacted by the proposal.

5.4 Response to Public Consultation

- o Ensure that no trees or hedging will be removed, nor will any alterations be made to fence height to rear garden of property to maintain privacy for property to rear - proposed site plan shows trees at the rear boundary to be retained
- o Cenacle Close is a small cul de sac with a narrow road that will be constantly blocked

with noisy, polluting and dangerous site traffic. Heavy machinery used in construction will cause disturbance - this is not a planning consideration

- o The proposed plant room could require ventilation which will create noise - no machinery is proposed as part of this application. A separate application would need to be submitted.

- o The proposed front extension appears to cause the loss of off street parking - the front extension has been removed throughout the lifetime of the application

- o Issues regarding overdevelopment - the scheme has been significantly amended following comments including the removal of the left hand side front extension, reduction in side extension, reduction in first floor rear extension and removal of proposed access gates

The other issues raised have been addressed in the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the amended proposed development would have an acceptable impact on the character and appearance of the application site, the locally listed building, 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.



Location **The Avenue Tennis Club The Avenue London N3 2LE**

Reference: **20/3405/S73**

Received: 24th July 2020

Accepted: 27th July 2020

Ward: Finchley Church End

Expiry 21st September 2020

Applicant: Patricia Moore

Proposal: Variation of condition 3 (Floodlight Operation Timings) pursuant to 16/6509/FUL dated 30/06/2017 for `The installation of floodlighting to one existing tennis court `Amendment to include the constraint of 21:00pm on Monday to Fridays, to be moved to 22:00pm on Mondays to Fridays

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 No. 2016 CAS 010, Drawing No. 2016 CAS 011, Drawing No. 2016 CAS 012, Drawing No. 2016 CAS 013 A Revision A [Uploaded 02 June 2017], Drawing No. 2016 CAS 016, Drawing No. 2016 CAS 017 A [Uploaded 02 June 2017], S.F.P.D Outdoor Lighting Design document Amendment Version 2: 02.06.2017 [Uploaded 05 June 2017], emails from the applicant dated 18/09/2020.

- 2 The floodlights hereby permitted shall not be in use before 9:00 or after 22:00 between Monday to Friday and before 9:00 or after 20:00 on Saturday and Sundays.

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

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.

Officer's Assessment

1. Site Description

The application site is a tennis club located on The Avenue in Finchley Church End. It is bounded by the rear gardens of houses in Sylvan Avenue to the west and by the rear gardens of houses in Lichfield Grove to the north. It's eastern boundary abuts the side boundary of the rear garden of 92 Lichfield Grove.

The club is accessed via a pedestrian walkway located just off Sylvan Avenue to the south.

2. Site History

Reference: 16/0006/RCU

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 April 2016

Description: Installation of 12 floodlights to existing tennis courts (retrospective application)

Reference: 16/6509/FUL

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 30 June 2017

Description: The installation of floodlighting to one existing tennis court [AMENDED DESCRIPTION]

Reference: 18/4916/S73

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 21 November 2018

Description: Variation of condition 3 (Floodlight times) pursuant to planning permission 16/0006/RCU dated 14/04/2016 for 'Installation of 12 floodlights to existing tennis courts (retrospective application)'. Amendment to include extension of hours of use of floodlights to 10pm on weekdays [AMENDED DESCRIPTION]

Reference: F/00435/13

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 March 2013

Description: Variation of condition 1 (Plans) and condition 4 (Fencing) for "Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site" pursuant to planning permission F/01866/12 dated 10/7/12. Variation include layout and fencing details.

Reference: F/00532/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 12 November 2012

Description: Installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/01866/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 10 July 2012

Description: Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/04857/11

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 26 January 2012

Description: Submission of details for condition 3 (Materials) pursuant to planning permission F/04618/09 dated 16/2/10.

Reference: F/04618/09

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 16 February 2010

Description: Erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts.

3. Proposal

The applicant seeks to vary condition 3 (Floodlight Operation Timings) pursuant to 16/6509/FUL dated 30/06/2017 for 'The installation of floodlighting to one existing tennis court' Amendment to include the constraint of 9pm on Monday to Fridays to be moved to 10pm on Mondays to Fridays.

The applicant proposes to extend the house of use of floodlights from 21:00pm to 22:00pm on weekday evenings.

The court the subject of the application is at the eastern end of the tennis club site, abutting the boundary with no. 92 Lichfield Grove.

The applicant states in an email dated 18/09/2020 that the reason for the extension of the lighting times under this application is to match the lighting times of other courts at the club in order to complete league matches in the darker months where there may be time over-runs.

4. Public Consultation

A site notice was erected on 06/08/2020.

Consultation letters were sent to 49 neighbouring occupiers. 8 letters of objection have been received, summarised below:

- o The Tennis Courts are in close proximity to the surrounding residential houses of Sylvan Avenue and Lichfield Grove. This tennis courts are small-sized and cannot be compared to other larger tennis clubs which are surrounded by open spaces. The sideline of the courts are only 2 metres from the rear of neighbouring garden fences.
- o Extending floodlight hours will encourage members to stay after 10pm, increasing noise
- o Lights disrupt sleep in surrounding houses
- o Increased disturbance to residents, intrusive to the road
- o Would lead to increased parking
- o This would set a precedent for relaxation of lighting times on the weekends

- o Light pollution is already excessive
- o No reason for extension of floodlight times provided
- o Lights infringe on residential amenity
- o Erosion of privacy

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states

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

Supplementary Planning Documents

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:

- 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

Preliminary matters:

The Planning Practice Guidance states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendments, where there is a relevant condition that can be varied.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Assessment:

The site, as existing, is served by three main tennis courts, as well as a smaller, junior tennis court.

Currently floodlighting serves all three main courts: two courts (western court and centre court) which were consented floodlighting under planning reference 16/0006/RCU, dated 14 April 2016, and the third court (eastern - the subject of this application) was consented floodlighting under planning reference 16/6509/FUL, dated 30 June 2017.

The application court is some 27m from the rear walls of neighbouring houses in Lichfield Grove and some 60m from the rear of houses in Sylvan Avenue.

The planning application 16/0006/RCU dated 14 April 2016 granted consent for floodlighting on courts 1 & 2 subject to conditions. This included a condition limiting the use of the floodlights after 21:00pm between Monday and Friday. A subsequent application 18/4916/S73 sought to vary the times of use for the floodlights on courts 1 & 2 to 22:00pm on Monday to Friday which was approved.

The application 16/6509/FUL granted consent for floodlighting on court 3, subject to conditions. Condition 3 of this consent read:

"The floodlights operation hereby permitted shall not be in use before 9:00 am or after 21:00 pm on Monday to Fridays and before 9:00 am or after 20:00 pm on Saturday to Sundays. Reason: To safeguard the amenities of occupiers of adjoining residential properties."

The applicant wishes to vary these times to extend the hours of use of floodlights from 21:00pm to 22:00pm on weekday evenings, as was previously approved for courts 1 & 2. The reason for the proposed extension of hours of use for the floodlighting to court 3 is to complete league matches without having to move court to one with longer floodlight hours.

Therefore, the main consideration of this application is whether an extension of hours of use of court 3 by one hour on weekdays, until 22:00pm, would cause unacceptable harm to the amenities of adjoining residents.

Impact of lighting:

The applicant has stated in an email dated 18 September 2020 that:

'I confirm that the lights were installed in accordance with the data pack submitted under our planning consent. The lighting standards are 1.5m lower than the LTA standard specification and the light assembly is heavily baffled in order to restrict light spill to the adjacent neighbours garden.'

The council's street lighting officer has stated there will be light spill, however, this is at levels which was previously found acceptable by the local authority.

Impact of comings and goings, and noise and disturbance:

The purpose of the proposed extension of hours of use for the floodlighting is to complete league matches without the need to move to another court.

The applicant has stated in an email dated 18/09/2020 that in the main there are no spectators at the league matches and there are no children later at night and the extension of floodlight use hours will not increase the capacity of the club, nor lead to increased footfall. The winter league comprises 2 teams and of 4 players on courts. This is contrasted to the summer league where there are 2 teams of 6 players.

The extension of hours of use of the floodlighting would therefore not alter the number of players at the club; it would only enable the club to complete all matches in the evening on court 3 as well as courts 1 & 2 which already allow for longer floodlight hours. The departure times and rates would therefore remain consistent.

For these reasons, it is not considered that the additional hour would cause an undue level of noise and disturbance to neighbouring residents.

Furthermore, the Environmental Health officer has confirmed agreement to the hours to be extended until 10pm. The applicant has confirmed that they have posted extensive signage around the club to discourage noise at night when leaving the club.

Impact on highways:

Highways officers have reviewed the information submitted and have no objection on highways grounds as there does not appear to be any impact on the surrounding public highway. As abovementioned there is no increase in number of players. The additional hour of floodlighting would therefore not result in an unacceptable impact on the local highways network or parking.

Further, the applicant has confirmed that they have run a communications campaign to get members and visitors to avoid parking on Sylvan Avenue in recognition of neighbour's feedback. The times of greatest disturbance to the neighbours is Saturday mornings when Junior programmes run and this is not connected to the materiality of this application.

Overall, the scale and nature of the proposed variation would not result in a development that is substantially different from the one which has been approved.

The proposed extension of hours of use by one hour on the weekday evenings, until 22:00pm, on court 3 would not cause undue harm to the amenities of neighbouring residents, subject to conditions.

5.4 Response to Public Consultation

- o Lights disrupt sleep in surrounding houses - the lighting levels are already agreed and approved by the Local Authority. The applicant has confirmed the lighting was implemented in accordance with the documents submitted

- o This would set a precedent for relaxation of lighting times on the weekends - any extension of floodlight hours of use at the weekends would be subject to another planning application which would be assessed accordingly

The remaining issues raised have been addressed in the main body of the report.

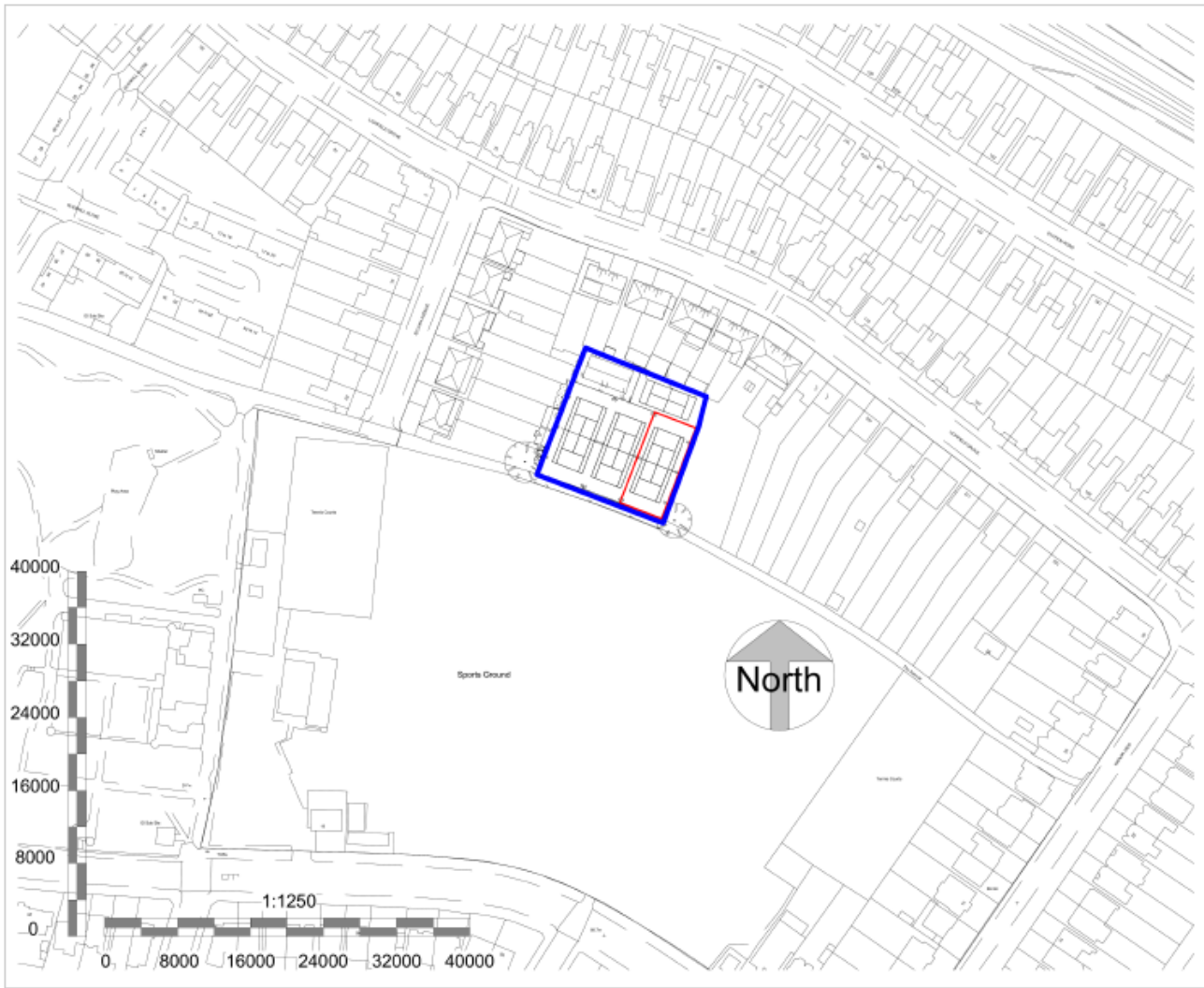
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the scale and nature of the proposed variation would not result in a development that is substantially different from the one which has been approved.

It is considered that, given the relationship between the application court and neighbouring properties, an extension of hours of use by one hour on the weekday evening, until 22:00pm, on court 3, would not cause undue harm to the amenities of neighbouring residents.



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Location First Floor Flat 65 The Drive London NW11 9UJ

Reference: 19/5915/FUL

Received: 4th November 2019

Accepted: 18th December 2019

Ward: Golders Green

Expiry 12th February 2020

Applicant: Dr Manish Prasad

Proposal: Conversion of the existing first floor flat into 2no.self-contained units and first floor rear extension (Amended Plans)

AGENDA ITEM 12

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:

Site Location Plan and Planning Statement, received on the 04/11/19.

Drg.no. RE/DA703/19/1 (Existing Plans) and Drg.no. RE/DA703/19/6 rev G (Proposed Plans).

The above were received on the 28/09/20.

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

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

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

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

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

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

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

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

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

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

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

- 7
 - a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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.

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 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.

Officer's Assessment

1. Site Description

The site comprises of a semi- detached residential building containing four self-contained flats (3no. at ground floor and 1no. at first and second floor level). These have been undertaken without planning consent, but are considered to be lawful through passage of time. The application relates to the first floor flat.

This street is characterised by semi-detached and terraced single family terrace properties.

The property is not a Listed Building, nor is it located within a Conservation Area

2. Site History

Reference: 19/4120/FUL

Address: First Floor Flat, 65 The Drive, NW11 9UJ

Decision: Refused

Decision Date: 23 September 2019

Description: Change of use of the property from a single family dwelling (Class C3) to a House in Multiple Occupation (HMO) (Class C4) for 5 people

Reference: C09611B

Address: 65 The Drive London, NW11 9UJ

Decision: Lawful

Decision date: Mon 01 Sep 1997

Description: Loft conversion including gable end and rear dormer window extension.

Reference: C09611A

Address: 65 The Drive, NW11 9UJ

Decision: Approved subject to conditions

Decision Date: 19 January 1994

Description: Two single storey rear extensions; rear dormer window; roof extension to side to form gable end; front rooflight.

Reference: C09611

Address: 65 The Drive, NW11 9UJ

Decision: Approved subject to conditions

Decision Date: 05 November 1987

Description: Continued use as two self-contained flats, car parking space and dustbin enclosure

3. Proposal

The application seeks consent for the " Conversion of the existing first floor flat into 2no.self-contained units and first floor rear extension".

Amendments were secured and the proposed extension has been moved to the other side of the building adjacent to no.67. Furthermore, the depth has been reduced form 1.1m to 0.72m.

External Alterations:

The property benefits from a rear stagger. The proposal is to project beyond the rear projection at first floor level. The first floor rear extension will be set away by approximately 3.2m from the adjoining property at no. 63 and will measure 0.72m in depth and 3.5m in width. It will have a hipped roof that will align with the existing roof at first floor level.

Flat configuration:

A 2bed 3person unit at first floor level is proposed and a studio unit accommodating 1person at second floor level. The unit will be a studio apartment with a GIA of 39sqm, accommodating 1 person.

4. Public Consultation

A site notice was erected on 28/11/2020.

Initial Consultation letters were sent to 126 neighbouring properties.

10 response were received. it should be noted that some of the objectors have not given their full address and therefore these have not been taken into account.

Objections have been summarised below:

- The 1.1m rear extension will lead to loss of privacy
- Reduce / Loss of light
- Overcrowding leading to noise nuisance
- Damage to environment through overflowing rubbish bins
- Further despair of the property
- Ground floor extension not strong to support a first floor
- Lack of amenity space
- Ceiling height of loft is less than 1.5m for 23% of the living space
- Chimney breast to be reinstated
- Unsafe parking congestion
- Cycle storage inadequate

Following a second neighbour consultation on the 03/09/20, 6 additional responses were received.

Objections have been summarised below;

- Not adequate amount of parking
- Not sufficient amount of black bins and green bin not paid for
- Infestation with rats, mice
- Noise from the neighbours living at first floor level.
- Loss of light
- Damage to the property as result of work undertaken to first floor Flat

5. Planning Considerations

5.1 Policy Context

Revised 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, 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 relevant planning policies are: Policies 7.6.

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

Barnet's Local Plan (Reg 18) 2020

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

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

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 April 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 April 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.
- Whether harm would be caused to the living conditions of future occupiers;
- Impact on Highways.

5.3 Assessment of proposals

External changes and impact on the character and appearance of the existing building and neighbouring amenity:

The proposal involves extending the existing first floor rear projection.

It will abut the existing extension and will be set away by approximately 3.2m, from the flank wall of adjoining property at no.63, and approximately 1.1m from the flank wall of adjacent property at no.67. It will have a depth of 0.725m and a width of 3.5m (full width of the rear projection).

It will be set down from the main roof by 3.1m and will have a hipped roof with an eaves (5.3m) and ridge height (6.1m) to match those of the existing dwelling.

Paragraph 14.23 of the Residential Design Guidance SPD states that two storey extensions which are closer than 2m to the neighbouring boundary and project more than 3m in depth

is not normally considered acceptable, because they can appear to be too bulky and dominant and have a detrimental effect on the amenities of neighbours. Given that the first floor would have a subordinate depth of 0.72m and will be sufficiently set away from both neighbouring properties, this element will be policy compliant. Furthermore, it is not visible from the street scene and therefore, it will be acceptable in terms of appearance and character of the application site and the immediate vicinity.

Whilst it is noted that the rear extension will increase the depth at first floor level, it will be set away by 3.2m, from the flank wall of adjoining property at no.63, which is considered to be sufficient buffer distance between the widened area and the rear wall of this neighbouring property.

The extension will be set away approximately 1.1m from the flank wall of adjacent property at no.67. Whilst it will be closer to the flank wall of no.67, it will extend approximately 0.4m further than the rear wall of this neighbouring property, which is considered to be acceptable and not likely to have any significant impact on the amenities of this neighbouring occupiers.

The extension will sit on the roof the ground floor element and will sit within the footprint of this flat roof. Therefore this subordinate extension is not likely to have any impact on the amenities of the units located to the rear of the ground floor units..

As such, the proposed extension due to its siting, design, bulk and buffer distance between the proposed extension and both neighbouring properties, this element of the proposal is not considered to have an impact on the amenities of neighbouring properties, to an unacceptable level in terms of loss of outlook, light or loss of privacy to neighbouring occupiers.

The external alterations to the site are therefore acceptable.

The principle of flats in this location:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development, to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The property is currently in use as 4no. flats. Therefore, the principle of flats has been established at this site and the authority raises no objection, in principle, to the subdivision of an existing unit into 2no. units.

Impact of the conversion on neighbouring amenity:

The property involves the subdivision of an existing 5bed 9people unit (over first and second floor), to create 2no. separate units which will involve a 2bed 3person unit at first floor level and a studio unit accommodating 1person at second floor level. There will be a reduced potential occupancy of 5 people.

It is considered that for the above reason, the subdivision of the first floor unit into 2no. separate units is not likely to create any additional noise nuisance and disturbance to neighbouring occupiers. On the contrary, the subdivision will have a reduced footfall and a reduced amount of noise disturbance and household waste.

Amenity and living conditions of future occupiers:

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance with national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum floor space standards set out in London Plan Policy 3.5 and outdoor amenity space, set out in the Sustainable Design and Construction SPD.

Floorspace standards:

The bedroom(b)/persons-bedspaces (p) to essential gross internal area would be as follows for this application -

Flat 1- First Floor - 2 bed 3 people - 61.5sqm GIA (officers make the GIA to be 63sqm)
Flat 2- Second Floor - 1 bed 1 people - 39sqm GIA

Table 2.1 states that 2b 3p units should have an essential gross internal area of 61sqm. Furthermore, the same table states that a 1b 1p unit, should have an essential gross internal area of 39sqm, where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm. The unit will have a shower room instead of a bath and therefore the unit will require a GIA of 37sqm.

Therefore both units meet the minimum residential space standards set out in Table 2.1 of the adopted Sustainable Design and Construction SPD (2016).

Floor to Ceiling height:

The London Plan 2016 states that the nationally described space standard sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

The proposal is accompanied by a section plan, showing the internal head heights. From the section plan, it appears that the studio unit at roof level will meet this requirement.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. Furthermore, the Residential Design Guidance SPD requires that the vertical stacking of rooms between flats should as far as practicable ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this would be enforced by an appropriate condition attached to the decision.

The proposed fails to provide adequate internal stacking between the first floor Flat 1 and second floor Flat2. In addition, as the ground floor flats have not been surveyed, it is considered that a condition is attached to ensure that adequate sound insulation has been undertaken to ensure there is minimum amount of noise disturbance between the units at ground floor, first floor and second floor.

Outlook, light and privacy:

Table 2.4 of the Sustainable Design and Construction SPD (2016) states that bedroom and living rooms/kitchens should normally have a reasonable outlook with clear glazed windows. The Sustainable Design and Construction SPD requires glazing to all habitable rooms to be no less than 20% of the internal floor area of the room.

Both units would have sufficient amount of glazing. Furthermore, both units would provide sufficient outlook and privacy.

Private outdoor amenity space:

Section 8.4 of Barnet's Residential Design Guidance SPD (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

The proposal does not provide any private amenity space. Notwithstanding this, as stated above the subdivision of the property would see a reduced potential occupancy of 5 people. The existing first floor unit does not have the benefit of private amenity space, therefore it is not considered that the application can be refused for not providing any amenity space for the subdivided unit.

Refuse and Recycling and Highways

As stated above the proposal is for the sub division of an existing unit into 2no. units, with a reduced occupancy. Therefore, the existing arrangements of parking and refuse/recycling will be adequate.

Notwithstanding the above, the applicant has proposed 2no. bin enclosures to the front of

the property for the unit at first floor and second floor level, which is considered to be acceptable.

5.4 Response to Public Consultation

- The 1.1m rear extension will lead to loss of privacy
- Reduce / Loss of light
- Overcrowding leading to noise nuisance
- Damage to environment through overflowing rubbish bins
- Lack of amenity space
- Unsafe parking congestion
- Not adequate amount of parking
- Cycle storage inadequate
- Noise from the neighbours living at first floor level.
- Loss of light

Above comments have been mainly addressed in the body of the report.

- Damage to the property as result of work undertaken to first floor flat
- Further disrepair of the property

This comment is a civil matter and not a planning consideration.

- Ground floor extension not strong to support a first floor

This is not a planning consideration and will be assessed by a structural surveyor at the building stage.

- Ceiling height of loft is less than 1.5m for 23% of the living space
- Chimney breast to be reinstated

Whilst the external height appears to be 1.5m the internal height will be 2.4m. This has been annotated on the proposed section plan.

- Not sufficient amount of black bins
- Green bin not paid for

The property has been converted into flats without planning permission, which is now considered to be lawful due to passage of time. Therefore the Authority has no control over the arrangement of bins and the type of bins. Notwithstanding this, the applicant will be providing 2no. bins in enclosures for the use of the first floor and second floor flat.

6. Equality and Diversity Issues

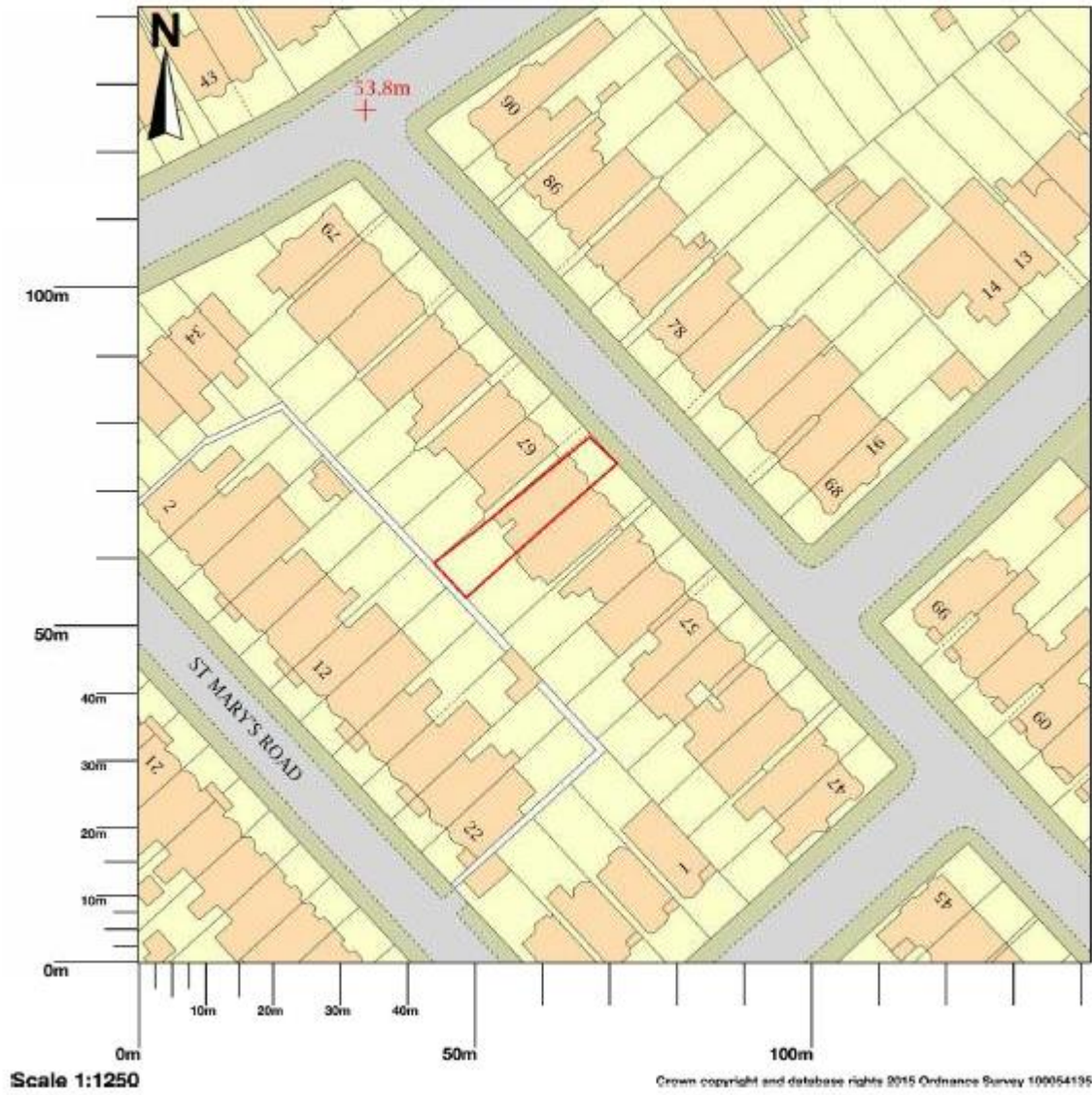
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

APPROVAL.

65 The Drive, London, NW11 9UJ



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