

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**MONDAY 8TH JUNE, 2020**

**AT 7.00 PM**

**VIRTUAL MEETING**

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

Chairman: Cllr Brian Gordon  
Vice Chairman: Cllr Golnar Bokaei

**Councillors**

Cllr Elliot Simberg  
Cllr Gill Sargeant

Cllr Nizza Fluss  
Cllr Ammar Naqvi

Cllr Helene Richman

**Substitute Members**

Cllr Val Duschinsky  
Cllr Charlie O-Macauley  
Cllr Alex Prager

Cllr Mark Shooter  
Cllr Zakia Zubairi

Cllr Lachhya Bahadur Gurung  
Cllr Linda Freedman

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

**Andrew Charlwood – Head of Governance**

Governance Services contact: [Hendon@barnet.gov.uk](mailto:Hendon@barnet.gov.uk)

Media Relations Contact: Tristan Garrick 020 8359 2454

**ASSURANCE GROUP**

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

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	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)	
	<b>Edgware Ward</b>	
6.	10 Hillside Gardens HA8 8HE - 201340HSE	9 - 18
	<b>Hendon</b>	
7.	38-40 Sydney Grove NW4 2EH - 20/0375/FUL	19 - 36
	<b>West Hendon Ward</b>	
8.	4 Brent Green NW4 2HA- 20/0491/FUL	37 - 62
	<b>Colindale</b>	
9.	4 Chronicle Avenue NW9 4AY - 20/0567/FUL	63 - 70
10.	Any Item(s) the Chairman decides are urgent	

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## Decisions of the Hendon Area Planning Committee

18 February 2020

Members Present:-

AGENDA ITEM 1

Councillor Golnar Bokaei (Vice-Chairman)

Councillor Elliot Simberg  
Councillor Gill Sargeant  
Councillor Nizza Fluss

Councillor Ammar Naqvi  
Councillor Helene Richman  
Linda Freedman (substituting for Cllr Gordon)

### 1. MINUTES

RESOLVED that the minutes of the meeting held on 09 January 2020, be agreed as a correct record.

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

The Committee noted an apology of absence from the Chairman, Councillor Brian Gordon. Therefore, the Vice-Chairman Councillor Golnar Bokaei was in attendance to chair the meeting.

The Committee further noted an apology of lateness from Councillor Gill Sargeant.

### 3. CHAIRMAN'S WELCOME

The Chairman welcomed everyone to the meeting.

The Chairman also outlined the proceedings and outlined the running order, which she noted would be reflected in the minutes.

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

None.

### 5. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

### 6. ADDENDUM (IF APPLICABLE)

The Chairman noted that the addendum to the Officer's report had been circulated to Members and published to the Council's website.

### 7. THE PILLAR HOTEL, 19 BRENT STREET LONDON NW4 2EU - 19/2674/S73

The Committee heard verbal representations from Mr Mark Skelton and Mr James Gibson who spoke in objection to the application. The applicant's agent spoke in response and made a verbal representation. The applicant gave a verbal representation.

Members of the Committee had the opportunity to ask all speakers questions.

Having considered the report, the Chairman moved to VOTE on the Officer's recommendations.

The vote recorded was:

For	5
Against	1
Abstained	N/A

**Resolved:**

That the Hendon Area Planning Committee approved the item in accordance with Officer's report.

*N.B – Councillor Gill Sargeant arrived during the Officers presentation and therefore was unable to take part in the consideration or voting process.*

**8. LORETTO HOUSE, EDGWARE ABBEY 94A PRIORY FIELD DRIVE EDGWARE HA8 9PU -19/6070/LBC & 19/6069/FUL**

The Committee received the report and the addendum to the report.

The Committee heard a verbal representations from Mr Mohamed Fazal who spoke in objection to the application. The applicant's agent spoke in response and made a verbal representation.

Members of the Committee had the opportunity to ask all speakers questions.

Having considered the report, the Chairman moved to VOTE on the Officer's recommendations in respect to both applications.

**Resolved:**

That in respect to both applications as listed above the Hendon Area Planning Committee unanimously approved the applications in accordance with Officer's report(s) and the addendum to the report(s).

**9. 101 SUNNY GARDENS ROAD LONDON NW4 1SH - 19/5070/FUL**

The Committee received the report and the addendum to the report.

The applicant's agent made a verbal representation, Members of the Committee had the opportunity to ask questions.

Having considered the report, the Chairman moved to VOTE on the Officer's recommendations.

The vote recorded was:

For	5
Against	1
Abstained	1

**Resolved:**

That the Hendon Area Planning Committee approved the item in accordance with Officer's report and the addendum to the report.

**10. THE BROOKDALES BRIDGE LANE LONDON NW11 9JU - 19/0527/FUL**

The Committee received the report and the addendum to the report.

The applicant's agent made a verbal representation.

Members of the Committee had the opportunity to ask all speakers questions.

During the consideration of the item Members of the Committee noted concerns in regard to the safeguarding of the tress. The Area Planning Manager noted the representation was also received from Hendon and District Archaeological Society and outlined the summary contained in the report. Members noted that the tress were of importance and had developed to their size over a number of years. The Area Planning Manager stated that a tree officer would need to be satisfied of the quality of replacement trees or landscaping in the event that the application be approved. Members were supportive of safeguarding the trees and green infrastructure.

Having considered the report, the Chairman moved to VOTE on the Officer's recommendations to approve the item.

The vote recorded was:

For	3
Against	4

The Chairman there noted that the application had not been approved and requested that if Members of the Committee were minded to the refuse the application planning reasons would need to be provided. Councillor Helene Richman therefore moved the following reasons for refusal:

- *The proposed development, by virtue of the resultant felling of existing semi/early-mature trees, would result in the loss of their corresponding contribution to the setting of the existing buildings and street scene of the adjacent North Circular Road and the screening effect which they afford, to the detriment of the character and appearance of the host property and surrounding area and the residential amenity of occupiers of the existing buildings and to air quality and mitigating climate change, contrary to Policies 5.1, 7.14 and 7.21 of the London Plan (2016)*

*and Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)*

- *The proposed development, by virtue of the siting of private and communal amenity spaces and corresponding felling of existing semi/early-mature trees, would result in a sub-standard acoustic and air quality environment and therefore fail to provide adequate useable amenity space, to the detriment of the residential amenity of future occupiers, contrary to Policies 3.5, 7.14, 7.15 and 7.21 of the London Plan (2016), the GLA: Housing SPG (2016), Policy DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Sustainable Design and Construction SPD (2016)*

This was seconded by Councillor Nizza Fluss. The Chairman then put the reasons for refusal to the vote.

The vote recorded was to agree refusal:

For	6
Against	0
Abstained	1

**Resolved:**

That the Hendon Area Planning Committee agreed to overturn the Officers recommendation and refuse the application for the reasons listed above.

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

None.

The meeting finished at 20:43



**Location**                      **10 Hillside Gardens Edgware HA8 8HE**

**Reference:**                    **20/1340/HSE**

Received: 11th March 2020

Accepted: 13th March 2020

Ward:                              Edgware

Expiry 8th May 2020

Applicant:                      Mr & Mrs Schiller

Proposal:                        Loft extension involving hip-to-gable conversion, rear dormer window and 4no front facing rooflights

**AGENDA ITEM 6**

**Recommendation:** Refuse

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

- 1 The proposed roof extension, in terms of the hip to gable enlargement together with the rear dormer window, by reason of its size, siting and design, would be inappropriate and unsympathetic and result in an overly prominent and dominant form of development which would be out of context with the prevailing character of the area and would constitute features detrimental to the character and appearance of the host property, streetscene, and wider locality contrary to Policies CS1 and CS5 of the LB Barnet Core Strategy DPD (2012), Policy DM01 of the LB Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

**Informative(s):**

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **Officer's Assessment**

This application has been called to the Committee at the request of Cllr Gordon

### **1. Site Description**

The application property is a two-storey semi-detached dwellinghouse located on the north-eastern side of Hillside Gardens. The street scene comprises stylistically similar detached and semi-detached properties featuring prominent front gables and mock-Tudor timber detailing. The host property has been previously extended to the side and rear.

The site is not Listed, nor is it within a designated Conservation Area.

### **2. Relevant Planning History**

Reference: 18/4143/HSE

Address: 35 Hillside Gardens, Edgware, HA8 8HA

Decision: Approved subject to conditions

Decision Date: 06 September 2018

Description: Roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

Reference: W08547

Address: 10 Hillside Gardens, Edgware, HA8 8HE

Decision: Approved subject to conditions

Decision Date: 14 Jan 1988

Description: Part single/part two-storey side extension

Reference: W08547A

Address: 10 Hillside Gardens, Edgware, HA8 8HE

Decision: Approved subject to conditions

Decision Date: 03 May 1989

Description: Part single/part first floor/part two-storey side extension and single-storey front and rear extensions

Reference: W08547B

Address: 10 Hillside Gardens, Edgware, HA8 8HE

Decision: Refused

Decision Date: 06 Aug 1997

Description: Side & rear roof extension

### **3. Proposal**

The application seeks permission for a loft conversion, involving a hip to gable, rear dormer and 4 No. front facing rooflights.

There are a number of discrepancies noted within the drawings. Notwithstanding the Proposed Front Elevation, the Proposed Rear Elevation, Proposed Side Elevation, Proposed Loft Plan and Proposed Roof Plan all illustrate that the ridge of the existing side extension will be raised to the level of the highest part of the original roof.

Proposed Section A-A is also inconsistent with the Proposed Side Elevation and Proposed Rear Elevation in terms of the relationship between the proposed rear dormer and the ridge level

For the avoidance of doubt, the application has therefore been assessed on the basis of the ridgeline being raised and the dormer being set down.

The proposed dormer would extend the full width of both the original house and existing side extension.

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

Consultation letters were sent to 5no neighbouring properties. 1no response has been received and is summarised below:

- Considered that this application is less intrusive than the previous application for a library in the back garden.
- Concern raised regarding the dormer window resulting in overlooking.

This application has been called to planning committee at the request of Councillor Gordon.

#### **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 in 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

### Barnet's Local Plan (2012)

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

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

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

### 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**

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 site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan).

Barnet's Residential Design Guidance SPD (2016) outlines that additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involved the formation of dormer windows or the insertion of rooflights. A number of design considerations should be considered for dormer roof extensions.

Para.14.33 outlines that their design should reflect the style and proportion of windows on the existing house and align with those below. They should not overlap or wrap around the hip(s), or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached properties and should be set in at least 1 metre from the party wall, flank wall or chimney stack. Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope.

With regard to hip-to-gable conversions, the SPD states that consideration [should] be given to whether or not gable end extensions are a characteristic feature of the street and wider area (Para 14.34) and should take into account the following criteria (Para 14.35):

- The gable should not unbalance a pair of semi-detached houses or a short terrace
- The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- The gable should not appear out of character within the streetscape

The proposed extensions would largely be uncompliant with the abovementioned Guidance.

With regard to the hip-to-gable conversion, there is a general sense of uniformity to the roofslopes within this vicinity of Hillside Gardens in that most feature hipped roof - albeit some in modified form. Furthermore, the adjoining property (No 12) does not benefit from such a conversion and as such, the proposal would unbalance the pair.

Both No 10 and No 8 benefit from two storey side extensions with existing hipped roofs. As such, the proposal would further enclose the gap between the two properties, whilst the staggered nature of the properties and their tangential relationship to the street also renders the end elevation of No 10 more prominent in the street scene.

With regard to the dormer, adequate roof slope would not be maintained above or below and it would abut the flank wall, party wall and chimney stack. Furthermore, it would measure well above the half-width, half-height proportions sought by the SPD - therefore failing to appear as a subordinate addition.

In light of the above, Officers consider that the combined roof extensions would appear as an unsympathetic, dominant and bulky addition to the roofslope, to the detriment of the character and appearance of the host property, the street scene and the wider locality.

In addition to the above, the proposal - when considered in conjunction with the existing two-storey side extension - would exceed the permitted development tolerances for roof extensions otherwise set out under Part 1, Class B of the General Permitted Development Order (2015). Therefore, the application cannot be afforded the consideration of a 'fall back' position.

Officers acknowledge that some properties within the wider context of Hillside Gardens benefit from large roof extensions - including an extended hip-to-gable conversion at No 35 and other examples of hip-to-gable conversion of the original roof with a hip roof restored by way of further extension. However, these have in the main been achieved in part in the exercise of permitted development rights and are also not in direct proximity to the application site - for example, Nos 104, 108 and 112 at the far end of the street, together with No.40 (18/1182/192) and No.28 (16/6488/192).

It is noted that No.98 benefits from a hip to gable and rear dormer granted consent under a Householder-type application (15/05985/HSE). However, a Certificate of Lawfulness for the works had already been granted prior to submission (H/01132/14). It is therefore considered that limited weight can be given to this example.

In closer proximity to the application site, No 20 benefits from a large rear dormer together with a two-storey side extension. However, here the hipped roof is maintained and the box dormer was achieved subsequently, again in exercise of residual permitted development rights (H/04138/14).

It is also noted that permission was granted at Committee for a similar suite of roof extensions at No.35 (18/4143/HSE), notwithstanding a previous application having been dismissed at appeal (17/7551/HSE). The minutes relating to that meeting note that it was considered other properties on the road were of very similar design. However - other than No 35 - it is not apparent that the same combination of extensions are prevalent. As set out above, there are a number of other large roof extensions, however - as concluded by the Inspector and noted in the Committee Report - these are generally unsympathetic and often achieved in part or in full under permitted development.

On that basis therefore, it is not considered that the weight of material considerations indicates that the decision should be made other than in accordance with the Development Plan - as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 - and the disproportionate and unsympathetic addition is considered to have an unacceptable impact on the character or the host property, street scene and general locality, contrary to Policy DM01 of Barnet's Development Management Policies DPD and the Residential Design Guidance SPD (2016) pursuant to it.

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

The adopted Residential Design Guidance SPD (2016) - pursuant to Policies DM01 and DM02 - provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposed openings would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

In regard to the amenity of neighbouring occupiers at No.2 Shelley Close, located to the rear of the property, it is not considered that the proposed development would result in unacceptable levels of harm in terms of overshadowing, over dominance or overlooking given the separation distance of 23 metres that would be retained between the respective elevations. This is consistent with the minimum separation distance set out in the Sustainable Design and Construction SPD (2016)

Furthermore, given the location of the proposed development to the side and rear of the roof of the existing property, it is not considered that the proposal would unduly harm the amenity of adjoining occupiers at Nos. 8 and 12 Hillside Gardens. Any perspective afforded from the dormer would be oblique and consistent with the vantage afforded by the existing windows in the rear elevation. The relationship would not otherwise be uncharacteristic of its suburban setting.

Overall, due to the design of the proposal and the reasons above it is therefore considered that there would not be an unacceptable impact on the privacy, outlook and sunlight of neighbouring occupiers - consistent with the expectations of Policy DM01 of the Development Management Policies DPD (2012)

## **5.4 Response to Public Consultation**

Comments regarding potential overlooking to properties in Shelley Close 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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the general locality. Therefore, this application is recommended for REFUSAL.





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**Location** 38 - 40 Sydney Grove London NW4 2EH

**Reference:** 20/0375/FUL

Received: 24th January 2020

Accepted: 24th January 2020

Ward: Hendon

Expiry 20th March 2020

Applicant: C/O Agent

Proposal: Demolition of 38-40 Sydney Grove and associated outbuildings and the construction of a two storey detached building with rooms in the roof space to provide 6no self-contained flats, including associated refuse and cycle storage and 3no off street parking spaces

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

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

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

- Location Plan, S.101, GA.101, GA.102, GA.103, GA.104, GA.105, GA.107, GA.108, GA.109, GA.110

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01

of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 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 on other days.

Reason: To protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 5 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).

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details.

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) Before the development hereby permitted is first occupied, details of cycle parking in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the number of spaces 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 and shall provide a minimum of 10no spaces for the development as a whole

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and shall be permanently maintained as such and shall not be used for any purpose other than cycle parking in connection with the approved development.

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

- 8 Prior to 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.

- 9 The property shall be occupied as 6no self-contained units comprising 1 x 3 bedroom 4 person unit, 2 x 2 bedroom 4 person units , 1 x 2 bedroom 3 person unit, and 2 x 1 bedroom 2 person units, as shown in the hereby approved plans.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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

## **Officer's Assessment**

### **1. Site Description**

The application site comprises two detached houses fronting Sydney Grove, a residential street largely made up of semi-detached and detached properties. Properties along this road are relatively tightly packed, with typically small gaps between them. However, this terracing effect is softened by trees lining the street, as well as soft landscaping features in the majority of front gardens. Altogether these provide a verdant and attractive aspect to the road.

Sydney Grove is arranged as a long cul-de-sac, with the majority of properties arranged as stylistically similar suburban semi-detached dwellings - featuring period details such as bay windows and timber framed front gables, though demonstrating a variety in architectural detailing. A number of properties are now arranged as flats.

The site is not within a Conservation Area and is not within an area covered by an Article 4 direction.

### **2. Site History**

Reference: 16/3397/FUL

Address: 38 - 40 Sydney Grove, London, NW4 2EH

Decision: Refused (Appeal Allowed APP/N5090/W/16/3165527)

Decision Date: 13.07.2016

Description: Demolition of the existing detached buildings and construction of a two storey detached building with rooms in roofspace and basement to provide 5no. self-contained flat, including associated refuse and cycle storage and 3no. off-street parking spaces.

Reference: 15/05543/FUL

Address: 38 - 40 Sydney Grove, London, NW4 2EH

Decision: Refused

Decision Date: 29.10.2015

Description: Demolition of the existing detached buildings and construction of a two storey detached building with rooms in roofspace and basement to provide 5no. self-contained flats, including associated refuse and cycle storage and 5no. off-street parking spaces

Reference: H/01668/08

Address: 40 Sydney Grove, London, NW4 2EH

Decision: Approved subject to conditions

Decision Date: 05.08.2008

Description: Conversion of existing dwelling into two self-contained flats.

### **3. Proposal**

This application proposes the demolition of the existing properties at 38 and 40 Sydney Grove and the construction of a two storey detached building with rooms in the roof space to provide 6.no self-contained flats, configured as 2no 1-bed, 3no 2-bed and 1no 3-bed units.

The scheme would also provide a combination of private and communal amenity space, together with associated refuse and cycle storage and 3no off street parking spaces



## 4. Public Consultation

Consultation letters were sent to 89no neighbouring properties.

11no objections and 1no petition (with 45no signatures) have been received (summarised below):

- Concerns regarding proposed building to fundamentally conflict with character of surrounding area in terms of mass, bulk and use as self-contained units.
- Concerns regarding over intensification of the site
- Concerns regarding insufficient parking provision and subsequent increase demand on street and potential impact on free flow of traffic.
- Appeal used as precedent for more additional units.
- Parts of Design and Access Statement irrelevant
- Concerns regarding use of existing outbuilding as self-contained unit.
- Concerns regarding increase in noise and disruption during and post construction of development,
- Concerns that the proposal will to be adhered to and developers will build more units than permitted.
- Loss of family sized dwelling
- Concerns regarding limited outdoor amenity space due to existing outbuildings

## 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 revised 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.

#### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

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

### Supplementary Planning Documents

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

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Principle of Development
- Impact on the character and appearance of the site, street scene and wider locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

## **5.3 Assessment of proposals**

### . Principle of Development:

A previous application (16/3397/FUL) for demolition of the existing buildings and construction of a new two-storey detached building to provide 5no. self-contained flats was refused on the 13.07.2019

That scheme was refused only for the following reason;

'The applicant has failed to demonstrate how the displacement of existing off street car parking spaces (as a result of the proposed development) would be accommodated. As such in the absence of adequate car parking provision, the proposal would result in increased demand for on-street parking detrimental to the free flow of traffic and pedestrian and highway safety contrary to policies CS9 of the Core Strategy (Adopted) September 2012 and DM17 of Development Management Policies (Adopted) September 2012.'

The application was subsequently subject to an appeal (APP/N5090/W/16/31655) which was allowed on the 23.03.2017

In determining the appeal, the Inspector stated the following in regards to parking;

"The appeal proposal includes 3 on-site car parking spaces. Taking into account Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document 2012 (DMP DMD), there would be a requirement to provide a maximum of about 7 on-site car parking spaces. The Policy does not include a minimum number of car parking spaces for sites, but at paragraph 18.8.2 of the reasoned justification to the policy it states that the policy allows for some flexibility and that the accessibility of individual locations will be considered based on the level of public transport accessibility (PTAL), parking stress including the level of on-street parking control, population density and parking ownership, location, ease of access by walking and cycling and other considerations (eg whether the proposal is a conversion of an existing use).

There is no dispute between the parties that the Public Transport Accessibility Level (PTAL) score is 2 (poor). However, I do acknowledge the appellant's comment that it would actually be a score of 4 (good) if the additional six bus services which are a further 100 metres from the identified walking distance were taken into account. I attach some weight to this matter and consider that the site is within reasonable walking distance of a range of good bus services. I also note the references made to other developments in the area where the Council has approved similar car parking ratios (for example 34 Heriot Road and No 8 Sydney Grove), and I have no reason to doubt the information provided by the appellant indicating that car ownership is low in the ward. Given these factors, there would be some scope for allowing car parking provision which is marginally less than the required maximum 7 on-site car parking spaces. However, as only 3 on-site car parking spaces would be provided, I consider that it is reasonable to conclude that this would not represent a marginal shortfall in the maximum on-site car parking provision. Therefore, the proposal would not accord with the on-site car parking requirements of Policy DM17 of the DMP DMD.

Notwithstanding the above, Policy DM17 goes on to state that "residential development may be acceptable 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". At planning application stage, the appellant did not submit car parking survey data. However, car parking survey information has been submitted by the appellant (prepared by Royal Haskonig DHV) as part of this appeal. The Royal Haskonig DHV report concludes that "the local area experiences high parking stress and is operating at capacity during periods of peak demand overnight during the week and during the commuter peak periods, no doubt exacerbated by Hendon Central station being nearby and the absence of CPZ in the locality".

Whilst the above survey data has revealed that there is on-street parking stress in the immediate area, it is necessary to take into account the fact that the proposal would replace one form of residential development with another. In this case, No 38 Sydney Road is used as a single dwelling house and No 40 is used as four flats. When Policy DM17 car parking

standards are applied to the existing residential units, there would be an almost identical requirement for on-site car parking provision. Therefore, whilst it is acknowledged that when the proposed development is considered in isolation there would be a shortfall in on-site car parking provision (and there is existing on-street car parking stress in the area), the proposal would not make matters worse when compared to existing residential development on the appeal site. Furthermore, I note that the proposal includes cycle storage facilities and therefore this would seek to discourage car use.

For the reasons outlined above, I conclude that whilst there would be some conflict with the car parking standards in Policy DM17 of the DMP DMD, this has to be weighed against the fact that when compared to the existing development on the site the proposal would not give rise to a material increase in on-street car parking demand. This is a weighty material planning consideration and outweighs any conflict with the aforementioned policy. For this reason, the proposal would provide adequate car parking provision on-site, would not result in increased demand for on-street car parking and would not be detrimental to the free flow of traffic and pedestrian and highway safety. In this respect, the proposal would accord with the highway safety and traffic management aims of Policy CS9 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012."

The current application is almost identical to the scheme previously allowed at appeal. Only the following changes are proposed:

- Number and mix of self-contained units
- Removal of basement from the proposal
- Alterations to the pattern of fenestration

The previous scheme proposed 5no self-contained units configured as 3no 3-bed and 2no 2-bed units with a maximum potential occupancy of 26no persons.

The scheme now proposed 6no self-contained units made up of 1no 3-bed, 3no 2-bed and 2no 1-bed units with a maximum potential occupancy of 19no persons.

As the proposal would continue to provide for residential accommodation in the form of flats and would continue to provide 1no 3-bed unit to compensate for the loss of the existing family dwelling, it is considered that the revised proposal would remain acceptable in-principle.

The changes are assessed in more detail in the following sections.

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

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.

As set out above, in the main the current application is largely identical to the scheme previously allowed at appeal.

The alterations proposed to the physical manifestations of the property including the removal of the basement (and associated light wells, fenestration and staircases to the rear). Doors in the rear elevation of Flats 1 and 2 on the ground floor will now step down to garden level.

Minor alterations are also proposed to the windows in the flank elevations, including the removal of a window at first floor level on the east elevation and the addition of one window at ground floor and one at first floor to the western elevation, both of which will be obscure glazed.

These amendments would result in limited perceptible change from any vantage point within the public realm, whilst the removal of the lightwell is considered to improve the setting of the building at the rear.

The alterations from the approved scheme are therefore not considered to result in any unacceptable impact on the character and appearance of the application site, the street scene or wide locality in accordance with Policy DM01 of the Development Management Policies DPD.

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

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.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The proposed physical alterations would not result in any additional mass or bulk, nor would they result in any overlooking - with the proposed fenestration to the flank elevations being obscure glazed.

With regard to the increase in the number of units, although it would reduce in 1no additional household, it would result in a decrease in maximum potential occupancy levels from the previously approved 26no persons to just 19no persons.

Considering the potential reduction in occupancy rate and the limited scope of the minor physical alterations, officers do not consider the resultant development would result in an unacceptable impact on the visual or residential amenities of neighbouring occupiers relative to the approved scheme - in accordance with Policy DM01 of the Development Management Policies DPD.

. Impact on amenity of future occupiers;

As the proposal amends the layout and number of units these must be assessed to ensure that they meet the requirements of local and national policy.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Floor Area:

The proposed units consist provide the following Gross Internal Area (GIA)

- Flat 1 - 2b 4p - 88sqm
- Flat 2 - 2b 4p - 88sqm
- Flat 3- 1b 2p - 51.68sqm
- Flat 4 - 2b 3p - 62sqm
- Flat 5 - 1b 2p - 54.2sqm
- Flat 6 - 3b 4p - 97sqm

Table 3.3 of the London Plan (2016 MALP) and Table 2.1 of LB Barnet: Sustainable Design and Construction SPD (2016) set out the minimum residential space standard requirements for the proposed units is as follows:

- 1 bedroom unit for 2 persons on one floors requires 50sqm
- 2 bedroom unit for 3 persons on one floor requires 61sqm
- 2 bedroom unit for 4 persons on one floor requires 70sqm
- 3 bedroom unit for 4 persons on one floor requires 74sqm

All of the proposed units would therefore meet the minimum GIA requirements.

Floor to Ceiling Height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling, although a floor to ceiling height of 2.5 metres is preferred.

All of the proposed units would continue to meet this requirement.

Light/Outlook:

Table 2.4 of Sustainable Design and Construction SPD (2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and the habitable rooms should have an acceptable level of outlook.

It is considered that all the habitable rooms would continue to benefit from adequate glazing.

#### Amenity Space:

The Sustainable Design and Construction SPD (2016) highlights the importance of good quality amenity space. Section 2.31 highlights that 'outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

Section 2.3 requires 5sqm per habitable room for flats. Habitable rooms over 20sqm are counted as two rooms for the purpose of this calculation.

On that basis, the scheme would require the following provision:

Flat 1 - 2b 4p - 20sqm  
Flat 2 - 2b 4p - 20sqm  
Flat 3 - 1b 2p - 15sqm  
Flat 4 - 2b 3p - 20sqm  
Flat 5 - 1b 2p - 15sqm  
Flat 6 - 3b 4p - 25sqm

The proposal will provide 293sqm of outdoor amenity space, most of which will be communal.

Flats 1 and 2 will both be provided with private outdoor amenity space accessed through the rear of these units - with 35sqm and 38sqm respectively.

On the basis of the above, the LPA are satisfied that the development will provide sufficient outdoor amenity space for future occupiers - consistent with the approved scheme. Details will be secured via condition to ensure that any boundary treatments installed to subdivide the amenity space are acceptable and provide sufficient screening.

In light of the above, officers consider the proposed amendments would remain acceptable in terms of the residential amenities of future occupiers relative to the approved scheme - in accordance with Policies DM01 and DM02 of the Development Management Policies DPD.

#### . Highways:

As stated, the previous application for 5no units - which proposed 3no spaces - was initially refused on highways grounds however, subsequently allowed at appeal.

With regard to Policy DM17, the configuration of the original scheme would have resulted in a maximum potential demand of 7.5no spaces.

However, the Inspector noted that No 38 Sydney Road is used as a single dwelling house and No 40 is used as four flats. When Policy DM17 car parking standards are applied to the existing residential units, there would be an almost identical requirement for on-site car parking provision (6.5no spaces). Therefore, whilst it is acknowledged that when the proposed development is considered in isolation there would be a shortfall in on-site car parking provision (and there is existing on-street car parking stress in the area), the proposal

would not make matters worse when compared to existing residential development on the appeal site.

The Inspector concluded "that whilst there would be some conflict with the car parking standards in Policy DM17 of the DMP DMD, this has to be weighed against the fact that when compared to the existing development on the site the proposal would not give rise to a material increase in on-street car parking demand. This is a weighty material planning consideration and outweighs any conflict with the aforementioned policy".

The revised application for 6no units would result in an amended configuration of units and a revised maximum potential demand of 8no spaces - an increase of just 0.5no spaces on the approved scheme.

The Local Highway Authority have reviewed this scheme - taking into consideration the comments made in the previous appeal and the reduction in maximum occupancy level - and have not raised any objection. It is considered that the impact of the amended scheme would remain comparable to the approved development. In that context, the proposal would remain acceptable in highways terms.

#### . Cycle Parking:

The plans illustrate that cycle parking will be provided to the rear of the property, though details of the number of spaces and the type of storage facility to be used remain to be determined. These details will be secured by way of a condition to ensure that the development meets the requirement of the London Plan.

#### . Refuse/Recycling:

The plans illustrate that the refuse and storage containers will be at the front of the site. This is acceptable in principle and consistent with the approved scheme however, details of the number of bins and type of enclosure facility to be provided remain to be determined. As such, these details will be secured by way of a condition to be discharged prior to occupation of the development.

#### 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). A condition will be attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition will be attached to ensure compliance with these Policies.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres



of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

## **5.4 Response to Public Consultation**

-Concerns regarding proposed building to fundamentally conflict with character of surrounding area in terms of mass, bulk and use as self-contained units; Concerns relating to character are addressed in the delegated report for the previous application (16/3397/FUL) - where no objections were raised. The minor alterations since the previous design have been addressed within the main body of this report.

-Concerns regarding over intensification of the site; This has been addressed within the main body of this report. The scheme results in a reduction of the overall occupancy comparative to the previously approved scheme and therefore would not result in over intensification of the site within that context

-Concerns regarding insufficient parking provision and subsequent increase demand on street and potential impact on free flow of traffic; This has been addressed within the main body of the report.

-Appeal used as precedent for more additional units; The appeal has established that the principle of flats is acceptable. The formation of any additional units in the future would require express consent and be subject to scrutiny by the LPA

-Parts of Design and Access Statement irrelevant; Officers note the comments regarding aspects of the Design and Access statement. The principle of the scheme has already been established and this application is concerned with the minor alterations to the previously allowed scheme.

-Concerns regarding use of existing outbuilding as self-contained unit; The outbuildings are to be demolished as part of the proposal.

-Concerns regarding increase in noise and disruption during and post construction of development; With regards to post development, this has been addressed within the main body of the report. With regards to during construction, a condition will be attached requiring the approval of a Demolition and Construction Management Plan which will need to be agreed with Environmental Health and the Local Highway Authority prior to commencement of the development. This will include details of operation hours, delivery times and use of machinery which must be approved by the council prior to approval of the condition.

-Concerns that the proposal will to be adhered to and developers will build more units than permitted; The LPA can only assess what has been proposed. Any additional units would require a further grant of planning permission and any unauthorised works would be liable for enforcement action

-Loss of family sized dwelling; The development does provide one family sized unit. Considering the exist lawful use of one property as four flats and the re-provision of 1no 3-bed unit, the proposal would not result in a loss of a family unit. The principle of the conversion has already previously been established

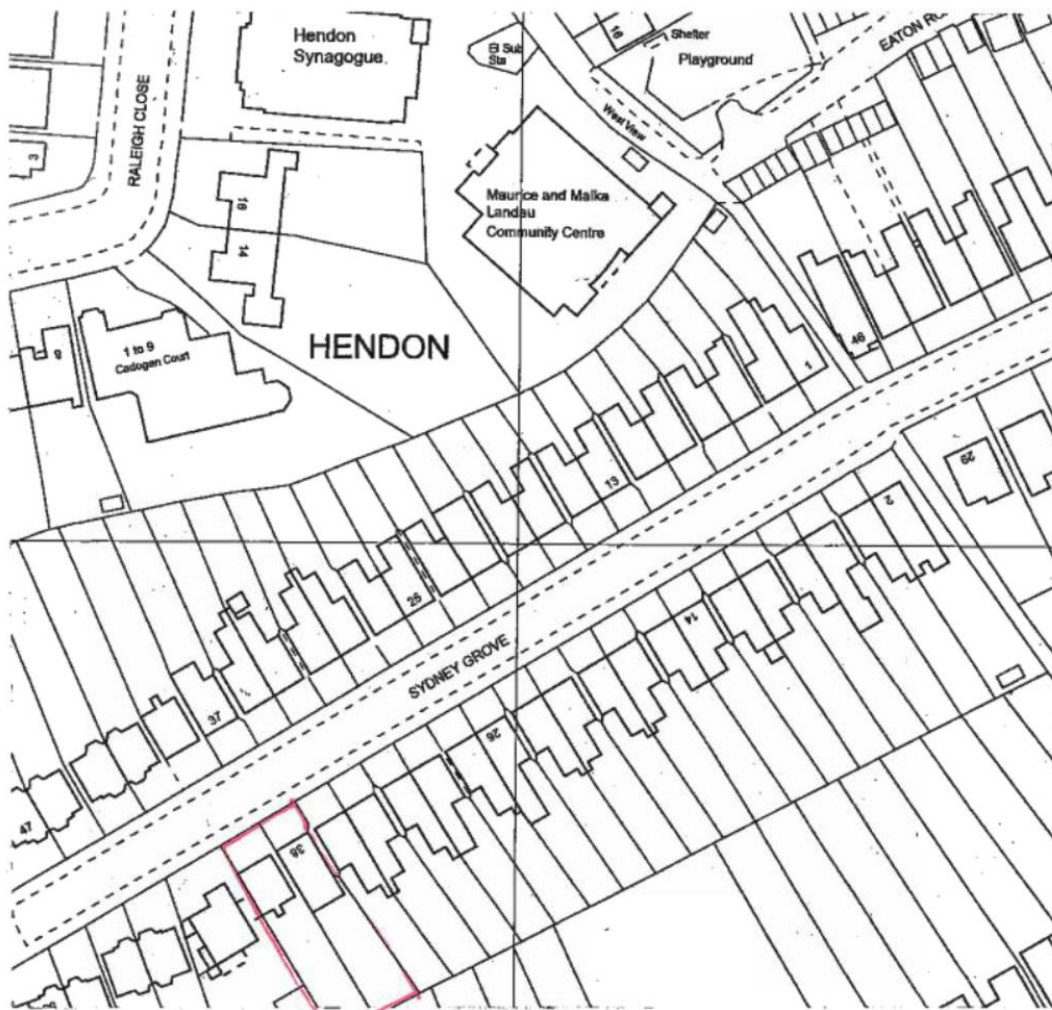
-Concerns regarding limited outdoor amenity space due to existing outbuildings; The existing outbuildings would be demolished as part of the proposal.

## **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**

This proposal is recommended for APPROVAL subject to conditions



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**Location** 4 Brent Green London NW4 2HA

**Reference:** 20/0491/FUL

Received: 30th January 2020

Accepted: 30th January 2020

**Ward:** West Hendon

Expiry 30th April 2020

**Applicant:** Nishmas Yisroel Synagogue

**Proposal:** Demolition of the existing synagogue building and the erection of a part single, part two and part three storey building plus basement comprising synagogue and ancillary accommodation together with the provision of 8no. car parking spaces, 12no. cycle storage spaces and refuse & recycling facilities and associated hard and soft landscaping (Amended Plans)

**Recommendation:** Approve following legal agreement

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

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

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. The Section 106 Agreement shall secure the following:

Framework Travel Plan: To secure the submitted Framework Travel Plan relating to the operation of the proposed synagogue and nursery and covering the aims and objectives of promoting sustainable transport modes and mitigation measures for any pressure to the local highway network.

Individual Travel Plan for synagogue use: To be submitted after the first 12 month review in accordance with Framework Travel Plan

Individual Travel Plan for nursery use: To be submitted after the first 12 month review in accordance with Framework Travel Plan

Combined Travel Plan Monitoring Fee: £10k

Submission of Activities Management Plan: To secure the submitted Activities Management Plan covering proposed events and the associated attendance - incorporating a breakdown of activities throughout the year

AMP Monitoring Fee: £500

The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawings; U-K11419-LP001, U-J11419-A-6.0 Rev 2 (dated 27.05.2020) U-J11419-A-6.1 Rev 2 (dated 27.05.2020), U-J11419-A-6.3 Rev 2 (dated 27.05.2020), U-J11419-A-6.4 Rev 2 (dated 27.05.2020), U-J11419-A-6.5 Rev 2 (dated 27.05.2020), U-J11419-A-7.1 Rev 2 (dated 27.05.2020)1, U-J11419-A-7.2 Rev 2 (dated 27.05.2020), U-J11419-A-8.1 Rev 2 (dated 27.05.2020), U-J11419-A-8.2 Rev 2 (dated 27.05.2020), U-J11419-A-8.5 Rev 2 (dated 27.05.2020), U-J11419-A-9.0 Rev 2 (dated 27.05.2020), U-J11419-A-9.1 Rev 2 (dated 27.05.2020), U-J11419-A-9.2 Rev 2 (dated 27.05.2020), U-J11419-A-9.3 Rev 2 (dated 27.05.2020), U-J11419-A-9.4 Rev 2 (dated 27.05.2020),
  - Preliminary Ecological Appraisal Report for 4 Brent Green, London, NW4 2HA by Syntegra Consulting dated March 2020
  - Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) For 4 Brent Green, Hendon, London NW4 2HA Date: 11th October 2019 Ref: TH 2109/B, Landscape Plan TH/A3/2110LS/B
  - Air Quality and Dust Risk Assessment and Dust Management Plan (ref:4459) by Anderson Acoustics dated 02.04.2020
  - Statement of Community Involvement by UPP dates March 2020
  - Framework Travel Plan by Crosby Transport Planning (ref:PC/P1689 TP) dated 25.03.2020
  - BREEAM Pre-assessment Stafe Reacker document by eb7
  - Energy and Sustainability Statement by eb7 dated 11.02.2020
  - Noise Impact Assessment (ref:20109.NIA.01) by KP Acoustics dated 06.02.2020
  - Activities Management Plan by UPP dated December 2020.

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

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

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

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

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

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

- 4 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. minimise impacts on bats (and other following the Institution of Lighting Professionals and Bat Conservation Trust guidance (Guidance Note 8: Bats and artificial lighting, BCT/ILP).

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

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

- 5 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that take place withing 5 metres of a nesting bird habitat shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Any such written confirmation submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

- 6 The recommended enhancements and mitigation as set out in Section 6.2 of the Preliminary Ecological Appraisal Report for 4 Brent Green, London, NW4 2HA by Syntegra Consulting dated March 2020 approved under Condition 1 of this consent, shall be implemented in full and adhered to throughout the site preparation, demolition, construction and post-implementation process.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy 7.19.

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

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

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

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

- 8 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.

- 9 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( Arboricultural Impact Assessment Method Statement & Tree Protection Plan (to BS:5837 2012) For 4 Brent Green, Hendon, London NW4 2HA Date: 11th October 2019 Ref: TH 2109/B) 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.

- 10 a) Notwithstanding the approved plans, the site shall not be brought into use or first occupied until details of the means of enclosure, including railings and other 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).

- 11 Prior to the first occupation of the relevant part of the development, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Plan Policy 7.3, London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012).

- 12 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).

- 13 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 ventilation/extraction plant, 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.

- 14 The level of noise emitted from the mechanical ventilation or any other 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.

- 15 The measures within the Noise Impact Assessment (ref:20109.NIA.01) by KP Acoustics dated 06.02.2020 shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy 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.

- 16 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation, 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).

17 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

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

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2016).

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 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.

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 Prior to the occupation of the proposed development, details of the junction(s) between the proposed service/access road(s) and the highway shall be submitted to and approved in writing by the Local Planning Authority; and the development hereby approved shall not be occupied until the junction(s) have been constructed in accordance with the approved details. The applicant will be expected to enter into an agreement under Section 278/184 of the Highways Act with the Highways Authority, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

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

20 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. U11419-A-6.1 Rev 2 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 21 Prior to occupation of the development disabled parking spaces shall be provided in accordance with the London Plan Parking Standards. Thereafter, the parking spaces shall be retained and only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason: To ensure and promote easier access for disabled persons to the approved building 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.

- 22 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; swept path drawing showing vehicles entering, turning around and exiting the proposed disabled parking space (bay no. 8) area shall be submitted to and approved in writing by the Local Planning Authority.

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

- 23 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.

- 24 a) Before the development hereby permitted is first occupied or the use first commences, cycle parking spaces as shown on Drawing No. U11419-A-6.1 Rev 2 shall be provided and marked out within the site.

b) The cycle parking spaces shall be used only in accordance with the development hereby approved and not be used for any purpose other than cycle parking in connection with the approved development.

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

- 25 The premises shall be used as a place of worship and associated nursery use (Class D1), together with community, education and training uses ancillary to the principal use and for no other purpose (including any other purpose in D1 of the Schedule) to the Town and Country Planning (Use Classes) Order, 1987, or in any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 26 The maximum number of children on the premises at any one time for the purposes of the nursery use shall not exceed 30.

Reason: To safeguard the residential amenities of neighbouring occupiers in accordance with Policy DM04 and DM017 of the Development Management Policies 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. 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 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and noninfection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 3 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.

- 4 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  
- 5 The applicant is advised that proposed gates should not open outwards to onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.
  
- 6 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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



## **Officer's Assessment**

### **1. Site Description**

The site is located on the corner of Brent Green and Waterbrook Lane, adjacent to a large three storey purpose-built block of flats to the east, with residential properties to the west and south. To the north the application site faces an open green space with Brent Street running parallel on the other side.

The site is used by Beis Hamedreash Nishmas Yisroel Synagogue and contains a mix of spaces including the main hall, foyer, kindergarten and ancillary spaces. The building is two-storey with a staggered front façade.

The main entrance is currently via Brent Green, which provides a pedestrian and vehicular access. There is also parking area to the rear accessed via Water Brook Lane. The surrounding context is characterised by residential housing, comprising houses and flat blocks of differing periods and styles.

The site is not Listed, nor does it fall within a designated Conservation Area.

### **2. Relevant Site History**

Reference 18/0433/FUL

Address: Beis Hamedrash Nishmash Yisroel Synagogue, 4 Brent Green, NW4 2HA

Decision: Approved subject to conditions

Decision Date: 23 April 2018

Description: Partial demolition of existing building and construction of part single, part two and part three storey front side and rear extension. Associated refuse storage and cycle parking and provision of 6no. off-street parking spaces

### **3. Proposal**

Planning permission is sought for the demolition of the existing building and the erection of a part single, part two and part three storey building plus basement comprising synagogue and ancillary accommodation together with the provision of 8no. car parking spaces, 12no. cycle storage spaces and refuse & recycling facilities and associated hard and soft landscaping .

The structure would be finished in a mix of contrasting modern materials, incorporating a glass interconnecting structure between two clad elements with a maximum height of 9.35 metres.

The building will include a main hall, kindergarten, multi-use social spaces, offices and ancillary facilities and outdoor amenity space (as detailed in the submitted drawings), amounting to approximately 1299 sqm of useable floorspace. 8no parking spaces would be provided on site along with 12no cycle parking spaces. A roof terrace with enclosed play area will provide additional amenity space for the kindergarten and attendees to the site and new site boundary screening will be installed with additional planting proposed.

## **4. Public Consultation**

Consultation letters were sent to 171no neighbouring properties.

9no replies were received, consisting of 6no letters of objection, 2no letters of support and 1no letter of representation.

The letters of objection can be summarised as follows;

- Concerns regarding potential impact on accessibility and manoeuvrability for vehicles on Waterbrook Lane and potential impact on access for emergency vehicles.
- Concerns regarding reorientation of synagogue resulting in primary access route being via Waterbrook Lane and associated concerns regarding noise and disruption by traffic accessing the site via Waterbrook Lane.
- Concerns regarding drop-off/pick-up of children from nursery and potential impact on free flow of traffic with potential use of Waterbrook Lane as turning circle.
- Concerns regarding increased parking demand on neighbouring streets when synagogue hosts larger community events.
- Concerns regarding nose and disturbance resulting from refuse collection to rear of site near neighbouring properties.
- Increase in synagogue capacity will exacerbate existing traffic issues and potential increase pollution levels.
- Concerns regarding impact on townscape
- Concerns regarding top floor use as residential.
- Concerns regarding use of multi-purpose basement room and request restrictions on events allowed.

The letters of support can be summarised as follows;

- Supports design of proposed which will act as benchmark for other community buildings within the local vicinity and wider community.
- Supports facility as will help to meet growing community needs.

The letter of representation can be summarised as follows;

- Requests serious consideration is given to making Goodyers Gardens a controlled parking zone to prevent congestion from development.

## **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 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.

### 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.

### Draft London Plan

Whilst capable of being a material consideration, at this stage 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 2016 London Plan.

### Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12, CS13, CS14, CS15.  
Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM13, DM17.

### Supplementary Planning Documents

Planning Obligation SPD (2013)

Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of redevelopment;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues;
- Trees and Landscaping
- Any other material considerations.

## Principle of redevelopment

The site is currently occupied by a synagogue and there is a long-standing history of a religious facility (D1 use) on site. There is therefore no conflict with Policy DM13 of the Local Plan which aims to avoid the loss of existing community facilities and there is no dispute that the site plays a significant community role locally. The associated nursery use has also been ongoing at the site for a number of years. Given the lawful use of the site, a community-led facility comprising synagogue, nursery and associated facilities is considered acceptable.

The existing buildings are no longer suitable for the size and needs of the community and redevelopment with an appropriate replacement - which could consolidate the built form and bring aesthetic benefits - is also considered acceptable in principle

In addition to the existing facilities, the new proposal will include a small element of ancillary residential accommodation at second floor level. This will be used to accommodate visiting rabbis who would not be able to use transportation on certain days due to the rules of sabbath. Officers are satisfied that this would be ancillary to the primary D1 use and will help to provide the functions require of the community use. Any material change in the use of the accommodation would require express consent and so the LPA would retain governance over it.

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

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character.

It is acknowledged that the surrounding area is comprised predominantly of the traditional plum red brick typical in 1930's architectural design and construction. There are some exceptions to this in the form of the relatively new residential development south/south-west of the site - which hosts a variety of different brick colours including red and yellows - and opposite the synagogue along Brent Street, where are various different design and entails including white render, grey render and some properties benefiting from considerable glazing. The LPA accepts that a proposal for a non-residential scheme does not need to specifically replicate or take the form of the surrounding residential properties, but great care should be taken when incorporating a contemporary design into the existing urban fabric.

The proposal is more modern in appearance and, given its proposed community use, is functionally modular - in form and detailing. The structure will consolidate built form into the centre of the site. With the site occupying a corner plot, the LPA considers that the design/external appearance of the building has a pivotal contribution to the street scene. It is recognised that this represents a significant opportunity to improve the character and appearance of the corner over the existing site condition.

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. Notwithstanding the predominant character, a starting point must be the existing use and the poor design of the existing built form.

The application documents analyse the surrounding pattern of development and the scale and height of neighbouring buildings. After undertaking a site visit, officers are satisfied relationship with neighbouring properties is considered acceptable.

The proposed building has been designed to ensure the majority of the massing, volume and height is set away from the adjacent occupiers and towards the road edge along Waterbrook Lane, closer to the existing three storey with rooms in the roofspace purpose built block which sits at a significantly higher level. This result in a building which is proportionally comparable to the character and pattern of development with the wider area and builds upon the principles established in the previously approved scheme. On that basis, it is considered that the proposal has an acceptable impact within the street scene in terms of scale and massing.

As stated, the proposed building has been designed to align with the predominate eaves height and ridge lines. It is accepted that this will include additional bulk on the upper sections of the building, compared to the pitched roofs of the houses, but given the retention of gaps to the boundaries, the existence of the three storey flatted development adjacent and the stand-alone nature of this site, it is not considered that this alternative and more modern approach would have a jarring impact or detract from the character of the area. The opportunity exists to maintain the current relationship, a community building within a residential area, but with a much more visually pleasing replacement building.

The proposed building, in terms of finished palette, references the built form in the surrounding streets and the use of contrasting materials over the floors raises no issues. As discussed, the opportunity arises to improve the visible appearance of the site and the wider street scene. It is considered the building has sufficient visual interest to break up the mass and given the proposed community nature of the uses and the consolidation of built form, it is considered the overall design as a "one off" within the locality is acceptable. The retention, where suitable, of existing landscaping and additional planting, agreeable as part of a landscaping scheme (to be reserved by way of condition), will further soften any impact. Whilst the aesthetic appearance of a building will be subjective, officers have concluded that the proposed building at this location is acceptable.

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

The proposed mass and form have been designed taking into account the pattern of development and built form of surrounding properties. This has led to the northern section of the building being at three storey level adjacent to the three storey flatted development which sits at a significantly higher level across Water Brook Lane. Towards the rear the building has been sensitively designed to ensure that it does not result in any significant mass abutting the boundary with rear amenity spaces of the property the neighbouring properties to the rear.

There are existing mature trees to the southern boundary of the site which obscure much of the mass when viewed from the rear amenity space of the properties directly adjacent along Goodyers Gardens. The retention of this natural screening and its protection during the construction process has been detailed within the comprehensive Landscape Plan and Tree Protection Method Statement which must be adhered to in full during the construction process. A condition to this effect will be attached to ensure compliance.

With regards to the fenestration, the building has been sensitively designed to ensure that the proposal does not result in any unacceptable overlooking to neighbouring properties - with regard to the expectations of the Sustainable Design and Construction SPD. The neighbouring properties along Goodyers Garden benefit from considerable rear amenity spaces of approximately 23 metres in depth. Given the two-storey nature of the proposal along the southern boundary and the retention of the significant mature vegetative screening and depth of these gardens, the proposed is not considered to result in any unacceptable impact on the privacy of neighbouring occupiers.

Similarly, given the considerable set back from the three-storey flatted development on the opposite road edge, it is not considered that the proposed fenestration facing northwards would result in any unacceptable impact on the visual or residential amenity of neighbouring occupiers.

With regards to the western boundary, facing towards the rear amenity space of some properties along Waterbrook Lane, the proposal has been designed to ensure that there is no fenestration at first or second storey level.

Overall, for the reasons highlighted above, officers do not consider that the proposal in terms of design, mass, and built form together with associated fenestration would result in any detrimental impact on the visual or residential amenity of neighbouring occupiers.

With regards to potential noise and disturbance, the Planning Statement has detailed that the application is not intended to increase membership, but to improve the existing site for current members.

Nonetheless, the applicant has submitted an Acoustic Report and Noise Impact Assessment (ref:20109.NIA.01) by KP Acoustics dated 06.02.2020) and in turn the council's Environmental Health officer has been consulted. The Acoustic Report concludes that with specific glazing and other noise attenuation measures the proposed development would protect the amenity of the closest noise sensitive properties in accordance with Policy DM04 of the Development Management Policies DPD.

Furthermore, an Activities Management Plan has been submitted as part of the application. This sets out proposed events that would take place at the site and the associated number of people attending each event. The plan provides a breakdown of activities throughout the year and it is important to note no current controls on numbers attending exist. Notwithstanding this, there is a desire to ensure that existing amenity levels are maintained.

The planning statement has stated that the maximum capacity of the nursery is 30no children with up to 6no full time staff. At present there is no limit of the number of children at the centre from a planning perspective and the proposed 30no children is similar to existing levels - which have been in operation without major concern or disturbance. As such this is considered acceptable.

The contents, number and event limitations and stipulations will be agreed as part of the Activities Management Plan pursuant to the Section 106 Agreement. Any agreement must meet the tests that; it is necessary to make the development acceptable in planning terms, is fair and reasonably related in scale and kind to the development and directly related to the development. In the view of officers, the agreement of the contents of the Activities Management Plan meets the tests and it is advised that any permission is subject to such an agreement having been executed.

### Whether harm would be caused to the free flow of traffic and parking

The Local Highway Authority (LHA) has provided detailed comment and raises no objection to the proposal subject to conditions and s106.

There will be 8 no off street parking spaces provided. At present there are 5 no parking spaces. The LHA consider the level of parking provided for the D1 use considering the sites PTAL of 3 and location on the periphery of a Town Centre is acceptable - with regard to the expectations of Policy 6.13 of the London Plan and CS9 and DM17 of the Local Plan.

The development will result in the primary access of the site being via Waterbrook Road, whilst at present there is both this and another access from Brent Green. The access from Brent Green will be reverted back to a pedestrian entrance and the pavement reinstated, whilst the Water Brook Road access will become the primary route utilising the existing dropped kerb. The reinstating of the pavement along Brent Green will be conditioned to ensure that these works are carried out prior to occupation of the development in order to improve the public realm.

With regard to the bulk of journeys associated with the site, the applicant has provided a Framework Travel Plan which has been assessed by the LHA and is considered acceptable - subject to conditions for additional information and a legal agreement to monitor the aims of the Travel Plan. The Framework Travel Plan indicates aims and objectives to promote sustainable transport modes and mitigation measures for any pressure to the local highway network. The Framework Travel Plan requires that individual Nursery and Synagogue Travel Plans must be submitted after the first year of reviews, this will be encompassed within the s106 agreement to ensure this adhered to.

Several objections have been focused on the alterations to the existing access arrangement and implications this may have on Water Brook Road. Officers have assessed the scheme and make the following observations:

- The current uses are established and the existing site is not subject to any occupancy limitations and thus could be further increased at present. This application will secure within the legal agreement an Activities Management Plan and there will be a condition imposing a limit on the number of children at the nursery.
- Furthermore, the proposed development will provide additional parking spaces compared to existing for a comparable occupancy level.
- The access arrangements will be using the existing in situ access arrangement on Water Brook Road and will not require additional works.
- As part of the scheme, the proposed development will seek to provide meaningful landscaping to the boundary along Water Brook Road to improve the public realm.
- The LHA do not consider the proposed use of Water Brook Road for access would have any unacceptable impact on the free flow of traffic.

Overall for the reasons above, subject to legal agreements and associated conditions the proposed development is considered to be acceptable in highways terms.

The future arrangement for waste disposal in principle is considered acceptable. The advice also states that impact from service vehicles attending the site is likely to be minimal however, to ensure that it does not have an unacceptable impact on neighbouring

amenity or the free flow of traffic, a condition will be attached requiring details of a refuse/recycling strategy and management plan to be submitted to the LPA prior to occupation.

### Trees and Landscaping considerations

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

Policy DM01 of the Adopted Barnet Development Management Policies advises 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. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will 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.

National Planning Policy Framework section 118: Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

There are some existing mature trees growing to the south of the site within adjoining neighbouring boundaries. The trees contribute to the amenity of the surrounding area and provide important natural screening of the development from the rear habitable windows of the nearest properties along Goodyers Gardens. As such, any proposal must ensure adherence to special construction methods to ensure that the adjacent trees are not harmed and residents amenity is maintained, whilst also ensure the newly planted trees have sufficient space to grow properly.

The Trees and Landscape Officer (TLO) has reviewed the plans and submitted documentation ' Arboricultural Impact Assessment Method Statement & Tree Protection Plan (Ref: TH 2109/B) and considers the proposed building methods and recommendations within the report to be suffice to ensure the trees are not harmed during construction. A condition will be attached to ensure that all conduction works are carried out in accordance with this plan.

The development also offers the opportunity for improved landscaping. The TLO has reviewed the submitted landscaping plan and suggests that - whilst it provides some landscaping - the proposed planting beds and green roof could be further augmented - for example, by having climbing plants trail over the sides of the building - improving the public realm along Brent Green and Water Brook Road. As such, a condition requiring a revised landscaping plan will be attached to be submitted prior to commencement of the development



## Ecological considerations

The applicant has provided a Preliminary Ecological Appraisal Report (Syntegra Consulting, March 2020). The LPA's Ecological Consultant has reviewed the information and has suggested that to ensure biodiversity net gains are met, the following conditions are recommended:

- The submission of a lighting strategy designed to minimise impacts on bats (and other nocturnal fauna) following the Institution of Lighting Professionals and Bat Conservation Trust guidance (Guidance Note 8: Bats and artificial lighting, BCT/ILP)
- The inclusion of at least 1 integrated bird and 1 integrated bat box within the structure of new buildings.
- If any works are to take place within 5 metres of the nesting bird habitat identified in the PEA report during the nesting bird season of March - August inclusive, a nesting bird check is to be completed by suitably qualified ecologist.

In the interests of retention and enhancement of biodiversity in accordance with Policy DM16, these conditions are proposed to be attached.

## Accessibility and Sustainability

For major developments, Barnet supports the use of BREEAM which is used to measure the environmental performance of non-residential buildings. It is expected that the proposal should achieve a minimum 'Very Good' rating. The applicant's submission confirms that a "very good" rating can be achieved (58.2%).

## Security

As a dedicated place of worship along with other facilities proposed such as the nursery, it is important to ensure that the physical security of the building and the additional landscaping and perimeter treatment is suitable and secure to help protect its intended occupants.

As such, the Metropolitan Police have been consulted and have suggested a suite of measures which have largely been incorporated into the most recent revisions. Whilst no objection has been raised, it has been requested that a planning condition is attached to any approval, whereby the development must achieve Secured By Design accreditation, prior to occupation. This has been proposed - along with conditions relating to the confirmation of details regarding proposed boundary treatments.

Within that context, the proposal is considered to be acceptable in this regard.

## **5.3 Response to Public Consultation**

-Concerns regarding potential impact on accessibility and manoeuvrability for vehicles on Water Brook Lane and potential impact on access for emergency vehicles; The use should not result in any increase in parking demand and thus is not expected to result in any exacerbation of existing situation.

-Concerns regarding reorientation of synagogue resulting in primary access route being via Water Brook Lane and associated concerns regarding noise and disruption by traffic accessing the site via Water Brook Lane; This has been addressed within the main body of the report.

-Concerns regarding drop-off/pick-up of children from nursery and potential impact on free flow of traffic with potential use of Water Brook Lane as turning circle; The use should not result in any increase in parking demand and thus is not expected to result in any exacerbation of existing situation. Furthermore, the application will limit the number of children to a maximum of 30 to ensure that is at manageable levels. The LHA will continue to monitor the Framework Travel Plan and subsequent Nursery and Synagogue Travel Plans to ensure effective compliance.

-Concerns regarding increased parking demand on neighbouring streets when synagogue hosts larger community events; This has been addressed within the main body of the report.

-Concerns regarding noise and disturbance resulting from refuse collection to rear of site near neighbouring properties; This has been addressed within the main body of the report.

-Increase in synagogue capacity will exacerbate existing traffic issues and potential increase pollution levels; With regard to pollution, Environmental Health have been consulted on the application and have not found any potential for unacceptable levels of pollution from the development or associated servicing or highways arrangements.

-Concerns regarding impact on townscape; This has been addressed within the main body of the report.

-Concerns regarding top floor use as residential; This has been addressed within the main body of the report.

-Concerns regarding use of multi-purpose basement room and request restrictions on events allowed; The Activities Management Plan will be subject to monitoring to ensure that attendees of special events do not number in excess of 100 persons. =

-Supports design of proposed which will act as benchmark for other community buildings within the local vicinity and wider community; This has been noted.

-Supports facility as will help to meet growing community needs; This has been noted.

-Requests serious consideration is given to making Goodyers Garden a Controlled Parking Zone (CPZ) to prevent congestion from development; The LHA have reviewed the proposal and do not consider it necessary to alter any existing highway restrictions.

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

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

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

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

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

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The proposed development would provide considerably improved new facilities for an existing community use.

In terms of likely negative impacts, the application has attempted to address these through the design proposal and submission of technical documents. It is suggested that the majority of these impacts can be mitigated through conditions and S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

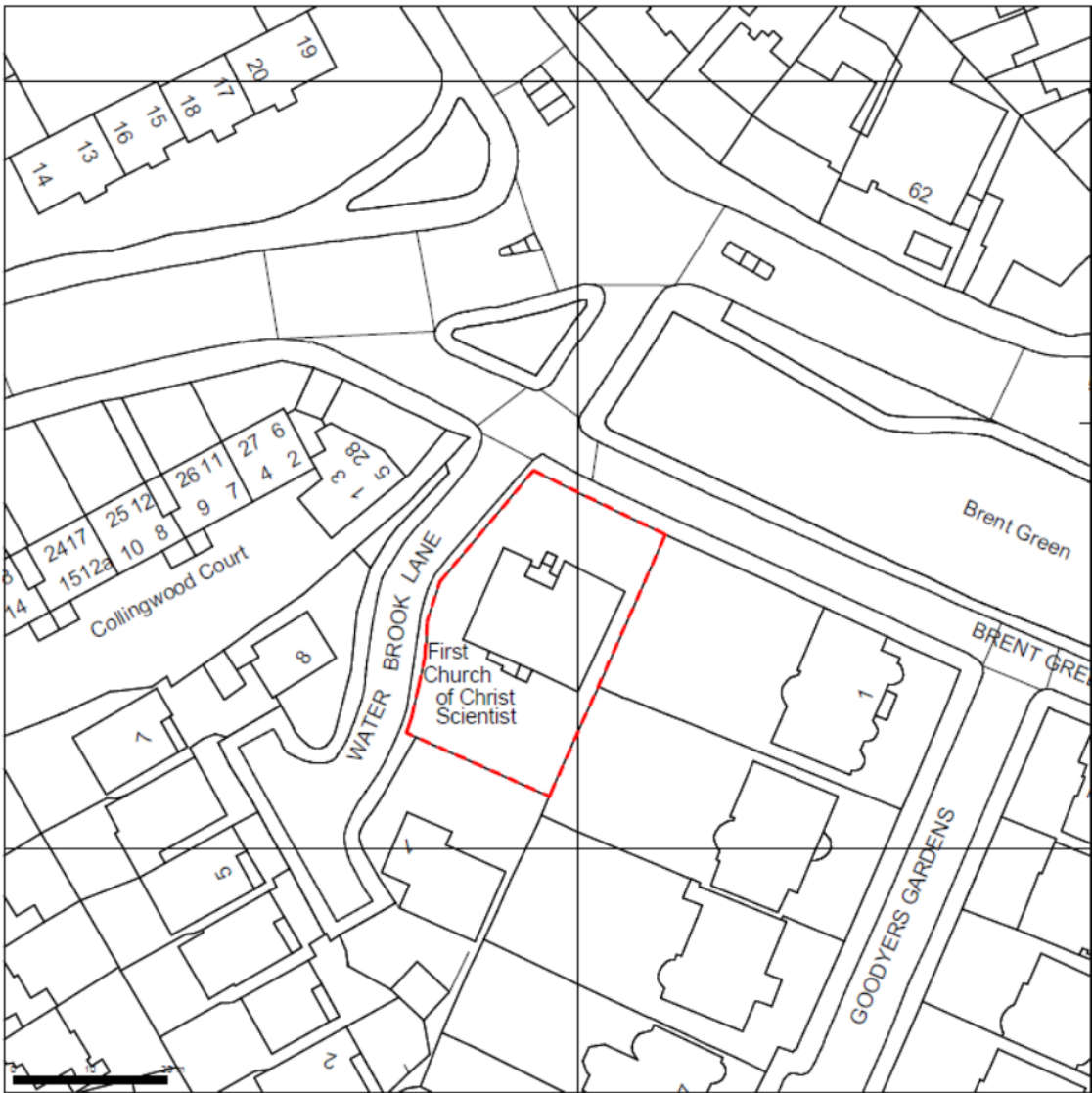
With the s106 and conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **7. Conclusion**

In light of the above appraisal it is considered that the proposed development is acceptable in policy terms and has positive attributes - including providing a potentially high-class facility at a site which provides social interaction for a large number of the Borough's residents. The concerns that have been raised in third party representation are noted and relate to valid material considerations however, it is considered that the use of Section 106 and of appropriate conditions would ensure a development which will can

exist in harmony within its context. It is therefore recommended for APPROVAL subject to a S106 Agreement and conditions.



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**Location** 4 Chronicle Avenue London NW9 4AY

**Reference:** 20/0567/FUL

Received: 5th February 2020

AGENDA ITEM 9

Accepted: 25th February 2020

**Ward:** Colindale

Expiry 21st April 2020

**Applicant:** Mr Shu Chen

**Proposal:** Sub-division of 1 unit to create 2 units (AMENDED DESCRIPTION)

**Recommendation:** Approve subject to conditions

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

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

Drg No ex002 - Site Plan  
Drg No P-001 - Site Location Plan  
Drg No ex020 - Existing Elevations  
Drg No ex010 - Existing Ground Floor Plan  
Drg No ex020 - Proposed Elevations  
Drg No P010 - Proposed Ground Floor Plan

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The proposed units hereby approved shall be used for purposes falling within Class D1 only and shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises is for community use only and does not prejudice the amenities of future residential occupiers in accordance with policies DM01 and DM13 of the Barnet Local Plan.

- 5 The commercial units hereby permitted (Use Class D1) shall not be open to customers before 07.00 hours or after 23.00 hours from Monday to Saturday or before 10.00 hours or after 22.30 hours on Sundays or Bank Holidays

Reason: To safeguard the amenities of occupiers of adjoining residential properties, in accordance with policy DM01 of the Barnet Local Plan.

- 6 a) Before each of the units hereby permitted are first brought into use, a full Delivery and Servicing Plan (DSP) - including details of arrangements for the storage and collection of refuse and recycling - shall be submitted to and approved in writing by the Local Planning Authority.

b) The units shall be operated in full accordance with the details as approved under this condition prior to first use and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, to ensure a satisfactory appearance for the development and satisfactory accessibility and to protect the amenities of the area, in accordance with London Borough of Barnet's Local Plan Policies CS9 and CS14 of Core Strategy (Adopted) September 2012 and Policies DM01 and 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. 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 located at 4 Chronicle Avenue, to the rear of a multi-storey building consisting of commercial retail or food enterprises at ground level, and flats above fronting Colindale Avenue. At the present time the host property is not occupied. The premises - within use class D1 - were developed as part of the regeneration of the former British Library site to provide non-residential use for a beneficial purpose towards the community.

The application site forms part of the ground floor commercial premises and faces onto the adjoining park.

The site is not located within a Conservation Area and the host property is not a Listed Building.

## 2. Site History

Reference: 17/6310/NMA

Address: British Library Newspaper Library, 130 Colindale Avenue, London, NW9 5HE

Decision: Approved subject to conditions

Decision Date: 19 October 2017

Description: Non-material amendments to planning permission 16/8162/S73 dated 23/05/2017 which amended condition 11 of the originally planning permission H/05856/13 dated 12/12/2013 for the 'Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/cafe uses (Use Classes A1/A2/A3) and 112sqm of floorspace for, retail/financial/professional/ restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys;, associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park, associated access from, Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision, associated plant and, relocation of existing substation.' Amendments include changes to Condition 13 relating to opening hours to read: The ground floor commercial units hereby permitted (Use Classes A2/A3/D1) shall not be open outside of the hours of 07:00-23:00 Monday to Saturday and 10:00-22:30 on Sundays and Bank Holidays, while the Class A1(Shop) use shall not be open outside of the hours of 07:00- 23:00 Monday to Sunday, including Bank Holidays.

Reference: 16/8162/S73

Address: British Library Newspaper Library, 130 Colindale Avenue, London, NW9 5HE

Decision: Approved subject to conditions

Decision Date: 23 May 2017

Description: Variation to Condition 11 (Community Uses) pursuant to planning permission H/05856/13 dated 12/12/2013 for `Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/cafe uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation`. Variation of Condition 11 with respect to permitted uses in order to provide for the operation of all uses falling within Class D1, in addition to uses falling within Class A3 (Restaurants and Cafes)

Reference: H/05856/13

Address: British Library Newspaper Library, 130 Colindale Avenue, London, NW9 5HE

Decision: Approved following legal agreement

Decision Date: 23 December 2014

Description: Demolition of all existing buildings; redevelopment to provide 395 flats, 772sqm of retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) and 112sqm of floorspace for retail/financial/professional/restaurant/café uses (Use Classes A1/A2/A3) or community use (Use Class D1) in six blocks ranging from 4 to 11 storeys; associated highways and public realm works including formation of piazza adjacent to Colindale Avenue and Colindale Park; associated access from Colindale Avenue, internal street network, car and cycle parking, refuse storage, landscaping and amenity space provision; associated plant and relocation of existing substation.

### **3. Proposal**

This application seeks planning permission for the sub-division of the existing unit to create 2no units. Both units would remain within the current Class D1 designation - with one being proposed to provide an acupuncture clinic.

The application has been amended during its lifetime. The initial description involved the creation of a Class A3 unit in the other newly created unit. However, as there are no current tenants for the proposed A3 unit, the plans in turn were not detailed or sufficient in a way that would enable the case officer to make a decision with respect to that part of the application. As such, this application seeks a determination on the principle of the sub-division whilst remaining within the existing designated use and enabling the establishment of the proposed acupuncture clinic.

### **4. Consultation**

Consultation letters were sent to 192no neighbouring properties.

10no objections were received, alongside 2no comments of support during the consultation period.

The letters of objection can be summarised as follows;

- Odour from food production in the A3 Unit.
- Noise, late opening hours, litter, refuse, traffic, delivery and parking impacts, due to the A3 unit.
- Anti-social behaviour, a loss of privacy and safety, lower hygiene standards with issues such as pests, specific to the A3 unit.
- Impact on the environment, no proposed extraction plant for the A3 unit.
- The local area has many fast food outlets at present, adding more would be an overuse of the A3 use class.
- There would be no benefit to the community with respect to the A3 unit.

### **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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### The Mayor's Draft London Plan

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 2016 London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM04, DM12, DM13, DM17

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

Officers consider that the main planning considerations are as follows:

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

### **5.3 Assessment of proposals**

#### Principle of Development:

The report accompanying the original approval (H/05856/13) indicates the potential for the 112sqm Community Unit to provide for a community facility such as a day care nursery or community centre. Accordingly, the Section 106 Agreement was drafted to ensure that the unit was constructed to shell and core standard and offered to a suitable D1 occupier.

Notwithstanding that underlying intent, this was not followed through the design phase and the unit was brought forward without any external space. It has subsequently been confirmed (with regard to the report pursuant to 16/8162/S73) that following consultation with the Early Years' service and as constructed, the 112sqm Community Unit does not provide a suitable space a nursery use.

The proposed development would create two smaller and more viable units which would remain within the same Use Class. The application is also made pursuant to the establishment of an acupuncture clinic.

As such, the proposal is considered to be consistent with the original expectations for the site and acceptable in principle.

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

The alterations would be largely internal result in the division of the existing unit into two units - one of 51sqm and one of 55sqm. The only external change would be in the creation of a new door for the proposed new unit in the north-east elevation facing onto the park. This is equivalent to the existing frontage and as such, it is not considered to have a detrimental impact on the character or appearance of the host property or surrounding area.

The proposed use itself would be of a character consistent with the existing Class D1 designation. The introduction of an additional unit within the same use class is not considered to undermine that character and any potential intensification of footfall should be considered within the context of the existing single larger premises.

The proposed acupuncture clinic would principally maintain daytime opening hours however, as no change of use is proposed, the suggested condition on opening hours will be transposed from the original approval (as amended)

It must be noted that objections with regard to character were specifically in respect of the A3 unit as originally proposed. This element of the proposal has since been removed.

Within that context, the amended proposal is not considered to have an unacceptable impact on the character of the existing property, street scene and wider area.

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

Since both units would continue within the approved Class D1 designation, it is considered very limited harm would be caused to the living conditions of neighbouring residents.

The use as an acupuncture clinic is not considered likely to result in unacceptable noise and disturbance or affect the operation of the highway relative to the existing potential use and no additional ventilation or extraction equipment etc is proposed. Similarly, as set out above, any potential intensification of footfall from the additional premises - in particular, when considered within the context of the existing single larger premises - is not deemed likely to result in an unacceptable increase in noise and disturbance above that which might otherwise occur.

Again, objections in respect of traffic, noise, litter and anti-social behaviour relate to the A3 unit as originally proposed. This element of the proposal has since been removed.

Conditions are proposed with regard to carrying over the original approved hours of operation, together with the requirement for a Delivery and Servicing Plan (DSP) - including details of arrangements for the storage and collection of refuse and recycling - to be submitted to and approved in writing by the Local Planning Authority prior to first use of each unit individually.

In light of the above, the proposal is therefore considered to have an acceptable impact on the residential amenity of neighbouring occupiers.

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

The existing development 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 be consistent with the in-principle objectives for the site and 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.

