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| <p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;">PLANNING COMMITTEE B</p> |
| <p style="text-align: center;"><u>DATE AND TIME</u></p> <p style="text-align: center;">THURSDAY 1ST APRIL, 2021</p> <p style="text-align: center;">AT 7.00 PM</p> |
| <p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">VIRTUAL MEETING LINK: https://bit.ly/2QBdOoL</p> |

TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)

Chairman: Councillor Golnar Bokaei
Vice Chairman: Councillor Wendy Prentice

Melvin Cohen
Ammar Naqvi

Reema Patel
Alan Schneiderman

Roberto Weeden-Sanz

Substitute Members

Pauline Coakley Webb
Charlie O-Macauley

Val Duschinsky
Shimon Ryde

Anne Hutton
Alex Prager

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10AM Monday 29th March. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
|---------|--|-----------|
| 1. | Minutes of the last meeting | 5 - 8 |
| 2. | Absence of Members | |
| 3. | Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any) | |
| 4. | Report of the Monitoring Office (if any) | |
| 5. | Addendum (if applicable) | |
| 6. | 159 Station Road London NW4 4NH - 20/1371/RCU (West Hendon) | 9 - 22 |
| 7. | 39A-39B Flower Lane London NW7 2JN - 20/2392/FUL (Mill Hill) | 23 - 42 |
| 8. | 49 Albert Road London NW4 2SH - 20/6308/S73 (Hendon) | 43 - 50 |
| 9. | 32 Rowsley Avenue London NW4 1AJ - 20/5924/HSE (Hendon) | 51 - 64 |
| 10. | 84 West Heath Road London NW3 7UJ - 20/4748/FUL (Childs Hill) | 65 - 102 |
| 11. | Land At 49 And 51 Beresford Avenue London N20 0AD - 20/6076/RMA (Brunswick Park) | 103 - 124 |
| 12. | 183 Victoria Road Barnet EN4 9PA - 20/5729/S73 (East Barnet) | 125 - 150 |
| 13. | Any item(s) that the Chairman decides are urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

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| FIRE/EMERGENCY EVACUATION PROCEDURE |
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Decisions of the Planning Committee B

24 February 2021

Members Present:-

AGENDA ITEM 1

Councillor Golnar Bokaei (Chairman)

Councillor Wendy Prentice (Vice-Chairman) – present from agenda item 6

Councillor Melvin Cohen

Councillor Alan Schneiderman

Councillor Ammar Naqvi

Councillor Roberto Weeden-Sanz

Councillor Reema Patel –

present from agenda item 9

1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, outlining the procedure for this virtual meeting. She also explained that agenda item 7, 159 Station Road, had been withdrawn from the agenda.

2. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 21 January 2021 be agreed as a correct record.

3. ABSENCE OF MEMBERS

Councillor Prentice joined the meeting from agenda item 6, 232-234 Oakleigh Road, following technical difficulties.

Councillor Patel joined the meeting from agenda item 9, having sent apologies.

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

None.

5. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

6. ADDENDUM (IF APPLICABLE)

None.

7. 232-234 OAKLEIGH ROAD NORTH, LONDON, N20 0TZ (OAKLEIGH)

Councillor Prentice joined the meeting prior to consideration of this item, following a 5 minute adjournment to resolve technical issues.

The Committee received the report.

Representations were heard from Mrs P. Kiani (objector), Mrs Bessie Moussafir (objector) and the applicant.

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

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

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

8. 159 STATION ROAD LONDON NW4 4NH (WEST HENDON)

Withdrawn.

9. 90 SUNNY GARDENS ROAD LONDON NW4 1RY (HENDON)

The Committee received the report.

The applicant was available in the event of any questions but didn't make a statement.

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

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

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

10. LAND SOUTH OF 129 WEST HENDON BROADWAY LONDON NW9 7DY (WEST HENDON)

Councillor Patel joined the meeting prior to consideration of this item.

The Committee received the report.

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

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

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

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

None.

The meeting finished at 6.51pm

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Location **159 Station Road London NW4 4NH**

Reference: **20/1371/RCU**

Received: 13th March 2020

Accepted: 16th March 2020

Ward: West Hendon

Expiry 11th May 2020

AGENDA ITEM 6

Case Officer: **Radhika Bedi**

Applicant: Mr Joseph Walsh

Proposal: Change of use of the property from residential institution (Class C2) to a house in multiple occupancy for 6 people (C4) (Retrospective Application) (AMENDED DESCRIPTION)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Site Location Plan 1 of 2

Site Plan 2 of 2

Drg No 3161/1 - Proposed Ground, First And Second Floor Plans (received 29/05/2020)

Parking Survey (Produced by Green Rhino Planning, received 21/12/2020)

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 Notwithstanding the approved plans, the use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

i. within 3 months of the date of this decision details of cycle storage facilities shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation. The arrangements shall be permanently retained thereafter.

ii. if within 5 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

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

4 Notwithstanding the approved plans, the use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

i. within 3 months of the date of this decision 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 have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation. The arrangements shall be permanently retained thereafter.

ii. if within 5 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

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).

- 5 Notwithstanding the approved plans, the use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

i. within 3 months of the date of this decision a scheme of proposed air pollution mitigation measures shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation. The arrangements shall be permanently retained thereafter.

ii. if within 5 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

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

- 6 Notwithstanding the approved plans, the use hereby permitted shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

i. within 3 months of the date of this decision a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation. The arrangements shall be permanently retained thereafter.

ii. if within 5 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

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

- 7 The House of Multiple Occupation hereby approved must be occupied by no more than 6 persons at any time.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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 subject site is a detached property located on Station Road within West Hendon, adjacent to the A41 and the junction leading up to the Burroughs and down hill to Hendon Central Underground Station.

The surrounding area is mixed in character given the site is on the periphery of Hendon Town Centre with evidence of flattered development, single family dwellings, HMO's and commercial premises within close vicinity.

The property is not listed nor within a conservation area. The PTAL rating for this property is 5, situated within walking distance to Hendon Central Underground Station and serviced by several bus routes.

2. Site History

Reference: W09246E

Address: 159 Station Road London NW4

Decision: Approved with conditions

Decision Date: 7 August 1995

Description: New part single, part two storey residential care home with 9 bedrooms and communal facilities, access from Station Road and parking forecourt for 6 cars.

Reference: W09246F

Address: 159 Station Road London NW4

Decision: Lawful

Decision Date: 28 April 1995

Description: Use of existing house in multiple occupation as residential care home for no more than 6 residents living together as single household. (Certificate of Lawfulness of proposed use or development).

3. Proposal

Change of use of the property from residential institution (Class C2) to a house in multiple occupancy for 6 people (Sui Generis) (Retrospective Application) (AMENDED DESCRIPTION).

4. Public Consultation

90 consultation letters were sent to neighbouring properties. 26 responses were received, comprised of 26 objections.

A re-consultation was undertaken following receipt of a parking survey. 9 no objections were received, most of which were additional comments to original objections.

The letters of objection can be summarised as follows;

- Over population resulting in strain and overcrowding on transport system, strain on community services, on and off-street parking, no room to manoeuvre cars without accessing the neighbouring driveway, no proposed crossovers, refuse collection and litter surrounding the property, traffic congestion pollution, noise and nuisance from development.
- Internal layout proposes small cramped overcrowded living conditions, with a lack of shared facilities for washing and utilities, concerns regarding mental health of residents, frequency of movement due to number of occupants.
- Loss of single family dwellinghouse, lack of need for this type of accommodation, precedent
- Fails to meet several standards within the HMO Standards 2016.
- Erosion of character of the area/established use of the property.
- The plans are vague and insufficient to assess the acceptability of the room sizes.
- There is poor access to the front door and rear garden, no side access to the garden without accessing the neighbouring property, alongside lack of rear amenity space for 10 residents.
- No statement provided demonstrating the need for the HMO in the area, an overuse of HMO's in the area.

- Excess noise, anti-social behaviour, trespassing due to the number of occupants.
- Poor fire escape having only one entrance and one exit to the property.
- No right of way for the use of the land between No. 159 and 157 Station Road, a legal requirement from the previous permission W09246E.
- The parking survey is inaccurate due to being conducted within the COVID lockdown.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS11

Relevant Development Management Policies: DM01, DM02, DM04, DM09, DM13, DM17

Barnet's Local Plan (Reg 18) 2020

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

On 26 May 2016 the Council implemented an Article 4 Direction across the borough requiring planning permission for any change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small scale houses in multiple occupation (Use Class C4).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of HMO Use and the Impact on Character
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with HMO standards and provides satisfactory living accommodation for future occupiers
- Highways

5.3 Assessment of proposals

Principle of HMO Use and the Impact on Character

The application property has already been converted into a HMO however, this report will assess the application retrospectively for the conversion of the previous residential carehome (C2).

With regard to the previous lawful use, a residential carehome (C2) is not a community use as defined under Policy DM13 (Para 14.1.2). Policy CS11 of the Core Strategy further supports the remodelling of residential carehomes to other forms of special accommodation and - with regard to Policy DM09 - HMO are classified as specialist accommodation.

As a result, officers raise no in-principle objection to the loss of the C2 use.

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

Section 10.3.2 of the Development Management Policies states 'applicants for such conversions will be expected to demonstrate the absence of need for this type of accommodation'

The Planning Inspectorate have dismissed a relevant appeal (APP/N5090/W/18/3201486) for conversion into HMO in LB Barnet noting 'Policy DM09 of the Council's Development Management Policies document (DMP) states that existing HMOs will be retained, and new ones encouraged, where there is an identified need. The appellant advises that the site is within walking distance of the Metropolitan Police training centre, Public Health England, Edgware Community Hospital and Middlesex University which all have a demand for low cost housing. Whilst I do not doubt these places are all within a reasonable walking distance of the site, I do not agree this equates to an identified need for an HMO. For instance, I have no evidence before me to suggest that the employees at Public Health England, which is the closest of all these facilities, would require low cost housing such as this. Similarly, I have no evidence to indicate there is a shortage of suitable accommodation for students at the university, or that the hospital and police training centre do not already have arrangements for sufficient accommodation. I do not dispute low cost housing plays an important part of the housing offer in the borough and in London as a whole. Nonetheless this does not absolve the requirement to demonstrate a specific need for HMOs.'

However, a very recent appeal decision and costs awarded against the LPA for another retrospective application (APP/N5090/W/20/3261065) wherein it was confirmed that 'the planning application was submitted on a retrospective basis and to this extent there was evidenced need for the HMO'. It was further noted that:

'I do not doubt that there is demand for family housing in the area, as promoted by virtue of Policy DM08 of the DMP. However, the evidence before me is that HMOs are not in principle precluded in the area. In fact, paragraph 10.3.2 of the reasoned justification to Policy DM09 of the DMP states that "HMO are an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation". This is reinforced within Policy DM09 of the DMP which states that "the council will seek to retain existing HMO provided that they meet an identified housing need". While the proposal relates to a change from a family dwelling to a HMO, Policy DM08 does not in itself prohibit such residential accommodation. Instead, it seeks to promote "dwelling size priorities" and paragraph 9.1.6 to the policy states that "the policy can be applied flexibly".'

In addition to the site being occupied, the applicant has provided specific supporting evidence to demonstrate a need for HMO accommodation in this location. This includes letters from 3 No. estate agents stating there is a demand for HMO rooms in this location that is not met by current supply. Weight is given to this evidence and the site's proximity to Middlesex University, which it is noted generates a demand for this type of accommodation.

On balance, it is considered that it has been sufficiently demonstrated that the proposal meets an identified need.

The National Planning Policy Framework indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place.

Officers acknowledge that the surrounding area is mixed in character with evidence of commercial uses, single family dwellings, flatted developments within close vicinity. However, the character changes significantly west of the junction with Watford Way and becomes more traditional in terms of physical appearance and functions more typical of a suburban setting. Notwithstanding that fact, the number of occupants is to be reduced to a maximum of 6 and would consequently reduce the intensity of the use of the site from the existing situation - as well as comply with the minimum space standards - and be more commensurate with the neighbouring dwellings.

The proposed development does not involve external extensions to facilitate the proposed HMO. As such, it is not considered that the proposed development would have a harmful impact on the appearance of the dwellinghouse.

For the reasons given above, the proposed development is found to be in accordance with Policies DM01 and DM09 of the Local Plan in this regard.

Impact on the amenities of neighbours

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area.

The introduction of an Article 4 across the borough is recognition that HMOs need to be controlled and their proliferation can be harmful to more permanent residential character. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street and to undermine the more permanent residential nature afforded by single dwelling houses and flatted developments.

The conversion of the property to separate households would increase levels of activity and movement, with potential impact on noise and disruption for neighbours. There would also be greater demand for the provision of refuse and cycle storage and parking demand. As such, this application was amended to reduce the maximum number of occupants to 6. There are likely to be less frequent comings and goings of residents and visitors as a result and greater potential for decreased noise and disturbance to local residents, the use of the garden and parking on the surrounding road network.

The busy nature of the junction and high ambient noise level is also considered to mitigate any impact. It is considered that this level of occupancy would not therefore have an unacceptable impact on neighbouring residential amenity.

Whether the scheme complies with HMO standards and provides satisfactory living accommodation for future occupiers

Space Standards:

Policy DM09 'Specialist Housing - House in Multiple Occupation, student accommodation and housing choice for older people', the policy states that proposed HMOs must "meet the relevant housing standards for HMO'.

The adopted Standards for Houses in Multiple Occupations (adopted 2016) stipulates under paragraph 1.1 that the minimum standard for a one room letting where the kitchen is a separate room for 1no. person is 8.50 sq.m and 12.50 sq.m 2no. persons. Kitchens for communal use should not be less than 6.0 sq.m. In addition, the property would provide a communal lounge at ground floor level, with direct access into the rear garden.

All of the proposed rooms are 1 person units that meet the minimum standard of 8.5 sqm. Therefore, they are considered to provide an adequate level of floorspace and there is no conflict with Policy DM09 in this regard.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook. It is considered that all of the proposed habitable rooms benefit from sufficient clear glazing and outlook and thereby provide an acceptable standard of amenity for future occupiers.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered that the proposed internal layout avoids harmful stacking insofar as is possible.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states 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'. While there are no minimum amenity space standards for HMOs, the application site provides a communal rear amenity area of approx. 75 sqm. This is equivalent to 12.5 sqm of amenity space per habitable room. On the basis of the min. garden space standard of 5 sqm per habitable rooms for flats - considered to be a reasonable approximation - the intended amenity space provision is deemed acceptable. Officers are content that space provided is sufficient to accommodate future residents.

Given the above, the amended proposal complies with the Councils relevant housing standards for HMO and thus with the requirements of Policy DM09 of the Development Management Policies DPD and The Mayors Housing Supplementary Planning Guidance (Adopted March 2016).

The submitted application documents also include representations of the cycle storage as well as refuse provisions, to ensure acceptability, conditions will be attached to the permission ensuring compliance in both aspects.

Highways and Parking

Under the terms of DM17, a maximum of 0-6no spaces would be required - though the high PTAL rating would result in a lower demand within that range.

The site is unable to provide any off-street spaces. However, in accordance with the provisions of Policy DM17, a parking survey has been provided, demonstrating that there would be sufficient on-street parking spaces to accommodate even the maximum potential demand arising from the amended proposal. Weight is also given to the nature of the use and proximity of the site to Middlesex University, the high PTAL Rating and the walking distance to bus, rail and tube lines. It is reasonable to conclude that the potential users of the HMO would depend on public transport and subsequently have a lesser need for car parking. Given these considerations and the reduced occupancy level of the proposal, the lack of provision of off-street car parking is considered to be, on balance, acceptable.

The parking survey, although conducted during the ongoing restrictions, is still considered to be representative of the capacity available for existing and future residents. In accordance with the Lamberth Methodology, surveys for residential development are undertaken at night - in order to consider availability at a time when the majority of permanent residents would be at home - and the current circumstances are considered to result in a higher than average number of residents being at home at any one time.

On that basis, the survey results in fact represent a worse-case-scenario and the Local Highway Authority have considered the survey and raise no objection.

The submitted plans indicate a cycle parking provision of 6 No. spaces to the side of the dwelling. This would be in line with London Plan standards and details would be reserved by way of condition.

For the reasons given above, it is not considered that the proposed development would be contrary to DM17 or the London Plan in respect of highways and cycle parking.

5.4 Response to Public Consultation

Objections;

- Over population resulting in strain and overcrowding on transport system, strain on community services, on and off-street parking, no room to manoeuvre cars without accessing the neighbouring driveway, no proposed crossovers, refuse collection and litter surrounding the property, traffic congestion pollution, noise and nuisance from development; this has been addressed within the main body of the report.

- Internal layout proposes small cramped overcrowded living conditions, with a lack of shared facilities for washing and utilities, concerns regarding mental health of residents, frequency of movement due to number of occupants; this has been addressed within the main body of the report, mental health of residents is not a material planning consideration.
- Loss of single family dwellinghouse; this has been addressed within the main body of the report.
- Fails to meet several standards within the HMO Standards 2016; this has been addressed within the main body of the report.
- Erosion of character of the area/established use of the property; this has been addressed within the main body of the report.
- The plans are vague and insufficient to assess the acceptability of the room sizes; this has been addressed within the main body of the report.
- There is poor access to the front door and rear garden, no side access to the garden without accessing the neighbouring property, alongside lack of rear amenity space for 10 residents; this has been addressed within the main body of the report.
- No statement provided demonstrating the need for the HMO in the area, an overuse of HMO's in the area; this has been addressed within the main body of the report.
- Excess noise, anti-social behaviour, trespassing due to the number of occupants; this has been addressed within the main body of the report.
- Poor fire escape having only one entrance and one exit to the property; this is not a planning consideration.
- No right of way for the use of the land between No. 159 and 157 Station Road, a legal requirement from the previous permission W09246E; This is not a planning consideration and there was no legal requirement as a part of the previous permission.
- The parking survey is inaccurate due to being conducted within the COVID lockdown. The LHA have considered the report and have raised no objection

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal demonstrates a need for a HMO accommodation in this location. Given the mixed nature of the surrounding area, it is not considered that the loss of the existing residential care-home would be unduly harmful in terms of character. The proposed HMO is considered to provide an appropriate level of amenity for future occupiers, without causing unacceptable harm to neighbouring amenity or the local character. For these reasons, the proposed development is considered to be acceptable and the application is therefore recommended for APPROVAL.



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Location **39A-39B Flower Lane London NW7 2JN**

Reference: **20/2392/FUL**

Received: 28th May 2020

Accepted: 28th May 2020

Ward: Mill Hill

Expiry 23rd July 2020

AGENDA ITEM 7

Case Officer: **Josh Mclean**

Applicant: .

Proposal:

Erection of 2no three-storey buildings including a lower ground level to provide 4no self-contained semi-detached dwellings. Provision of off street car parking spaces to front of dwellings, refuse and cycle store including associated changes to landscaping

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

FLWLN-L001 (Existing - Site Plan/ Sections)
FLWLN-L101 (Proposed - Location Plans)

FLWLN-P100 (Proposed - Basement)
FLWLN-P101 (Proposed - Ground Floor)
FLWLN-P102 (Proposed - First Floor)
FLWLN-P103 (Proposed - Loft Plan)
FLWLN-P104 (Proposed - Roof Plan)
FLWLN-E001 (Proposed - Front Elevation)
FLWLN-E102 (Proposed - Side Elevation 1)
FLWLN-E103 (Proposed - Side Elevation 2)
FLWLN-E104 (Proposed - Rear Elevation)
FLWLN-S101 (Proposed - Section AA')

Design and Access Statement, Drawing and Planning (dated May 2020)
Light Pollution Appraisal Report, Waldrams (dated 28/02/2020)
Planning Statement, Drawing and Planning (dated May 2020)

Transport Statement, Waterman Infrastructure & Environment Limited (dated March 2020)
Transport Rebuttal to Officer Comments, Waterman Infrastructure & Environment Limited (dated May 2020)
Tree Report, CSG Usher's Ltd (dated 06/02/2020)
CellWeb TRP Specification, Geosynthetics

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) Notwithstanding the details shown, before the relevant works are begun, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 Policy D4 of the London Plan 2021.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

- 5 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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 Policy T7 of the London Plan 2021.

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation of the first house, 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).

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. FLWLN-P101 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 Policy T6 and T6.1 of the London Plan 2021.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6 of the London Plan 2021.

- 10 a) Prior to the installation of any extraction and ventilation equipment to be installed as part of the development, details including a technical report shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be

installed using anti-vibration mounts. 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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

11 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) and the Sustainable Design and Construction SPD (adopted October 2016).

12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) 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, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 14 Before the development hereby permitted commences on site, details of all external lighting (to include the number, power, lux levels and controls) shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and the lighting strategy as set out in the Light Pollution Appraisal Report, Waldrams (dated 28/02/2020).

Reason: To ensure the proposal does not impact on the University of London Observatory by way of excessive light pollution in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 15 Before the buildings hereby permitted are first occupied the proposed windows on the first floor of all side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 16 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows other than those expressly authorised by this permission, shall be placed at any time in the first and second floor flank and rear elevations

facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021 and the Mayors Housing SPG.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021 and the Mayors Housing SPG.

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and Policy SI 2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

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

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

- 4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

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

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

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

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

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a vacant back land plot sited behind Flower Lane, which formally accommodated a pair of semi-detached bungalows. The site is accessed via an existing private access between Nos 39 and 43 Flower Lane.

The surrounding area is an established low density residential neighbourhood. To the east of the site is the University of London Observatory (fronting the A1 Watford Way), to the south is the Flower Lane Autism Centre, to the north is a pair of two-storey detached dwellings and to the west are the rear gardens of Nos 35-39 Flower Lane.

2. Site History

Reference: 20/1700/FUL

Address: 39A Flower Lane, London, NW7 2JN

Date: 27/05/2020

Decision: Withdrawn

Description: Erection of 2no three-storey buildings including a lower ground level to provide 4no self-contained semi-detached dwellings. Provision of off street car parking spaces to front of dwellings, refuse and cycle store including associated changes to landscaping

Reference: 18/7114/FUL

Address: 39A Flower Lane, London, NW7 2JN

Date: 05/09/2019

Decision: Refused

Description: Erection of 2no three-storey buildings including a lower ground level to provide 4no self-contained semi-detached dwellings. Four car stackers to front of dwellings providing 8 car parking spaces. Provision of refuse and cycle store. Associated changes to landscaping.

Reference: 17/5641/FUL

Address: 39A Flower Lane, London, NW7 2JN

Date: 27.10.2017

Decision: Approved subject to conditions

Description: Erection of two detached three storey dwellings with basement level. Associated refuse and recycling store

Reference: H/00133/12

Address: 39A & 39B Flower Lane, London, NW7 2JN

Date: 20/06/2012

Decision: Approved subject to conditions

Description: Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.

Reference: H/06020/13

Address: 39A & 39B Flower Lane, London, NW7 2JN

Date: 05/02/2014

Decision: Approved subject to conditions

Description: Non-material amendment to planning permission H/00133/12 dated 12/06/2012. Amendments include alterations to window size/location and change of external facing material to brick.

Reference: H/01485/14

Address: Site of 39A Flower Lane, London, NW7 2JN

Date: 23/05/2014

Decision: Approved subject to conditions

Description: Erection of two detached three storey and basement dwellings.

3. Proposal

The application seeks permission for a pair of three-storey, semi-detached buildings (including basement level) to provide 4no. family dwellings.

Access to the dwellings would remain through the existing access with 6no. parking spaces sited to the front of the buildings. 1no. disabled space is proposed. Refuse stores for waste and recycling bins are proposed to the front of the site.

Following the refusal of the previous application on this site, the following amendments have been made to the proposed scheme:

- Reduction of bedrooms from 5-bed to 4-bed to reduce occupancy and intensification;
- GIA reduced from 238sqm to 216sqm;
- Omission of rear lightwells;
- Removal of bedrooms within the basement level; and
- Removal of car stackers and reduction of parking spaces from 8 to 6.

4. Public Consultation

Consultation letters were sent to 75 neighbouring properties.
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Little difference between these applications;
- Overdevelopment;
- Inappropriate design
- Structural disruption with basement excavations;
- Insufficient parking provision;
- Increase in car congestion;
- Access road is too narrow;
- Impact on trees;
- errors within the application form.

Mill Hill Preservation Society

We have inspected the justification for approval as laid out in the developers planning statement but do not believe that the slight amendments as described should allow approval. Just by changing the name of a room from bedroom to gym room, utility or games room at basement level on a drawing does not guarantee a reduction of bedrooms or occupancy. As stated on the previous very similar application, we fully support the Councils Planning Committee in its reasons given in the refusal of that previous application for four flats. We can see no evidence in this latest application that addresses the grounds for refusal

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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 over the next 20 - 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides a satisfactory level of accommodation for future occupiers;
- Impact from highways; and
- Any other relevant considerations.

5.3 Assessment of proposals

Planning permission has previously been granted at the site for two new three storey buildings. Permission was granted in 2017 under application 17/5641/FUL which included the provision of basement accommodation.

A subsequent application (reference: 18/7114/FUL) was submitted for the erection of two buildings to provide 4no. semi-detached dwellings. That application was refused by the Hendon Area Planning Committee for the reasons of size/ overdevelopment/ intensification and design / external appearance.

This application seeks to address the concerns raised within the previous refused application.

Impact on the character and appearance of the existing building, the street scene and the wider locality

The use of the site as residential is acceptable as of a pair of semi-detached bungalows once stood on the site. The principle of new buildings on the site was established through the earlier approved permissions.

Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The area surrounding the application site characteristically features a mixture of two storey, semi-detached and detached residential dwellings. The previously existing properties 39a and 39b Flower Lane (which have been demolished) were a pair of semi-detached bungalows that were not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Autism Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area.

In terms of layout, the proposal broadly follows the previous applications, with the exception of a further 2.05m rear projection at ground floor level. The extent of the basement floorspace is reduced compared to the previous consented scheme. The rear basement lightwells and sunken terraces have now been removed and bedrooms within the basement level have also been omitted. The proposed footprint is considered to be acceptable as it falls within the scope of the previously approved scheme.

In terms of scale, the proposal retains the three-storey height, gable end and pitched roof and the previous consented scheme. From the previous refused application, the proposal has been reduced by 500mm in height and there are no longer any roof terraces proposed. As such, the proposed scale remains comparable to the outline of the previously approved houses and is considered to be acceptable and maintains the character of the area.

One of the main amendments of this scheme is the proposed design and external appearance. The previous refused scheme proposed a modern design and external appearance with its angled gables with large and staggered window fenestration. The scheme now proposes a traditional appearance with a red brick finish, clay tiles and a regular window arrangement. The proposed external appearance is considered to be acceptable, would be in keeping with the character of the surrounding area and to address the committee's previous concerns about design.

Overall, the proposal has made a number of amendments to address the previous concerns relating to design, materials and appearance, as well as reducing the proposed new footprint at basement level and ridge height. Taking these factors into account, Officers are satisfied that the proposed development would not adversely harm the character and appearance of the site or surrounding area and addresses the previously raised concerns.

Impact on the amenity of neighbouring properties

Policy DM01 of the Development Management Policies 2012 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.

There are neighbouring residential properties to the north and west of the site.

The northernmost proposed building would closely align with the building of No.1 Oak Lodge and will project approx. 3.5 metres at ground floor level beyond the existing rear building line at a distance of approx. 3m from the flank elevation. It is not considered that the proposal would have any adverse impacts on the residential amenity of No.1 Oak Lodge. Two windows are proposed at first floor level of the flank elevations, to serve bathrooms. The plans illustrate that these would be installed with obscure glazing and a condition will be attached to ensure compliance.

In relation to the impact on the properties to the west along Flower Lane, the facing windows are over 21 metres from the end of the rear gardens and far exceed the Residential Design Guidance recommended distances for windows of habitable rooms to be set back 10 metres from a neighbouring garden. The distance retained between the proposed western façade and the windows of number 37 Flower Lane is approximately 65m away from the windows of No. 37 Flower Lane (for Houses 1 and 3) and 64 metres for houses 3 and 4. Furthermore, the existing vegetation screens the development and the arboricultural proposal sets out that this screen is to be retained. Thus, it is considered that there will be no negative impact upon the residential amenity of the residential properties to the west along Flower Lane.

Given all of the above it is considered that the proposal would not impact adversely on the privacy of adjoining residents.

The previous reason for refusal stated that the intensification and increase to 4no. dwellings (with the comings and goings and general activity) would detract from the visual amenities of the site. In order to address this, the dwellings have been reduced to 4-bed units, the dwelling floorspace has been reduced and the parking provision has also been reduced. The site previously contained 2no. dwellings and so vehicles were already travelling up and down the access road. If each bungalow had two cars, there was the potential for four cars to be using this road. Four car parking spaces were approved as

part of the 2017 scheme. The addition of a maximum of 2 further cars is not considered to be so detrimental that it would cause significant harm. The collection of bins would only take place once a week and this is not considered detrimental to the amenities of the area. The private amenity space of each dwelling is located to the east of the site and the proposed residential noise is considered to be acceptable within this area.

Previously, the London Observatory, located to the east of the site, had raised potential concerns about brightness from the proposed development. They have not provided comments this time around but had raised no objections previously subject to conditions to manage vegetation, light and any future windows. The windows within the proposed rear elevation have been limited and the size of the window reduce at the upper levels. As such, these conditions will be attached again and therefore, it is considered that there will not be adverse impact on the London Observatory.

Impact on the amenity of future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, Barnet policy DM02 and Sustainable Design and Construction SPD (2016) sets out the minimum space requirements for residential units. The proposed dwellings would comply within the space requirements and would provide adequate outlook, daylight and sunlight for future occupiers.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises of the required outdoor amenity space standards. The terraces and garden for each dwelling exceeds guidance and would be more than sufficient to meet the needs of the future occupiers.

Taking into account the factors above, it is considered that the proposal would be acceptable in terms of future occupiers.

Parking and Highways

Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential car parking

Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit

This equates to a maximum parking provision of between 6-8 car parking spaces. The site lies within an area of PTAL rating of 4 (good) and also a CPZ which operates between Mon-Fri, 11am-midday. The Highways Officer comments that the proposed 6no. car parking spaces at the front of the proposed buildings would be acceptable because of the relatively good PTAL score of the site.

The provision of 8no. cycle parking spaces is acceptable and a condition requiring further details will be attached.

In terms of refuse and recycling, it is noted that the proposed refuse storage area is in excess of the 10m maximum drag distances for bins. The Highways Officers notes that the bins will therefore need to be brought to a collection point by the road side. The applicant has confirmed this arrangement and will be secured via a refuse collection strategy condition.

As the lane can only accommodate one lane of traffic, a waiting area is proposed at the top of the road which will allow incoming vehicles to pass before proceeding. This is considered to be acceptable.

Overall, the proposed development is considered to be acceptable on highways grounds subject to conditions.

Other material considerations

Trees

In terms of trees, these are located primarily around the boundaries of the site and to the east within the proposed rear garden areas. The applicant has submitted a tree report which covers a tree survey, aboricultural impact assessment, method statement and tree protection plan. The proposed footprint is comparable to the previous applications and no concerns have been raised in relation to trees. Conditions will be attached to ensure protection of existing trees and new landscaping plans will seek the planting of new hedges, shrubs and trees etc.

Accessibility and sustainability

The applicant has confirmed that the proposed development would meet the London Plan M4(2) requirement, and a condition is attached to ensure compliance with these Policies.

The proposals will seek to achieve carbon emission savings through levels of insulation and air tightness and installation of energy efficient appliances.

In terms of water consumption, a condition is attached to require each dwelling 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 London Plan policy.

5.4 Response to Public Consultation

The proposed differences between the current application and previous refused application have been clearly set out within the report. It is considered that the proposal takes into account the concerns raised previously.

The proposal takes a broadly similar form of development in terms of scale and footprint compared to the previously approved scheme. The exception is that 4no. dwellings are proposed instead of 2no. dwellings. However, the proposal complies with the policy requirements in terms of amenity, parking and can suitably accommodate the proposed scale of development. Therefore, the proposal is not considered to be overdevelopment.

The design now takes a much more traditional appearance and will be finished with materials that are in keeping of the surrounding area.

A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.

Concerns have been raised regarding the basement. Planning consent 17/5641/FUL obtained permission for basement level construction. Under this new proposal the proposed basement depth is reduced in footprint.

Concerns relating to parking provision are addressed within the report. The site is located within a PTAL area of 4 which is considered to be good. The resulting impact of car serving the development is not considered to be significant on the highways network.

Officers are satisfied that the correct procedure has been followed in terms of procedural matters in addressing any other ownership interests in the site. The correct ownership certificate has been completed and served appropriately.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 49 Albert Road London NW4 2SH

Reference: 20/6308/S73

Received: 30th December 2020

Accepted: 30th December 2020

Ward: Hendon

Expiry 24th February 2021

AGENDA ITEM 8

Case Officer: Radhika Bedi

Applicant: Yossi Levi

Proposal: Variation of Condition 7 (Restriction of Permitted Development) of planning permission 16/1008/FUL, dated 29/04/2016 for 'First floor front/side extension to the North elevation and internal alterations to facilitate the conversion of existing split level property (comprising of two flats) in 2no semi detached dwellings.' Variation to wording to exclude Class B from restricted classes

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed reinstatement of permitted development rights under Part 1, Class B to Schedule 2 of the General Permitted Development Order would enable potential resultant development which, by virtue of its size, siting, scale, bulk and design, would constitute a disproportionate, discordant and incongruous addition, to the detriment of the character and appearance of the host property, street scene and surrounding area, contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2016) and the Residential Design Guidance SPD (2016)
- 2 The proposed reinstatement of permitted development rights under Part 1, Class B to Schedule 2 of the General Permitted Development Order would enable potential resultant development which, by virtue of its size, siting, scale, bulk and design, may result in a harmful loss of outlook and increased sense of enclosure, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policy DM01 of the LB Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2016) 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. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

Site Location Plan (received 30/12/2020)

Planning Statement; Design and Access Statement; Site Location Plan; Existing Site Plan; Existing Elevations; Existing Ground Floor Plan; Existing First Floor Plan; Existing And Proposed Roof Plans; Proposed Site Plan; Proposed Elevations; Proposed Ground Floor Plan; Proposed First Floor Plan.

OFFICER'S ASSESSMENT

This application has been brought before the Committee at the request of Cllr Fluss for the following reason:

49 Albert road would like to discuss of family homes which are needed in Barnet

1. Site Description

The application site consists of a two-storey terrace dwellinghouse. The property was originally the end of the terrace and had an L-shaped footprint with two storey rear projection. However, the property has been extended over two storeys to the side and rear and subsequently vertically sub-divided to form two dwellings.

The site is not within a conservation area and is not within an area covered by any relevant Article 4 direction.

2. Relevant Site History

Reference: 16/1008/FUL

Address: 49 Albert Road, London, NW4 2SH

Decision: Approved subject to conditions

Decision Date: 29 April 2016

Description: First floor front/side extension to the North elevation and internal alterations to facilitate the conversion of existing split level property (comprising of two flats) in 2no semi detached dwellings

Reference: 19/5118/HSE

Address: 49 Albert Road, London, NW4 2SH

Decision: Approved subject to conditions

Decision Date: 1 November 2019

Description: Roof extension involving rear dormer window and 2no front facing rooflights

Reference: 19/4153/192

Address: 49 Albert Road, London, NW4 2SH

Decision: Withdrawn

Decision Date: 22 August 2019

Description: Roof extension, including rear dormer window and 2no. rooflights to front roofslope

3. Proposal

This application proposes the variation of Condition 7 of planning permission 16/1008/FUL, to remove Class B from the list of restricted permitted development rights. This would enable larger scale roof extensions to be carried out without requiring planning permission.

4. Public Consultation

Consultation letters were sent to 74no neighbouring properties.

One response has been received throughout the consultation period, the main points of concern are:

Sunlight and outlook

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS1, CS5,

Relevant Development Management Policies: DM01.

Barnet's Local Plan (Reg 18) 2020

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3 (of the London Plan).

Condition 7 of planning permission states that:

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

The reason for applying the condition is stated as being:

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

Para. 14.33 of the Residential Design Guide SD 2016 states that dormer roof extensions should not overlap or wrap around hipped roofs or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached and terraced properties and any dormer extension 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.

The effect of the removal of the condition would be to enable larger scale roof extensions to be erected without the need for planning permission from the LPA. Such extensions are not subject to aesthetic consideration and are invariably entirely at-odds with the expectations of the Guidance (pursuant to Policy DM01) as outlined above. They result in disproportionate and overly dominant additions which subsume the corresponding roof slope and consequently undermine the integrity of the host property and the character and appearance of the surrounding area.

In this case, the siting of the property on a corner plot, where there is a curve in the road is also worth noting. As a result, any large scale roof extension would be highly visible in the street scene, to the greater detriment of this exposed location.

It is acknowledged that there are examples of larger roof extensions in the surrounding area. However, they are not considered to be numerous enough such as to define the character of the area and insofar as they are apparent, demonstrate the inappropriate result that would likely arise from the decision of the LPA to relinquish control.

It is also worth noting that the property benefits from an existing approved planning permission for a rear dormer window, application reference, 19/5118/HSE. This approved rear dormer is already generous with regard to the default expectations of the SPD - a decision made with regard to the surrounding examples. Any further potential increase in scale of amended design/siting etc that may be afforded by removing the restrictive condition is considered would be harmful - as in the previously submitted scheme under ref 19/4153/192 which was withdrawn when the Applicant was advised that permitted development rights did not pertain. That decision is believed to be the catalyst for this latest application.

On that basis, the removal of the current restriction is considered undesirable.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (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. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impact on daylight and sunlight, privacy and outlook/sense of enclosure

The proposed restatement of Class B permitted development rights at the host site is not considered to automatically result in an adverse impact in respect of residential amenity. However, it would be contingent upon the subsequent design, size and siting of any proposal and - in removing the restriction - the LPA would relinquish its opportunity to object and therefore to provide a safeguard against a harmful loss of amenity

The creation of a large roof extension in this instance may compromise the outlook from the adjoining rear dormer at No 51, appearing as overbearing and dominant and increasing the sense of enclosure as a result of scale, projection and immediacy to the common boundary.

Such a development would be unacceptable with regard to the expectations of Policy DM01 and the Residential Design Guidance SPD and as such, the removal of the current restriction is considered undesirable.

5.4 Response to Public Consultation

N/A

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 that the potential resultant development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. Depending upon the design, it may also result in a detrimental impact on outlook and sense of enclosure from the rear dormer of the adjoining property at No 51. This application is therefore recommended for REFUSAL.



Location **32 Rowsley Avenue London NW4 1AJ**

Reference: **20/5924/HSE**

Received: 8th December 2020

Accepted: 8th December 2020

Ward: Hendon

Expiry 2nd February 2021

AGENDA ITEM 9

Case Officer: **John Sperling**

Applicant: Mallerton Ltd

Proposal: Single storey rear infill extensions between existing ground floor extensions. Erection of approved first floor rear extension

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

032RO-A-01-001 - received 16/02/2021
032RO-A-01-002 - received 16/02/2021
032RO-A-02-001 - received 08/12/2020
032RO-A-02-002 - received 08/12/2020
032RO-A-02-101 - received 16/02/2021
032RO-A-02-102 - received 16/02/2021
032RO-A-03-001 - received 08/12/2020
032RO-A-03-002 - received 08/12/2020
032RO-A-03-003 - received 08/12/2020
032RO-A-03-004 - received 08/12/2020
032RO-A-03-101 - received 16/02/2021
032RO-A-03-102 - received 16/02/2021
032RO-A-03-103 - received 16/02/2021
032RO-A-03-104 - received 16/02/2021
032RO-A-05-001 - received 08/12/2020
032RO-A-05-002 - received 08/12/2020
032RO-A-05-101 - received 16/02/2021
032RO-A-05-102 - received 16/02/2021

032RO-A-06-001 - received 08/12/2020
032RO-A-06-002 - received 08/12/2020
032RO-A-06-003 - received 08/12/2020
032RO-A-06-004 - received 08/12/2020
032RO-A-06-101 - received 16/02/2021
032RO-A-06-102 - received 16/02/2021
032RO-A-06-103 - received 16/02/2021
032RO-A-06-104 - received 16/02/2021

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a semi-detached dwellinghouse, located on the eastern side of Rowsley Avenue. To the south, the host dwelling directly adjoins No.30 Rowsley Avenue, to the north, the application site shares a common boundary with No.34 Rowsley Avenue. To the rear, the application site abuts Nos 29 and 31 Downage.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear and off-street parking facilities to the front.

The application site does not comprise a listed building and does not fall within a conservation area.

2. Relevant Site History

Reference: 18/6698/PNH

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Prior Approval Not Required

Decision Date: 17 December 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 18/6973/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 23 January 2019

Description: Single storey side and rear extension. New raised terrace area with associated access steps to garden level. New front porch

Reference: 19/6017/192

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Lawful

Decision Date: 11 November 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: 19/5234/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 30 January 2020

Description: Single storey side and rear extension. First floor rear extension. New raised terrace area with associated access steps to garden level. New front porch (AMENDED DESCRIPTION).

Reference: 20/2488/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Refused

Decision Date: 21 October 2020

Description: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (AMENDED PLANS).

3. Proposal

This application seeks full planning permission for the "Single storey rear infill extensions between existing ground floor extensions. Erection of approved first floor rear extension."

The existing roof extension approved under 19/6017/192 is insitu at the application site.

The proposed application seeks to infill the ground floor rear extensions approved under prior notification reference number 18/6698/PNH. This proposed element would extend to the existing rear wall of the existing extensions and measure the same height of 3 metres. No crown roof element is proposed. The previously approved front porch is also noted to be removed from the current application.

The current application removes the front porch approved under the previous application (20/2488/HSE) and retains the depth and width of first floor rear extension under planning reference number 19/5234/HSE. The current application proposed reduces the maximum height of the crowned roofed element by 0.19 metres and widens the rear fenestration on the proposed first floor rear extension.

The current application removes the rear patio approved under planning reference number 19/5234/HSE.

4. Public Consultation

No.16 original consultees letters were distributed and, for the sake of completeness, 12no objections have been received in the lifetime of the application. These objections came from a total of 11 addresses:

- Loss of vegetation as a result of works already completed to the property and that this is not consistent with the character of the area.
- Increased floor space will result in increased parking pressures.
- Increased depth of ground floor rear extension than previously approved applications 18/6973/HSE and 19/5234/HSE.
- Neighbour not consulted on prior approval application, which is overbearing and limits outlook from neighbouring windows.

- Materials are also not consistent with neighbouring property.
- Infill of existing extensions is not considered as permitted development.
- Cumulative impact of the already built single storey rear ground floor extension by virtue of its height, siting, and excessive rearward projection would cause an unacceptable loss of outlook and overbearing sense of enclosure to neighbours' habitable rooms and gardens and to the detriment of the residential amenity of neighbouring occupiers, contrary to established policies (Sep 2020, Hendon Area Councillors' Planning Committee).
- The erection of first floor rear side extension closest to No 34, which I understand was approved under a prior application numbered 19/5234/HSE, will worsen loss of privacy and visual amenity already resulting from this overdevelopment.
- The drawings in page 5 of this application lack dimensions and do not show depth and width of the rear ground floor extension.
- The proposed roof of this first-floor extension is excessive and unnecessarily high; its shape is out of character and disproportionate whereas a flat roof would be more in character and proportionate.
- Scale and depth of first floor rear extension excessive and overbearing to neighbouring residents.
- No detail in provided as to why application reference number was approved 18/6698/PNH.
- The current application proposes to fill in precisely the already built 6m extension (s), which is oversized, causing significant overshadowing and distress, employs inappropriate material, and it may not constitute permitted development.
- Development is disproportionate within the dimensions of the neighbouring properties.
- Extension has replaced mature hedge which is a significant loss of character.
- Will the Council be minded to impose a condition that the concrete walls are finished off in red brick, which will be materials more in keeping with the character of the original building?
- Impact to nature as a result of extensive works.
- Development at No 32 apparently does not align with the expected good design stated in the National Planning Policy Framework (NPPF) which is a key aspect of sustainable growth. The current extension does not favour in any apparent sense the presumption in favour of sustainable development.
- I request the Council to consider that the 6m deep rear ground floor extension is reduced to a maximum of 3m depth from the original rear wall; the proposed (2m) first floor rear side extension projects no deeper than the first floor bay window in No 30, 32 (proposed) and 34, and have flat roof; and only matching bricks are employed where required.
- The plans submitted suggest that the building would be for multiple occupancy which would impact the parking on the street. This would stress existing arrangement as staff from the hospital park use nearby road parking spots for the whole day.
- Removal of vegetation creates drainage problems at the of the of the road.
- The applicant has shown verbally aggressive and threatening behaviour towards me and my family for being one of the neighbours that objected to the previous planning application that was refused.
- Suspicion remains that the property will be converted into flats, which is out of character in the road.
- Loss of privacy and light on the neighbouring residents.
- Neighbouring residents have received bribes and threatened by the developer.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

Existing policies in Barnet's Local Plan (2012) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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 (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. 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 developments 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 it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the 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

Impact on the character and appearance of the property and general locality (Principle):

Any proposed scheme for the site will need to respect the character and appearance of the

local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application relates to the amalgamation of the ground floor rear extension with crown roof, first floor rear extension and front porch.

It is noted that the ground floor rear extensions approved under reference number 18/6698/PNH have been constructed. As such, they constitute a material fall-back position for the consideration of this application - and consequently, the scope of the works at ground floor level are limited to the infilling of the 0.5m gap between the existing two extensions and retaining its height of 3 metre.

On that basis, the infilling of the gap made between the two existing extensions to form a flush rear elevation is not in itself considered to be detrimental to the character and appearance of the host property.

In regards to the proposed first floor rear extension, it is considered that the assessment made under planning reference number 19/5234/HSE is relevant in this instance. In determining that application, the delegated report reads as follows:

Paragraph 14.23 of Barnet's Residential Design Guidance (2016) states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. It is noted that the proposal is 2 metres in depth and is situated 2.5 metres from No.30 and 3.7 metres from No.34. The first floor rear extension would be set away from the first floor rear bay window so would be compliant with Paragraph 14.11 of Barnet's SPD (2016). As such, the proposal would appear sympathetic and not overly bulky or dominant in the context of the dwellinghouse and surrounding area. Having assessed the wider area, it is seen that numerous properties on the eastern side of Rowsley Avenue benefit from flat roofed two storey rear extensions. Given this element of the proposal is subordinate and sympathetically design the proposal is not considered to conflict with the character of the wider locality.

In addition to the above, it is noted that the proposed rear elevations indicate that the first floor rear extension would appear taller than the previously refused application 20/2488/HSE. However, this is as a result of removing the crown roofed element on the ground floor extension and does not represent an increase in the overall height of the first floor rear extension. Upon review, it was noted that the overall appearance of the first floor rear extensions (and fenestration involved) would appear visually incongruent although not to the degree to warrant the application for refusal in its own right. Amendments were sought to address this point of concern so as to reduce its bulk and create a more harmonious rear elevation that is in keeping with the character of the existing dwelling and wider area.

In regards to the ground floor side extension, again a similar proposal was made under reference number 19/5234/HSE, although removing the sloped roof element. With regard to that element, the delegated report stated the following:

The proposed side extension would measure a depth of 9.06 metres, nearest to the boundary with No. 34, wrapping around to adjoin the proposed rear extension. Barnet's

Residential Design Guidance SPD outlines that side extensions to existing buildings can be unacceptably prominent features in the streetscene, it goes on to stipulate that side extensions should not be more than half the width of the original dwellinghouse.

The host dwellinghouse measures a width of 7.50 metres, the proposed side extension would measure a width of 2.74, and therefore the proposed side extension is in compliance with the aforementioned guidance, officers have raised no concerns regarding its impact on the streetscene.

In this current application, it is noted the height of the side extensions has been altered to account for the level change experienced across the cross-section of the dwelling. It is noted however, that the extension would not further add to the height approved under 19/5234/HSE so is considered to be acceptable. Overall, officers consider that the proposal is sympathetic and subordinate to the existing property, streetscene and general locality. It is not considered that the side extension would harm the character of the local area.

From the rear element of the approved side extension, an additional rear extension would extend 3 metres in depth, 2.47 metres wide and 3.5 metres in height. This element is noted to be 0.5 metres taller than the proposed ground floor infill and existing extension, but by virtue of this extension being located nearby the boundary of the site and being level with the height of the neighbouring extension, not considered to result in a deleterious impact to the character and appearance of the dwelling nor appear overly conflicting within the character of the wider locality.

As such, it is found that - within the context of the existing works, previous approvals and minimal change thereof - the proposed extensions would not have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area. Therefore, the proposal would comply with policy DM01 of Barnet's Development Management Policies DPD.

Impact on the amenities of neighbouring occupiers:

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

The reason for refusal under planning reference number 20/2488/HSE states the following:

"The cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by virtue of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy 7.6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016)."

In light of this decision, the applicant removed the crown roof from the proposed development. With this alteration, the ground floor extension would measure a height of 3 metres from ground floor level. Given the proposed element would be sandwiched

between two existing extensions, which was approved and built according to the prior approval large home extensions scheme, no harm would be experienced by the neighbouring residents at No.30 to the detriment of their amenity. When viewing the cumulative footprint of the ground floor rear extensions (the existing and proposed elements combined) any impact to the neighbouring residents is considered to be offset by virtue of the distance of the extension from the neighbouring boundary and its height of 3 metres reducing the visual manifestation so as to avoid any unacceptable sense of overbearance on the neighbouring residents at No.30 Rowsley Avenue.

In regards to the extension situated on the boundary wall with No.30 Rowsley Avenue, the proposed is noted to extend 1.7 metres further than the rear wall of the neighbouring property. This protrusion is not considered to result in detrimental harm to the neighbouring residents by reason of loss of light, outlook and sense of enclosure to warrant the application for refusal.

In order to ensure the privacy of the neighbouring occupiers is not compromised, by way of overlooking, a condition will be applied to ensure that the roof of the ground floor side and rear extension will only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Due to the subordinate scale and distance from respective neighbouring properties, the proposed first floor rear extension is not considered to be unacceptably overbearing on the neighbouring occupiers no result in a significant loss of outlook to the detriment of the occupiers.

Overall, officers do not consider that the proposal would result in an unacceptable level of harm to the amenity of the neighbouring occupiers, and as such would comply with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

- Increased floor space will result in increased parking pressures.

The proposed extensions would remain a single family dwelling and is not considered to worsen parking pressure with regards to the expectations of Policy DM17

- Increased depth of ground floor rear extension than previously approved applications 18/6973/HSE and 19/5234/HSE.

The current application does represent alterations to the previous decisions however, as highlighted in the delegated report, is considered to be acceptable on character and amenity grounds.

- Neighbour not consulted on prior approval application, which is overbearing and limits outlook from neighbouring windows.
Materials are also not consistent with neighbouring property.

The LPA issued consultation letters to the neighbouring properties under planning reference number 18/6698/PNH in accordance with the obligations in the Order. The materials of the extension were not specified under this permission, but would be required to be of similar appearance

- Infill of existing extensions is not considered as permitted development.

The infill element proposed between the existing prior approval extensions is not considered permitted development. The current application is a planning application and proposing the infill element is not contentious in principle. As highlighted in the main body of the report, the infill element is acceptable on character and amenity grounds.

- Cumulative impact of the already built single storey rear ground floor extension by virtue of its height, siting, and excessive rearward projection would cause an unacceptable loss of outlook and overbearing sense of enclosure to neighbours' habitable rooms and gardens and to the detriment of the residential amenity of neighbouring occupiers, contrary to established policies (Sep 2020, Hendon Area Councillors' Planning Committee).

As highlighted in the main body of the report, the current application is considered to be materially different from the refused application under planning reference number 20/2488/HSE so as to address the concerns raised by committee members.

- The erection of first floor rear side extension closest to No 34, which I understand was approved under a prior application numbered 19/5234/HSE, will worsen loss of privacy and visual amenity already resulting from this overdevelopment.

The first floor rear extension approved under planning reference number 19/5234/HSE is no larger than the first floor rear extension currently proposed. As highlighted in the main body of the report, the impact to neighbouring residential amenity is not considered harmful.

- The drawings in page 5 of this application lack dimensions and do not show depth and width of the rear ground floor extension.

The drawings provided include capacity to measure the proposed development at scale. It is not a requirement to annotate all dimensions of the proposed development at validation stage and was not deemed necessary in this instance.

- The proposed roof of this first-floor extension is excessive and unnecessarily high; its shape is out of character and disproportionate whereas a flat roof would be more in character and proportionate.

The LPA notes that the first floor rear extension appears taller due to the removal of the crowned roof under planning reference number 20/2488/HSE. As discussed in the main body of the report, the proposed first floor rear extension is a subordinate addition to the dwelling by virtue of its scale, massing and positioning.

- Scale and depth of first floor rear extension excessive and overbearing to neighbouring residents.

As discussed in the main body of the report, the proposed first floor rear extension is found to have an acceptable impact on the residential amenity of the neighbouring residents.

- No detail is provided as to why application reference number was approved 18/6698/PNH.

Planning reference number 18/6698/PNH was approved as it satisfied the requirements of Class A (g) of The Town and Country Planning (General Permitted Development)(England) Order 2015 - as amended in 2016 by SI 2016 No. 332.

- The current application proposes to fill in precisely the already built 6m extension(s), which is oversized, causing significant overshadowing and distress, employs inappropriate material, and it may not constitute permitted development.

The existing prior approval ground rear extensions have been substantially completed according to the dimensions approved under planning reference number 18/6698/PNH. As such, these extensions are absolved from their reliance on permitted development rights. The completion of the extension allows for the accumulative development to have been constructed in two separate phases each reliant on its own permission.

- Development is disproportionate within the dimensions of the neighbouring properties.

As discussed in the main body of the report, the proposed development is considered to have an acceptable impact on the character of the wider area.

- Extension has replaced mature hedge which is a significant loss of character.

The construction of the prior approval single storey rear extension involved removing the mature hedging on the boundary line with No.30. This removal has already occurred and does not fall within the realm of the proposed development under the current application. No TPO's are on site.

- Will the Council be minded to impose a condition that the concrete walls are finished off in red brick, which will be materials more in keeping with the character of the original building?

The delegated decision, under Condition 3, includes a 'Materials to match' condition on the proposed development.

- Impact to nature as a result of extensive works.

Within the context of the permitted development works already undertaken, the proposal is not considered to result in material harm to nature

- Development at No 32 apparently does not align with the expected good design stated in the National Planning Policy Framework (NPPF) which is a key aspect of sustainable growth. The current extension does not favour in any apparent sense the presumption in favour of sustainable development.

For the reasons stated in the main body of the report, the proposed development is considered acceptable under Barnet planning policies, which forms a material weight in the assessment of the development in question.

- I request the Council to consider that the 6m deep rear ground floor extension is reduced to a maximum of 3m depth from the original rear wall; the proposed (2m) first floor rear side extension projects no deeper than the first floor bay window in No 30, 32 (proposed) and 34, and have flat roof; and only matching bricks are employed where required.

The 6 metre ground floor rear extensions were approved under planning reference number 18/6698/PNH and built accordingly. The LPA cannot enforce reducing a development which was lawfully approved.

- The plans submitted suggest that the building would be for multiple occupancy which would impact the parking on the street. This would stress existing arrangement as staff from the hospital park use nearby road parking spots for the whole day.

The drawings attached to the application provide no indication that the building will be used for multiple occupancy but will instead remain as a single family dwellinghouse. Further planning permission would be required to convert the existing single family dwellinghouse into an HMO or flats.

- Removal of vegetation creates drainage problems at the of the of the road.

This is not a material planning consideration, though it may constitute a civil issue between the relevant parties. Works would be required to be carried out in accordance with Building Regulations

- Loss of privacy and light on the neighbouring residents.

As discussed in the main body of the report, the proposed extension is considered to have an acceptable impact on the neighbouring residents.

- Those who objected have received bribes, threatened and verbally aggressive by the developer.

This is not a material planning consideration for assessment under a planning application. Residents area advised to report anti-social or threatening behaviour to the Police

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **84 West Heath Road London NW3 7UJ**

Reference: **20/4748/FUL**

Received: 7th October 2020

Accepted: 12th October 2020

Ward: Childs Hill

Expiry 11th January 2021

AGENDA ITEM 10

Case Officer: **Josh Mclean**

Applicant: Harrison Varma Projects Ltd

Proposal: Full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 53 off-street parking spaces within the basement and 10 further spaces at lower ground level and 5 above ground.

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Provision of Affordable Housing
Financial contribution of £906,110.
4. Carbon Offset contribution
Contribution of £46,752 towards the Council's carbon offset fund.

5. Air Quality
Contribution of £2,941 towards making the development air quality neutral.
6. Skills and Employment
On-site or Off-site contribution towards skills and employment.
7. Travel Plan and Monitoring contribution
Provision of Residential Travel Plan with incentive of £300 per unit (max £13,300) and monitoring contribution of £10,000.
8. S278 Works
Associated highways works under S278.
9. Monitoring of Legal Agreement
Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

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

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

2031 PL-0001 (Site Location Plan)
2031 PL-0002 (Proposed Ground Floor_CMP Plan)

2031 PL-0100 (Existing Site Plan)
2031 PL-0101 (Existing Basement Plan)
2031 PL-0102 (Existing Ground Floor Plan)
2031 PL-0103 (Existing First Floor Plan)
2031 PL-0104 (Existing Second Floor)
2031 PL-0105 (Existing Roof Plan)

2031 PL-0150 (Demo GA Ground Floor)
2031 PL-0151 (Demo GA First Floor)
2031 PL-0152 (Demo GA Second Floor)
2031 PL-0153 (Demo GA Roof Floor)
2031 PL-0154 (Demo GA Basement)

2031 PL-0180 (Existing East & West Elevations)
2031 PL-0181 (Existing North & South Elevations)

2031 PL-0200 D (Proposed Site Plan)
2031 PL-0208 C (Proposed Ground Floor Plan)
2031 PL-0209 E (Proposed Basement Level)
2031 PL-0210 F (Proposed Ground Floor Plan)

2031 PL-0211 E (Proposed First Floor)
2031 PL-0212 E (Proposed 2nd Floor)
2031 PL-0213 D (Proposed 3rd Floor)
2031 PL-0214 C (Proposed 4th Floor)
2031 PL-0215 D (Proposed 5th Floor)
2031 PL-0216 C (Proposed Roof)

2031 PL-0230 C (Proposed Elevations)
2031 PL-0231 C (Proposed Elevations through lightwells)

2031 PL-0235 B (Proposed Sections)

2031 PL-0700 D (Area Plan (NIA) - Basement)
2031 PL-0701 D (Area Plan (NIA) - Lower Ground Floor)
2031 PL-0702 D (Area Plan (NIA) - Ground Floor)
2031 PL-0703 D (Area Plan (NIA) - First Floor)
2031 PL-0704 D (Area Plan (NIA) - Second Floor)
2031 PL-0705 D (Area Plan (NIA) - Third Floor)
2031 PL-0706 D (Area Plan (NIA) - Fourth Floor)
2031 PL-0707 D (Area Plan (NIA) - Fifth Floor)

Air Quality Assessment, Syntegra Consulting (dated October 2020)
Arboricultural Impact Assessment, Landmark Trees (dated 23/12/2020)
Archaeological Desk Based Assessment, Stephen Levrant Heritage Architecture Ltd (dated February 2021)
Construction Management Plan, Harrison Varma Projects Ltd
Daylight and Sunlight, BVP (dated October 2020)
Design & Access Statement, Wolff Architects
Dusk Activity Survey Report, Syntegra Consulting (dated August 2020)
Energy Strategy Report, Syntegra Consulting (dated October 2020)
Financial Viability Assessment, DS2 LLP (dated December 2020)
Financial Viability Assessment Review, Gerald Eve LLP (dated February 2021)
Flood Risk Assessment & Drainage Strategy, Syntegra Consulting (dated October 2020)
Landscape Masterplan, Cool Gardens Landscape Associates (dated 24/09/2020)
Noise Impact Assessment, Syntegra Consulting (dated September October 2020)

Planning Statement, SM Planning (dated October 2020)
Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020)

Residential Travel Plan, Caneparo Associates (dated October 2020)
Stage 2 Report Rev. P1, Building Services Group (dated 30/09/2020)
Statement of Community Involvement, Kanda (dated January 2021)
Transport Statement, Caneparo Associates (dated October 2020)

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

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

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

- 3 a) Before the relevant part of the works are begun, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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 Policy D4 of the London Plan 2021.

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

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

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

- 5 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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 6 a) No development (other than demolition works) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

- 8 a) Prior to the first occupation of the hereby approved development, details of the proposed green walls and 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).

- 9 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 10 a) No development (other than demolition works) shall take place until details of foundations have been submitted and approved before works on the proposed building commence. The foundation design must take account of trees growing proximity to the development and will seek to minimise any harm to the root system. BS5837:2012 Trees in relation to design, demolition and construction-recommendations clause 7.5 provides acceptable guidance on foundations.

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

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

- 11 All site works and works in connection with the development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020) and Dusk Activity Survey Report, Syntegra Consulting (dated August 2020).

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

and Construction SPD (adopted October 2016).

- 12 Prior to the occupation of the approved development, all biodiversity and ecological enhancement measures as set out in approved Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020) and Dusk Activity Survey Report, Syntegra Consulting (dated August 2020).

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

- 13 Prior to first occupation of the residential units, a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and 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. 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.

- 14 Prior to occupation of the development hereby approved, 87 (long stay) and 2 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 15 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 Policy T7 of the London Plan 2021.

- 16 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 80% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy T6 of the London Plan 2021.

- 17 a) Before the permitted development is occupied, details of servicing management plan including refuse storage and collection arrangements, including swept paths for emergency vehicles shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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

- 18 The development hereby approved shall be implemented in accordance with the criteria / measures set out in the approved Noise Impact Assessment Ref: 20-7309, Syntegra Consulting (dated September 2020) and be 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 and the Sustainable Design and Construction SPD (adopted April 2016).

- 19 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality.

- 20 The level of noise emitted from any installed ventilation / extraction 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).

- 21 a) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be

carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

b) Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 22 Development shall not begin until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, 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).

- 24 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan.

- 25 Prior to the first occupation of the development, hereby approved, details and

specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The strategy shall be designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bats - as set out within the approved Preliminary Ecological Appraisal Report, Syntegra Consulting (dated August 2020).

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that appropriate lighting is provided as part of the development and to ensure that any protected species present are not adversely affected in accordance with Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

26 a) Prior to carrying out above grade works of the approved building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

27 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 SI 5 of the London Plan 2021 and the Mayors Housing SPG.

28 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the

abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021 and the Mayors Housing SPG.

- 29 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 47% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and Policy SI 2 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

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

- 31 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications or any part of the development hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that order.

Reason: To ensure that the development does not impact adversely on the character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies CS5 and DM01 of the Local Plan.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed has not been submitted by 31 May 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, air quality and highways mitigation. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal

charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

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

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

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

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

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

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

- 5 Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 6 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

- 7 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in

prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 8 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 9 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.

- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 11 If a concrete pump lorry is operated from the public highway, 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.
- 12 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 13 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 non-infection 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."

- 14 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2017 (as amended).

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the north-east side of West Heath Road at the corner of Eden Close and measures approx. 0.4 hectares.

The site is currently occupied by a large detached building located centrally on the site with direct access from West Heath Road.

The surrounding area is characterised by large scale residential plots.

The site is not located within a conservation area, nor is the building statutory or locally listed. There are TPO designations around the site boundaries. The site is located within Flood Zone 1 and has a PTAL rating of 3.

2. Site History

Reference: ENF/0653/18

Address: Heathside High Preparatory School, 84 West Heath Road, London, NW3 7UN

Decision: Pending consideration

Decision Date: N/A

Description: Breach of Planning

Reference: ENF/01143/16

Address: St Margarets, 84 West Heath Road, London, NW3 7UN

Decision: Notice Issued

Decision Date: 17.01.2017

Description: Without planning permission the change of use of the property to a day school (Use class D1)

An Enforcement notice was served on 17.01.2017 for the following reasons:

1. The introduction into a previously quiet residential area of the incongruous patterns of activity associated with the school and, in particular, the increased comings and goings at either end of the school day has resulted in detriment to that character, contrary to policy CS5 of the adopted Barnet Core Strategy DPD (2012) and to policies DM01 and DM13 of the Development Management Policies DPD (2012).
2. Traffic generated by the day school, over and above that which might reasonably be associated with any fall-back position, likely reduces the free flow of traffic on local roads. Any increase in journey generation, whether resulting from a change in travel behaviour or an increase in the size of the school, will exacerbate the situation. Furthermore, any increase will also likely lead to an unacceptable risk to local highway safety, contrary to policy CS9 of the adopted Barnet Core Strategy DPD (2012) and policies DM17 and DM13 of the Development Management Policies DPD (2012)
3. By virtue of the noise and disturbance associated with access and egress the use of the site as a day school has a detrimental effect upon neighbours' standard of life and there exists the potential for an increase the level of general disturbance,

contrary to policies DM04 and DM13 of the adopted Development Management Policies development plan document (DPD) (2012).

Reference: 16/5298/192

Address: St Margarets, 84 West Heath Road, London, NW3 7UN

Decision: Lawful

Decision Date: 04.10.2016

Description: Internal conversion and use of the existing property to provide education and boarding accommodation (C2).

Reference: C04794C

Address: 84 West Heath Road London NW3

Decision: Refused

Decision Date: 03.07.1996

Description: Alteration to elderly persons home including the erection a new two storey rear extension to replace the existing rear wing.

Reference: C04794B

Address: 84 West Heath Road London NW3

Decision: Approved subject to conditions

Decision Date: 10.11.1995

Description: Alterations to elevations, front entrance ramp, fire escape staircases and general refurbishment of elderly persons home.

Reference: C04794

Address: St. Margarets, 84 West Heath Road NW3

Decision: Approved subject to conditions

Decision Date: 06.03.1974

Description: Erection of extension of staff room

3. Proposal

The application seeks permission for the demolition of the existing building and erection of six-storey building with lower-ground and basement levels. The proposed building comprises of 45no. self-contained units, consisting of 3 x 1-bed, 39 x 2-bed and 3 x 3-bed units. The existing site access from West Heath Road would remain, with car parking provided at basement level and accessed via 2no. car lifts from the south side of the site. The proposal would also provide communal and private amenity spaces and associated facilities.

The proposed development was amended during the course of the application, consisting of the following changes:

- Adjustment of unit LGF-01 to avoid the Tree Protection Zone of the sycamores in the northern corner; and
- Removal of car ramp and replacement with 2no. car lifts.

4. Public Consultation

Consultation letters were sent to 101 neighbouring properties. Following the receipt of amended plans, a period of re-consultation was undertaken.

In total, 98 responses have been received, comprising 95 letters of objection and 3 letters of support.

The objections received can be summarised as follows:

- loss of C2 use;
- shortage of care home spaces;
- Non-compliance with Barnet Local Plan policies
- Overdevelopment;
- loss of existing building;
- Out of character and scale;
- Excessive density;
- Excessive height;
- Low quality design;
- No provision of affordable housing;
- Loss of internal features;
- inappropriate housing mix;
- Overlooking;
- Inadequate provision of car parking on site;
- Overprovision of car parking spaces;
- existing parking stress;
- increased traffic;
- impact on security;
- Air quality and pollution;
- Adverse impact on trees;
- Insufficient amenity space;
- Impact on ecology;
- Displacement of the water table;
- Impact on underground streams
- disturbance during construction phase;

The letters of support can be summarised as follows:

- Supportive of change of use to residential;
- Trees on site are to be preserved;
- Issues caused by the school;

Internal / External Consultees

Arboriculture

In terms of the impact on trees, there are no objections.

Design Council

The proposal was subject to an independent design review by the Design Council. Comments received will be detailed further within the report.

Ecology

Having reviewed the ecology documents provided with the application we are satisfied that the evidence provided by the applicant sufficiently addresses potential impacts and implications on biodiversity receptors and therefore it can be recommended that the application may be approved with some conditions attached.

Environmental Health

No objection subject to conditions being attached relating to construction method statement, air quality and noise.

Greater London Archaeological Advisory Service (GLAAS)

Following the submission of an Archaeological Desk-Based Assessment, it is unlikely that the proposed development would have a significant archaeological impact at this location. No further assessment or conditions are therefore necessary.

Secure by Design

The Design and Access Statement (DAS) for this application includes excellent and comprehensive recommendations from the agent of how they will incorporate security and crime prevention measures for the proposed development, via Secured by Design recommendations. I do not object to this proposed application and if planning is approved, I would respectfully request the inclusion of a planning condition, whereby this development must achieve Secured by Design accreditation, prior to occupation. SBD implementation is recommended due to crime types and levels upon the ward and burglary statistics across the London Borough of Barnet.

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to the water network, we would not have any objection to the above planning application.

Traffic and Development

No objection subject to a S106 agreement securing travel plan monitoring and recommended conditions.

Transport for London

TfL understands the site will encourage the use of sustainable/active travel modes, with the primary objective of the Residential Travel Plan to encourage travel to the site by means other than the private car. The most successful method of achieving this aim would be to eliminate all car parking. TfL would strongly support a move to a car free development.

In line with the ambitions set out in the Mayor's Transport Strategy and the Intend to Publish London Plan, TfL welcomes a Travel Plan that aims to encourage residents and visitors to use sustainable modes of travel to/from the site through the promotion of public transport, walking and cycling.

A Draft Construction Management Plan (CMP) has been submitted. A full CLP should be developed in accordance with Transport for London guidance. This should be secured through a condition. A Delivery and Servicing Plan (DSP) should be secured by condition and discharged in consultation with TfL prior to the development becoming operational.

Elected Representatives

Cllr Anne Clarke

I request that the committee carefully considers the volume and strength of the objections, especially from those who live nearest the development. There are clear concerns around height, road traffic, the size of the plan as well as loss of the current building. The height is not acceptable in this location, and the building would be out of keeping with the local area. Many residents are rightly worried about an increase in traffic on West Heath Road both during the development and afterwards. Separately, LB Barnet should investigate traffic matters on West Heath Road. It is regrettable that the proposed green wall did not make the plan, I had been looking forward to this as a design feature. It's clear from reading the objections that scepticism of the plan comes from the experience residents have had of other housing developments that do not fit in with the area.

Local Amenity Groups

Hendon and District Archaeological Society

84 West Heath Road is in an Archaeological Priority Area; the redevelopment proposed is extensive, and involves basements. Historic England may therefore wish to consider asking for an archaeological condition

The Victorian Society

We object to the proposals on the grounds that they involve the loss of a significant non-designated heritage asset.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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 for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM10, DM16, DM17

Supplementary Planning Documents

Affordable Housing (February 2007 with updates in August 2010)

Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)

Green Infrastructure (October 2017)

Planning Obligations (April 2013)

Residential Design Guidance (April 2016)

Sustainable Design and Construction (April 2016)

5.2 Planning Assessment

Principle of development

Loss of C2 Use Class

The building was previously in the ownership of the London Borough of Camden as a Care Home (Use Class C2) known as St Margarets. The building was disposed by LB Camden and was acquired by Heathside Preparatory School for use as boarding accommodation (Use Class C2).

Separate Enforcement action was taken against the school for 'Without planning permission, the change of use of the property to a day school (Use Class D1).'

Use Class C2 is defined as 'Residential institutions', however, there are no Barnet Local Plan policies which specifically relate to loss of C2 accommodation. Barnet Policy DM07 seeks to prevent loss of residential accommodation but the proposed development would still maintain residential accommodation, albeit in Use Class C3. Therefore, there is no conflict with this particular policy.

There have been considerable number of comments raised within the letters of representations that the site comprises of a community facility and should be required to meet the requirements of Barnet Policy 13 (Community and education uses). Paragraph 14.1.2 of this policy defines community and education uses as "health centres, dentists, schools and further education, spaces for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worships and some policing facilities."

It is considered that a care home / boarding accommodation does not fall within that definition, as such Officers do not consider that DM13 is applicable to this proposal.

Queries have also been raised about the demand for C2 accommodation, however, there have been several recent examples of new care home facilities approved and constructed across the Borough and in proximity to the site. To the north-east of the site, there is The Oren (114-120 West Heath Road), which is currently under constructed and comprising up to 46no. extra care units. This is an extra-care facility which falls within Use Class C2. Also in proximity of the site and under construction are new care home sites at Hammerson House and 58 The Bishops Avenue. Approx. 3miles from the site, is also the provision of a new care home at Hendon Hall Hotel. This demonstrates that there is new provision of care homes being provided within this part of the Borough, with provision of over 300+ rooms / units.

Therefore, subject to compliance with all other relevant policies, Officers have no objection to the loss of C2 accommodation.

Demolition of existing building

The existing building is of some historical interest but has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern types across the building.

Given the considerable and insensitive alterations to the existing building it is not considered that the LPA could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a conservation area. Its visual setting is limited to the site itself due to the screening of the existing tall mature trees around the site boundaries. Concerns have been raised about the loss of internal fittings, however, these are not protected and could be removed at any time.

For the reasons set out above, the demolition of the existing building is accepted and is not considered to result in visual harm to the character and setting of the site or surrounding area.

Proposed C3 Use Class

The proposed C3 residential use would be compatible on the site and surrounding area both on policy and character grounds.

The proposed development would provide 45no. towards the Borough's housing supply which is strongly supported.

Housing Mix

The development proposes the following unit mix within the proposed building:

- 3 x 1-bed
- 39 x 2-bed
- 3 x 3-bed

The proposal would provide a variety of unit types within the development, which is seen as adding to mix and type of residential accommodation that is available within this area. As such, the proposed mix is considered to be acceptable.

Affordable Housing

The Barnet Core Strategy (Policy CS4) seeks a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The application is supported by a Financial Viability Appraisal (FVA) as no affordable housing units are proposed within the development. In order to robustly scrutinise the FVA, the LPA instructed an independent viability specialist, Gerald Eve LLP, to undertake a review of the submitted viability statement. Following their review, Gerald Eve have concluded that the scheme does not appear able to support any additional affordable housing justified on viability evidence.

Notwithstanding this position, the applicant has proposed to make a financial contribution of £906,110 towards affordable housing.

It is considered that following the assessment of the FVA and the financial contribution offered, the proposal makes acceptable provision for affordable housing.

Residential Internal Space Standards

The London Plan and Barnet's Sustainable Design and Construction SPD outlines the minimum gross internal floor area required for different dwelling sizes.

The proposed units would be large in footprint and far exceed the minimum space standards. Each unit would benefit from good outlook and Officers are satisfied that adequate levels of daylight and sunlight would be received.

Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The SPD requires 5sqm of outdoor amenity space per habitable room.

Using the Barnet SPD requirements, the scheme proposes approx. 180 habitable rooms and therefore requires a total of approx. 900sqm of amenity space.

The proposed amenity provision has been development to ensure that each dwelling is provided with private outdoor amenity space, with either a balcony or terrace. The total amount of private amenity measures 965.4sqm.

In addition, there is a large area of communal garden available around the proposed building at ground floor and a further 515sqm of shared amenity space is provided in the form of a communal roof terrace.

Overall, there is a minimum of 1,480.5sqm of amenity space being provided within the development which is compliant with the Barnet SPD requirements. Overall, it is considered that acceptable levels of outdoor amenity space are available to all future residents. Further explanation and assessment of the proposed landscaping will be set out further within the report.

Privacy and overlooking of future residents

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

Reviewing the proposed plans, Officers are satisfied that there would no overlooking concerns within the proposed development. At ground floor level, it is proposed to install landscaped boundaries to provide privacy to those specific units.

Noise Impacts on Future Residents

In relation to noise impacts on the proposed development, the application is accompanied by a Noise Assessment report.

The report identifies that the site is within a 'low-medium' risk area in terms of noise. Subject to detailed measures being incorporated within the design (i.e glazing, ventilation), adequate internal noise levels can be achieved. The assessment has demonstrated that external noise level criteria would be achieved within the proposed amenity areas.

Overall, the report finds that subject to the detailed design measures being included within the development, there would be no harmful impacts to future residents in terms of noise.

Air Quality Impacts

An Air Quality Assessment has been submitted in support of the application. The results indicated that an acceptable level of building emissions from the scheme, however, transport emissions were calculated as exceeding the Air Quality Neutral benchmark. As such, mitigation is proposed in the form of installing electric vehicle charging points and a financial contribution in line with the Air Quality Neutral guidance has been secured.

Secure by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development and design to achieve Secure by Design Accreditation.

Impact on the character and appearance of the existing site, street scene and wider locality

Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Layout

The proposed layout has been informed by a plot analysis which is set out in the Design and Access Statement (D&A). This calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area. It then identifies a potential development area, excluding existing tree root protection areas (RPAs) and a separation buffer to existing boundaries.

The proposed layout/form sits centrally within the site which steps in both vertically and horizontally on all elevations. The proposed layout would have a site coverage of 33.5% which is reflective of plot ratios as identified by the D&A analysis. The proposed front building line facing West Heath Road follows that of existing properties to the south and to the west on the opposite side of the site. It is considered the proposed building footprint is sufficiently distanced from the site boundaries.

Overall, the proposed layout and footprint is supported by Officers and a high quality hard-surfaced and landscaping details, involving maintenance and management will be secured by condition.

Scale, Massing and Height

Scale and height is varied across the proposed development, with stepped back upper levels on the north-eastern and north-western elevations. The proposed development seeks to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys (excluding basement and lower ground) with the upper level being recessed. The proposal steps down towards the rear of the site with the rearmost element being three storeys in height.

Whilst the proposed development would represent a significant increase in building mass and height, Officers consider that this can be suitably accommodated within the site due to the extensive and large screening around the site. The transition and step down in height towards the rear is considered to be acceptable as it is reflective of the neighbouring scale.

In terms of massing, the proposed building is broken up by a number recessed and projecting sections, transition in heights and a setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.

The applicant has taken the proposal to The Design Council and has been subject to their independent Design Review Panel. Officers have been provided with their formal comments which states that they consider the height, bulk and mass to be appropriate in principle. The Review Panel was supportive of the massing strategy which has helped break up the visual weight of the proposed building. They continue that the step-back on the upper levels succeeds in reducing the bulkiness and that cranking the plan has helped

to make better use of the site and supports an improved internal layout. The inclusion and design of the balconies is helping to articulate and break up the mass of the building.

In terms of neighbouring development within the locality, it is noted that a similar scale and design of building was approved at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises of six storeys, with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise of five storeys.

Appearance and Materials

The architectural expression follows a formal approach with bays and windows appearing in consistent intervals.

The predominate material is brick which is acceptable and the design would incorporate the use of variances in the brick orientation and projection to help break up the massing and provide visual interest. In addition, the use of a contrasting cladding on the upper level is considered to provide further visual distinction.

The Council's Urban Design Officer is supportive of the development and the proposed architecture. The Design Council Review Panel were also supportive of the material palette and welcome the use of the lighter brick.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies. The site is heavily screened by mature trees and landscaping around the site boundaries with limited visibility and as such the scale and design is considered to be acceptable.

Amenity Impact on Neighbouring Properties

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Amenity is a consideration of London Plan policy 2.6 'Outer London: Vision and Strategy' and is implicit in Chapter 7 'London's Living Places and Spaces'. In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, Overlooking and Outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8 whilst the road of Eden Close separates the site from Nos. 1 & 2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 - 12 Westover Hills, as well as No.74 West Heath Road.

The separation distances are measured to each street as follows:

- Eden Close - the scheme achieves an approx. 12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees.
- Westover Hill - measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 - 12. This exceeds the SPD guidance and therefore no overlooking concerns are considered to be detrimentally harmful. Again, there is considerable screening along this boundary;
- West Heath Road - there is approx. 25m separation from the proposed to both the north (no.88) and south (no. 74).

One particular concern has been raised from an adjoining property regarding privacy and security of the residence. The issues of privacy have been addressed above and it is considered that there is adequate separation distance between the sites and the presence of existing mature and tall trees along the boundary will help provide the required privacy. In terms of security, the Met Police were consulted on this specific issue and they considered that there is no reason to object to this development from a security perspective. They find the proposed security for the new development to be excellent, with a high boundary fence to deter against intrusion. They also consider the mature tree lining will provide additional privacy. Any proposed balconies are located some distance away from the neighbouring residence and with the mature tree line and will unlikely have any clear line of sight into the neighbouring residence and garden.

Daylight and sunlight

An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on a considerable number of properties in the immediate area:

- 88 West Heath Road
- 1 Eden Close
- 8 Eden Close
- 6 -12 Westover Hill
- 74 West Heath Road / 4 Westover Hill
- 71 - 79 West Heath Road

88 West Heath Road

This property is located to the north-west on the opposite side of Eden Close. There are four windows which face towards the application site. The results confirm that the windows assessed would achieve 0.89, 0.88, 0.99 and 0.99 of the existing value which exceeds the BRE criteria of 0.8.

1 Eden Close

This property is located immediately to the north of the proposed development. For daylight, the results confirm that the existing values are below 27%. However, the BRE states that an adverse effect would only occur if the proposed value is less than 27% and less than 0.8 of the existing value. The results found that the existing windows would achieve 0.95 or 0.9 of the existing value, exceeding the BRE criteria. Therefore, there would be no adverse effect in daylight.

8 Eden Close

This property is located to the north-east and there are windows in the flank elevation facing the application site. The results found that all 5 windows at ground floor level would achieve above the 0.8 existing value, satisfying the BRE criteria. Given the ground floor windows pass the BRE requirements, it is reasonably assumed that the 5 windows at first floor level would also pass.

6 -12 Westover Hill

These houses are located to the south-east and south of the proposed development, with rear windows facing the application site. All the windows measured would exceed the BRE criteria.

74 West Heath Road / 4 Westover Hill

These properties are located immediately to the south of the site. The results confirm that there would be little change with results of 0.96 and 0.98 to the existing values. Therefore, there would be no adverse effect.

79 - 79 West Heath Road

These properties are located to the west of the proposed development on the opposite side of the road. Due to the distances between the site, there would be no impact in terms of daylight on these properties.

Sunlight

The results of the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria both annual and winter sunlight would be satisfied to all windows.

Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area. In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for a residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation,

extract and ventilation equipment and plant noise. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Transport, highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential car parking

London Barnet Local Plan Policy recognises that its residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Car parking standards for residential development are also set out in the Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

- four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

Based on the above requirements, the proposed development has a parking provision range of between 42 and 66 spaces. The application site is located within a PTAL rating of 3 (moderate). The proposed development comprises of 61 car spaces which is within the acceptable policy DM17 range. Conditions will be attached to ensure that the required level of disabled spaces and electric vehicle charging points are proposed on site.

The proposal provides 89no. long cycle parking spaces and 4no. short stay spaces which is compliant with the London Plan.

Trip generation

An analysis of the potential trip generation from the site has been carried using industry standard database called TRICS. The results show that the development will generate 7 two-way vehicle movements during the AM peak (8-9am) and 7 two-way vehicle movements during PM peak. The corresponding total person trips are 27 and 30 (two-way).

The Highways Officer considers that the impact of this level of trip generation on the surrounding highway network is unlikely to be significant.

Refuse / recycling

The Highways Officer has confirmed that the location of refuse storage across the site is acceptable. Details of the service management will be secured via condition.

Having considered all the factors above, it is considered that the proposed development is acceptable on highways grounds.

Landscaping, trees and biodiversity

Barnet Local Plan Policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

Landscape

A landscape masterplan and detailed landscape drawings have been submitted in support of the application. These demonstrate a very ornamental landscape scheme. Whilst concerns have been raised by the Arboricultural Officer in terms of its benefits or practicality, it is considered that these details can be conditioned for further discussion.

The proposal also consists of areas of green roofs and roof terraces and these elements are considered to be acceptable.

Trees

The site is enclosed by mature trees, with TPO designations to the north-east, south-east and west.

A revised Arboricultural Report and amended plans have been submitted to address a couple of raised concerns from Officers. These includes the removal the car access ramp to the south and adjustment of unit LGF-01 to avoid the Tree Protection Zone of the sycamores in the northern corner.

The Council's Arboricultural Officer has reviewed the additional submitted information and raises no objections in respect of trees subject to appropriate conditions.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal and Dusk Activity Survey which has been reviewed by the Council's Ecology Consultants. They confirm that they are satisfied with the evidence provided sufficiently addresses potential impacts and implications on biodiversity receptors and there recommend that the application be approved subject to conditions.

Energy and Sustainability

London Plan Policy SI 2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

London Plan Policy SI 2 'Minimising Carbon Dioxide Emissions' requires all residential developments to achieve zero carbon on new residential developments post 2016. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan Policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Strategy Report has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO₂ emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 47% CO₂ reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. This has been calculated as a payment of £46,752.

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

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; and
- 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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

7. Planning Balance

After an assessment of the proposed development, officers consider that the development is acceptable having regard to the relevant local and national policies. The proposed development would provide a high quality residential development, having an acceptable impact on the character and appearance of the site and wider locality. The proposed, building form and orientation ensures that there is no significant harm on the amenities of neighbouring properties and the highways impact is considered to be acceptable. Following the receipt of amended plans, the impact on trees is considered to be acceptable.

The proposed benefits of the scheme are:

- Redevelopment of existing vacant site;
- Provision of 46no. new residential units;
- S106 contributions towards affordable housing, carbon offset, skills and employment, air quality off-setting and travel planning;
- Provision of construction jobs secured through the development; and
- CIL contributions to improve local infrastructure

In addition to the compliance of development plan policies, it is considered that the package of public benefits are of importance and attract positive weight in the decision making.

8. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.



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|----------------------|--|---|
| Location | Land At 49 And 51 Beresford Avenue London N20 0AD | |
| Reference: | 20/6076/RMA | Received: 16th December 2020 Accepted: 17th December 2020 Expiry 11th February 2021 |
| Ward: | Brunswick Park | |
| Case Officer: | Kie Farrell | |
| Applicant: | Millen | |
| Proposal: | Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access' | |

AGENDA ITEM 11

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Site Location Plan

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan

BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21

BAB EL 001 Rev 1 (dated 5/2/21) - Plans and Elevations

BAB004 Rev 3 (dated 3/3/21) - Site Sections

BAB006 Rev 1 (dated 3/3/21) - Garage Plan

BAB008 Rev 1 (dated 3/3/21) - Double Garage Plan

Design Access Statement, Millen, 11 December 2020
Tree Planting Schedule
Bauder Extensive Biodiverse Green Roof Solution Spec Details.

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

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) 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, DM16, 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).

- 5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 6 a) A scheme of hard and soft landscaping shall be implemented in accordance with the following approved documents prior to the occupation of the hereby approved development:

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan

BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21

Design Access Statement, Millen, 11 December 2020

Tree Planting Schedule

Bauder Extensive Biodiverse Green Roof Solution Spec Details.

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.

- 7 The green roofs shall be implemented in accordance with the following approved documents prior to the commencement of the use or first occupation of the development and retained as such thereafter.

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan

BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received

5/3/21

Bauder Extensive Biodiverse Green Roof Solution Spec Details.

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.

- 8 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on the approved drawings 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 2021.

Informative(s):

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a

rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

OFFICER'S ASSESSMENT

1. Site Description

The site is occupied by 49 and 51 Beresford Avenue, a pair of semi-detached dwellings, located at the top end of the cul-de-sac, in the Brunswick Park Ward.

The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue.

A railway tunnel passes under the site. The property is not located within a Conservation Area; nor are there any listed buildings on the site.

2. Site History

19/5079/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access

Decision: Recommended for approval, refused at Committee (07.01.20), allowed at appeal with costs.

Decision Date: Refused 20.01.2020.

Appeal Decision: Allowed - APP/N5090/W/20/3248645

Appeal Decision date: 29th October 2020.

Reason for refusal:

The development would result in an increased level of vehicular activity on the proposed vehicular access road and on site and lead to unacceptable level of noise and disturbance from additional comings and goings to the detriment of the amenities of neighbouring occupiers in particular to Nos 47 and 49 Beresford Avenue. The increased vehicular activity would also impede the movement of larger vehicles on Beresford Avenue as a result of the narrow turning point at the top of the cul-de-sac. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

18/2526/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access.

Decision: No formal decision issued.

Decision Date: Committee date 17.07.2018.

Appeal Decision: Dismissed - APP/N5090/W/18/3208804

Appeal Decision date: 15th August 2019

The Chipping Barnet Area Planning Committee resolved to refuse the application for the following reasons (however the application was appealed on grounds of non-determination before a decision was formally issued).

1. The proposed development by reason of its size, siting, layout, design and scale would represent a cramped form of back-land development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policies CSNPPF, CS1 and CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted October 2016).

2. The proposed vehicular access road would result in an increased level of vehicular activity on site and lead to unacceptable level of noise and disturbance from additional comings and goings to the detriment of the amenities of neighbouring occupiers in particular to Nos 47 and 49 Beresford Avenue. As such this would be contrary to Policy DM01 of the Development Management Policies (2012) and CS5 of Barnet's Core Strategy (2012).

17/3663/OUT

Proposal: Demolition of no existing buildings at 49 and 51 and erection of 5no detached dwellings at no 49 and 51. New access road.

Decision: Refused.

Decision Date: 08.01.2018

Appeal Decision: Dismissed - APP/N5090/W/17/3191245

Appeal Decision date: 19.01.2018

17/2208/OUT

Proposal: Demolition of no 51 and erection of 4no detached dwellings at no 49 and 51. New access road.

Decision: Refusal

Decision Date: 02.06.2017

16/3054/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential

redevelopment comprising 9 houses (2 detached 4x semi-detached, 3 x terraced) and a replacement garage and driveway to no 49

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

15/06599/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 13 houses (6 x semi-detached, 7 x terraced) and a replacement garage and driveway to No 49

Decision: Refuse

Decision Date: 01.02.2016

3. Proposal

Outline planning permission for 6 no. semi-detached houses was granted by appeal decision APP/N5090/W/20/3248645 dated 29th October 2020.

Condition 1 of that appeal decision states:

"Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved".

The current Reserved Matters application therefore seeks approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access'.

4. Public Consultation

Consultation letters were sent to 275 neighbouring properties.

A 14 day re-consultation of the same neighbouring properties was carried out on 1st March 2021 following the receipt of amended/additional drawings/documents.

The amended/additional drawings/documents show the following changes to the reserved matters application as submitted:

- Lower Ground Floor level of houses removed
- New AIA and Habitat Plan provided in response to Tree Officer comments
- Landscaping details added to Site Layout Plan in response to Tree Officer comments
- Site Section drawing - amended to show Lower Ground Floor level removed and spot heights added
- Garage Plan drawing - scale bar added
- New double garage plan provided to show scale details of this approved garage.

The final set of application drawings and documents is as follows:

Site Location Plan

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan
BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21
BAB EL 001 Rev 1 (dated 5/2/21) - Plans and Elevations
BAB004 Rev 3 (dated 3/3/21) - Site Sections
BAB006 Rev 1 (dated 3/3/21) - Garage Plan
BAB008 Rev 1 (dated 3/3/21) - Double Garage Plan
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89 objections were received following the initial consultation.

A further 67 objection comments were received following the re-consultation period which ended on 15th March 2021.

The comments can be summarised as follows:

- Restrictive covenants exist which prevent the development from being built
- Land ownership issues relating to access road
- The planning department has not acted to stop repeated applications
- The development will impact Eruvs
- The planning department has mislead the Planning Inspectorate
- Overdevelopment
- Insufficient parking
- Unsafe access
- Highway safety
- Network Rail not consulted
- Footprint larger than approved layout
- Roof pitch contrived and out of character
- Excavation will harm trees
- Health and safety concerns
- There are more suitable locations than this back garden site
- Cramped, back land development and an overdevelopment of the site
- Not high quality design, will undermine architectural integrity of the host property and street scene
- Insufficient car parking
- Access road is unsafe and constrained for this volume of traffic, not sufficient for emergency vehicle access, no pavement proposed
- Access road will create excessive noise and vibration for the adjacent houses
- Overlooking / loss of privacy
- Impact on visual and residential amenity
- Noise and disturbance
- Vibration from trains passing through tunnel below the site
- Impact on wildlife
- Gated development is out of character

An email was received from the Rt. Hon. Theresa Villiers MP on 10th January 2021 stating:

"My constituent has sent me a copy of her attached objections to the above application, together with the schedule of conditions set by the Planning Inspectorate.

I would be grateful if the points made by her, and other residents of Beresford Avenue,

could be taken into consideration by the planning committee before the application is determined. Please also inform the committee that I share my constituents' objections and believe that the application should be refused.

This kind of backland development in a suburban road contravenes a number of key principles of Barnet planning policy. No matter how many times the developers try to resubmit the application in a slightly different form, the planning committee will be entirely justified in turning it down.

Theresa Villiers"

An email was received from Councillor Rutter on 14th January 2021 which stated that she would "like to bring this application to the committee please based on my previous objections which remain the same".

The case officer asked Councillor Rutter to confirm the planning reason for calling the above application to Committee by emails dated 18th January and 3rd March but no reply was received to that question.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The London Plan 2021

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 new London Plan which sets out the Mayor's overarching strategic planning

framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

Residential Design Guidance SPD (2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Appeal decision APP/N5090/W/20/3248645 dated 29th October 2020
- Scale
- Appearance
- Landscaping
- Network Rail

Appeal decision APP/N5090/W/20/3248645 dated 29th October 2020

Appeal decision APP/N5090/W/20/3248645 dated 29th October 2020 allowed an outline planning permission for the layout and access for a development of 6 no. houses.

21 conditions were attached to that appeal decision / outline planning permission which are briefly summarised as follows:

1. Reserved matters (appearance, scale, landscaping) to be submitted and approved by the LPA before any development takes place.
2. Reserved matters application to be submitted within 3 years of the date of the outline permission.
3. Development to commence within 2 years of the approval date of the last of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the following plans insofar as they relate to matters of access and layout: Location Plan; BAB001 Revision No. 9; BAB002 Revision No. 9; 9464-15.
5. No more than 6 dwellings shall be erected on the site.
6. Demolition and construction working hours.
7. Demolition and construction in accordance with approved Ecology mitigation / biodiversity enhancement report.
8. Water efficiency.
9. M4(2).
- 10 - Demolition and Construction Management and Logistics Plan (Pre-Demo).
- 11 - Tree Protection Plan (Pre-Demo).
- 12 - Land Levels (Pre-development).
- 13 - Excavations for foundations and services (Pre-development).
- 14 - Noise and vibration mitigation (Pre-development).
- 15 - Details of road junction (Pre-development).
- 16 - Acoustic fencing (Pre-occupation).
- 17 - Car parking to be laid out (Compliance).
- 18 - Electric vehicle charging facilities (Pre-occupation).
- 19 - Cycle parking (Pre-occupation).
- 20 - Refuse and recycling storage (Pre-occupation).
- 21 - Carbon dioxide emissions (Compliance).

The current reserved matters application seeks only to deal with the reserved matters required by condition 1 of the outline permission.

Separate future applications will be required in order to discharge conditions 10, 11, 12, 13, 14 and 15 before development can commence.

Separate future applications will be required in order to discharge conditions 16, 18, 19 and 20 before the development can be occupied.

- Scale

The term scale is defined by Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as "the height, width and length of each building proposed within the development in relation to its surroundings".

Condition 4 of the 19/5079/OUT states:

"The development hereby permitted shall be carried out in accordance with the following plans insofar as they relate to matters of access and layout: Location Plan; BAB001 Revision No. 9; BAB002 Revision No. 9; 9464-15."

BAB001 Revision No. 9 is the approved Site Layout Plan

BAB002 Revision No. 9 is the approved AIA Plan

9464-15 is the approved Survey Plan/Topo Drawing.

The relevant submitted reserved matters application drawings for consideration of Scale are:

BAB EL 001 Rev 1 (dated 5/2/21) - Plans and Elevations

BAB004 Rev 3 (dated 3/3/21) - Site Sections

BAB006 Rev 1 (dated 3/3/21) - Garage Plan

BAB008 Rev 1 (dated 3/3/21) - Double Garage Plan

Width and Depth of Houses:

The width of the houses is consistent with the approved layout plan at 12.4m wide.

The depth of the houses is consistent with the approved layout plan at 10.8m from the front gable to the rear wall.

The width and depth of the proposed houses is considered to be acceptable in terms of Scale.

Height of Houses:

The maximum height of the proposed houses is 8.9m.

The submitted 'BAB004 Rev 3 (dated 3/3/21) - Site Sections' drawing shows that due to the falling land levels within the application site and proposed excavations, the highest point (ridge heights) of the proposed houses will be below the highest point (ridge heights) of the nearest neighbouring houses.

Due to the backland location of the application site, the proposed houses are also set back from the existing street scene reducing their visibility.

The height of the proposed houses is therefore considered to be acceptable.

Garages:

The width and depth of the proposed garages are consistent with the approved layout plan at approximately 10m by 5m for the 4 car garages by Plots 5&6 and Plots 1&2 and 5.5m by 5.5m for the 2 car garage by the entrance.

The height of the garages is 2.7m with flat roofs.

The scale of the garages is considered to be acceptable.

Based on the above, the scale of the proposed development is considered to be acceptable in the context of its surroundings.

- Appearance

It is worth reiterating what the Inspector's Report for the dismissed appeal against the refusal of the 18/2526/OUT scheme said on the subject of Character and Appearance:

"Character and appearance

12. The appeal site is located to the rear of 49 and 51 Beresford Avenue, at the head of the cul-de-sac in a prominent position. The Inspector, in respect of the earlier appeal, highlighted the important contribution that 49 and 51 Beresford Avenue made to the character of the area, concluding that the loss of these semi-detached houses would disrupt the rhythm and enclosure of the street scene. In retaining 49 and 51 Beresford Avenue, I am satisfied that the concern of the previous Inspector has been addressed. Further, although the number of new dwellings has been increased, the proposed development, save the access, would not be visible within the street scene. There would therefore be no harm to the character or appearance of the area.

13. The Council have also expressed concern that the houses would appear 'shoe-horned' into the site, with a cramped appearance. The submitted layout however shows that the 6 semi-detached houses can be comfortably accommodated, with suitably sized gardens, landscaping and parking areas. Inevitably, the gardens to 49 and 51 Beresford Avenue will be reduced in size and length but this would not be to an extent to cause harm or indicate overdevelopment.

14. I conclude therefore that there would be no harm to the character and appearance of the area. The proposal would be consistent with CS Policy CS5 and DMDP Policy DM01 in-so-far as they require proposals to respect local context and preserve or enhance local character."

Following the above conclusions on character and appearance by the Planning Inspectorate, Officers were satisfied when assessing the 19/5079/OUT scheme that the proposed development is acceptable in character and appearance terms.

Moving on to the matter of 'Appearance' for the purposes of the current reserved matters application, "Appearance" as defined by Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

In this case the proposed houses are considered to be of a high quality design. The

surrounding area is of mixed character in design terms and the proposed development will have a limited relationship to nearby streetscenes due to its backland location.

The appearance of the proposed houses and garages is considered to be acceptable in the context of the site and surrounding area.

A standard materials condition will be attached in the event that planning permission is granted requiring details of building materials to be submitted and approved prior to commencement of development.

- Landscaping

"landscaping" as defined by Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Following internal consultation further details were requested by the Tree Officer in respect of the landscaping scheme, tree planting and the Green Roofs. Following the receipt of this additional information stated in the form of the below final documents the Tree Officer is satisfied that the proposed landscaping details are acceptable and can be recommended for approval:

BAB001 Rev 2 (dated 4/2/21) - Site Layout and Landscaping Plan

BAB002 Rev 3 (dated 3/3/21) - AIA and Habitat Plan amended version received 5/3/21

Tree Planting Schedule

Bauder Extensive Biodiverse Green Roof Solution Spec Details.

- Network Rail

This history of consultation with Network Rail since July 2017 is as follows.

Network Rail were consulted on the 19/5079/OUT application in September 2019 but no reply was received.

The Committee Report for 19/5079/OUT states:

"Owing to the proximity of the New Barnet Railway Tunnel, Network Rail has previously been consulted. Whilst pertinent issues have been raised within the consultation, Network Rail is content that concerns in relation to foundations and the location of a tunnel within the garden of No51 could be appropriately dealt with by conditions. The council are content to accept that these issues could be mitigated with conditions."

The references in the 19/5079/OUT Committee Report to Network Rail having been previously consulted relate to Network Rail's comments on the 17/3663/OUT application.

The following comments on the 17/3663/OUT application were received on 19th July 2017:

"Thank you for giving us the opportunity to comment on the above planning application. As you are aware the site lies above New Barnet Tunnel on the East Coast Main Line. Our normal comments as regards development above tunnels apply, viz.

Tunnels:

Network Rail's Engineer is to approve details of any development works within 15m, measured horizontally, from the outside face of the tunnel extrados with special reference to:

- The type and method of construction of foundations
 - Any increase/decrease of loading on the tunnel both temporary and permanent.
- Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

It appears from the application that no foundation details or ground condition (GI) information has been submitted with the application, although it is accepted it is in outline at this stage. Nevertheless such a condition should be applied to any subsequent grant of consent.

It should also be noted that there is a hidden tunnel shaft in the rear garden of No.51, approximately 90 metres from the portal of the east bore, as marked on the attached plan (also indicating the zone of influence of the shaft). It is not known whether it has been filled in, so it would be prudent for the developer to carry out some GI works (under the supervision of our asset protection team, to ensure no inadvertent danger to the railway beneath) prior to the commencement of the development.

We therefore request two conditions are placed on any grant of consent, covering details of ground foundations to be submitted and agreed in writing, and secondly that the developer provide a method statement covering the issues surrounding the shaft and approval of the said foundations, and entering into an asset protection agreement with us. Details of the contact for asset protection are as below."

Application 17/3663/OUT was refused under delegated powers and dismissed at appeal and consequently there was no need for the Network Rail condition in relation to that application.

Application 18/2526/OUT was recommended for approval by Officers. Planning Committee resolved to refuse the application, however the application was appealed on grounds of non-determination before a decision was formally issued. The appeal was dismissed.

When recommending application 18/2526/OUT for approval, Officers included the following condition (Condition 11) in order to address Network Rail's request for a condition

requiring a method statement relating to ground foundations and the railway tunnel shaft.

"a) No development shall take place until details of the location, extent and depth of all excavations for foundations and services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to the railway tunnel shaft on site, and a method statement for implementation have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of future residents in accordance with Policy CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012)."

Again, because the 18/2526/OUT was dismissed, there was no need for the Network Rail condition.

When no reply was received from Network Rail on the 19/5079/OUT application, Officers again proposed Condition 11 (as set out above) to address Network Rail's previous request for a condition requiring a method statement relating to ground foundations and the railway tunnel shaft.

Application 19/5079/OUT was refused at Committee but was subsequently allowed at appeal.

When defending the appeal, the Council again proposed Network Rail's Condition 11 within the submitted Statement of Case.

In allowing the appeal, the Inspector commented at Paragraphs 21 and 26 as follows on the Railway Tunnel / Network Rail:

"21. The proposal seeks to build over a railway tunnel, but Network Rail has not lodged an objection to the proposal nor did it for the previous one. I thus have no substantive evidence which indicates that its location is problematic."

"26. ... Details of foundations and below ground services are required as a result of the proximity to the railway."

Consequently, the Inspector attached the following pre-commencement planning condition which is the same as the previous Condition 11 discussed above:

"13) No development shall take place until details of the location, extent and depth of all excavations for foundations and services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to the railway tunnel shaft on site, and a method statement for implementation, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved under this condition."

Given this pre-commencement planning condition is attached to the appeal decision / outline planning permission 19/5079/OUT, Officers remain satisfied that Network Rail's request for a pre-commencement condition requiring a method statement relating to ground foundations and the railway tunnel shaft can be covered and addressed under this

condition.

The details required by Condition 13 are not a matter to be considered under this current reserved matters application (which relates only to Scale, appearance and landscaping) but the details pursuant to Condition 13 will need to be approved by the LPA and Network Rail before any development commences on site.

Network Rail's comments on the current reserved matters application on 19th February 2021 is as follows:

"Thank you for the further enclosures outlining contact between the applicant and our ASPRO team. However it is noted that this is dated 2015, and is in general a generic letter outlining all of the points that need to be taken into consideration in progressing the scheme; in addition although correspondence between Mr Galloway of NR and the two owners of Nos 49 & 51 Beresford Road indicated there was no objection in principle to the development this was subject to "discussing detailed proposals" in due course. NR's representations to the 2017 planning application (17/3663/OUT) were thus made in that context, with no objection in principle subject to the need to see details of foundations &c. to ascertain the best layout/design which would not affect the tunnels beneath. We also took the opportunity to alert the applicant to the existence of the hidden shaft and the need to carry out further ground investigation (under NR supervision). The assumption was that such conditions would form the basis of an approval, although it is noted that scheme was subsequently refused.

As we were not a party to the 2019 appeal process we did not make any representations; had we done so our position would have been that a condition relating to ground conditions & foundation detail should have been put in place to ensure such details were provided before the approval of the reserved matters. The Inspector did recognise the importance of the hidden shaft, as provided for in condition 13 of the appeal decision, and we note the written promise of the applicant to enter into an asset protection agreement to carry this forward. However without such important detail how does the applicant know that the approved layout is capable of being implemented, particularly with respect to the hidden shaft? As such we would again suggest that it is premature to agree reserved matters on scale when GI investigative works have not been carried out. It is of course a matter for the local authority as to whether to grant permission for reserved matters as it stands; we would only point out that if subsequent GI works dictate a requirement for a revised layout then a fresh planning application may be required for the scheme."

The above comments of Network Rail on the current Reserved Matters application are noted, however Officers remain satisfied that Network Rail's request for a pre-commencement condition requiring a method statement relating to ground foundations and the railway tunnel shaft can be addressed by Condition 13 of the 19/5079/OUT appeal decision / outline planning permission.

If subsequent work undertaken in relation to the details required by Condition 13 of the outline planning permission do dictate that a revised layout / fresh planning application is required then the applicant will be required to submit a separate new application at that time.

However, the outcome of those investigations should not be pre-empted at this stage.

Officers are satisfied that there is no Railway related / Network Rail reason to refuse the current reserved matters application (which relates only to matters of scale, appearance

and landscaping).

- Response to objections

It should be noted that Outline Planning permission (access and layout) for 6 houses has already been granted by appeal decision APP/N5090/W/20/3248645 (19/5079/OUT).

It is important to note that the current reserved matters application relates only to the Scale, Appearance and Landscaping of the proposed development.

Representations and comments submitted in relation to this application should therefore relate to matters of scale, appearance and landscaping only.

It is considered that all relevant material planning considerations have been addressed in the above report.

Responses to specific objection comments:

Restrictive covenants exist which prevent the development from being built

Response - Restrictive covenants are covered by separate legislation and are not a material planning consideration for this reserved matters application.

Land ownership issues relating to access road

Response - Land ownership matters are covered by separate legislation and are not a material planning consideration for this reserved matters application.

The planning department has not acted to stop repeated applications

Response - The applicant is entitled to submit more than one application in order to address previous reasons for refusal. The current application is a reserved matters application following the outline planning permission granted at appeal.

The development will impact Eruvs

Response – The proposal is not anticipated to have any impact on the Eruvs in any case this is a private matter and not a material planning consideration

The planning department has misled the Planning Inspectorate

Response – The planning department has not misled the planning inspectorate. Planning Inspectorate is completely unbiased and cannot be influenced by any party. Inspectors reach their own conclusions after having assessed the appeal application.

Overdevelopment

Response - Outline planning permission has been granted for the layout of the proposed development and the LPA and Planning Inspectorate are satisfied that the proposed development is not an overdevelopment.

Insufficient parking

Response - Sufficient parking is proposed and has been approved by the outline application.

Unsafe access / Highway safety

Response - These matters were considered and approved by the outline planning permission.

Network Rail not consulted

Response - Network Rail was consulted - please see relevant section in report above. A condition has been attached see condition 13 of the appeal decision

Footprint larger than approved layout

Response - the footprint and layout is as per the approved outline permission.

Excavation will harm trees

Response - A tree protection condition is attached to the outline planning permission.

Health and safety concerns

Response - A Demolition and Construction Management and Logistics Plan condition is attached to the outline planning permission.

There are more suitable locations than this back garden site / Cramped, back land development and an overdevelopment of the site

Response - the principle of the proposed development has already been approved by the outline permission.

Not high quality design, will undermine architectural integrity of the host property and street scene / Roof pitch contrived and out of character

Response - the appearance of the proposed houses is considered to be acceptable.

Access road is unsafe and constrained for this volume of traffic, not sufficient for emergency vehicle access, no pavement proposed / Access road will create excessive noise and vibration for the adjacent houses

Response - These matters were considered as part of the outline planning permission

Overlooking / loss of privacy / Impact on visual and residential amenity

Response - No harmful loss of privacy or residential amenity will occur as a result of the proposed development

Noise and disturbance / Vibration from trains passing through tunnel below the site

Response - a relevant condition is attached to the outline planning permission

Impact on wildlife

Response - a relevant condition is attached to the outline planning permission

Gated development is out of character

Response - the gated development has been approved by the outline planning permission. Details of the gates will be required to be submitted as part of the boundary treatments condition.

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

Recommended for approval.



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Location **183 Victoria Road Barnet EN4 9PA**

Reference: **20/5729/S73**

Received: 30th November 2020

Accepted: 4th December 2020

Ward: East Barnet

Expiry 5th March 2021

Case Officer: **Kie Farrell**

Applicant: Mr Paul Nanasbaum

Proposal: Variation of condition 1 (Approved Plans) of planning permission reference 19/3313/FUL dated 19/06/19 for 'Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces.' Variation to include enlargement of workshop building

AGENDA ITEM 12

OFFICER'S RECOMMENDATION

Approve following legal agreement

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

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

Drawing number P-318-01 - Site Location & Existing Block*

Drawing number P-318-02 - Proposed Site Layout Plan Sheet 1 of 2, Rev A
received 4.12.19

Drawing number P-318-03 Rev A - Proposed Site Layout Plan Sheet 2 of 2*

Drawing number P-318-04 - Proposed Ground Floor Plan, Rev A received 4.12.19
 Drawing number P-318-05 - Proposed First Floor Plan, Rev A received 4.12.19
 Drawing number P-318-06 - Proposed Second Floor Plan
 Drawing number P-318-07 - Proposed Third Floor Plan
 Drawing number P-318-08 - Proposed Roof Plan
 Drawing number P-318-09 - Proposed Front (North West) Elevation
 Drawing number P-318-010 - Proposed Rear (South East) Elevation, Rev A received 4.12.19
 Drawing number P-318-011 - Proposed Side (South West) Elevation, Rev A received 4.12.19
 Drawing number P-318-012 - Proposed Side (North East) Elevation, Rev A received 4.12.19
 Drawing number P-318-13 - Proposed Section AA
 Drawing number P-318-14 Rev A - Proposed Workshop Building Floor Plans*
 Drawing number P-318-15 Rev A - Proposed Workshop Building Elevations*
 Drawing number P-318-16 Rev A - Proposed Workshop Building Roof Plan & Section BB & Boundary Elevation*.
 Drawing number P-318-017 - Proposed Site Layout Showing Daylight & Privacy Minimum Distances, Rev A received 4.12.19
 Drawing number P-318-18 - Existing Building Floor Plans
 Drawing number P-318-19 - Existing Building Elevations
 Drawing number P-318-20 - Relative Building Heights with Proposed Street Scene
 Drawing number 17036_01 - Topographical Survey
 Drawing number LLD1355-LAN-DWG-100 Rev 05 - Hard and Soft Landscape GA Sheet 1 of 6
 Drawing number LLD1355-LAN-DWG-101 Rev 04 - Hard and Soft Landscape GA Sheet 2 of 6
 Drawing number LLD1355-LAN-DWG-102 Rev 04 - Hard and Soft Landscape GA Sheet 3 of 6
 Drawing number LLD1355-LAN-DWG-103 Rev 03 - Hard and Soft Landscape GA Sheet 4 of 6
 Drawing number LLD1355-LAN-DWG-104 Rev 03 - Hard and Soft Landscape GA Sheet 5 of 6
 Drawing number LLD1355-LAN-DWG-105 Rev 03 - Hard and Soft Landscape GA Sheet 6 of 6
 Drawing number LLD1355-LAN-DWG-200 Rev 03 - Detailed Planting Plan Sheet 1 of 7
 Drawing number LLD1355-LAN-DWG-201 Rev 03 - Detailed Planting Plan Sheet 2 of 7
 Drawing number LLD1355-LAN-DWG-202 Rev 03 - Detailed Planting Plan Sheet 3 of 7
 Drawing number LLD1355-LAN-DWG-203 Rev 03 - Detailed Planting Plan Sheet 4 of 7
 Drawing number LLD1355-LAN-DWG-204 Rev 03 - Detailed Planting Plan Sheet 5 of 7
 Drawing number LLD1355-LAN-DWG-205 Rev 03 - Detailed Planting Plan Sheet 6 of 7
 Drawing number LLD1355-LAN-DWG-206 Rev 03 - Detailed Planting Plan Sheet 7 of 7
 Detailed Plant Schedule and Specification Ref LLD1355-LAN-SCH-001, Lizard, 31 May 2019
 Hard and Soft Landscape Specification Ref LLD1355-LAN-SPE-001 (Rev 03), 31 May 2018

Preliminary Ecological Appraisal Survey & Protected Species and Bat Roost Assessment, Lizard, 15th June 2018.
 Site Habitat Plan Ref LLD1355-ECO-FIG-001-00, Lizard
 CGI - Front, received 5.8.19
 CGI - Rear 1, received 5.8.19
 CGI - Rear 2, received 5.8.19
 Flood Risk Assessment and Drainage Strategy Ref: 3608PL-FRA, Gyoury Self, 7 June 2018
 Flood Risk Assessment and Drainage Strategy Addendum Ref 13608PL-FRA Ad2, Gyoury Self, 11 December 2019.
 Waste Minimization Strategy Statement, Bale House CAD Ltd, 11.06.2019
 Design and Access Statement, Bale House CAD Ltd, 11.06.2019
 Noise Impact Assessment, Anderson Acoustics, 29 March 2018
 Phase 1 Contamination Risk Assessment Ref 11924, Ground Environmental Services Ltd, March 2018
 Daylight, Sunlight & Overshadowing Report, XDA Consultants Ltd, 28.06.2018
 Daylight, Sunlight & Overshadowing Supplementary letter, XDA Consultant Ltd, 09.05.2019
 Town Planning & Affordable Housing Statement, Absolute Town Planning, 19.11.2018
 Transport Statement Final, Motion, 03.07.2018
 Supplementary Transport Note, Vectos, May 2019
 Sustainability & Energy Statement, SRE, 10.04.2018
 Email from Daniel Fyne dated 21.1.20 confirming Zero Carbon Offset payment.

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 the original permission 19/3313/FUL dated 10.9.20.

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

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

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

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

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

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

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

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

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

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

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

Plan (2016).

- 6
- a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

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

- 7
- Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No.P-318-02 Rev A submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8
- a) Notwithstanding the details submitted with the application and otherwise hereby approved, the development hereby approved shall not be occupied until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, 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).

9 Part 1

Before development commences other than for investigative work:

A site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model in the report by Ground and Environmental Services Limited, ref 11924, dated March 2018. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

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

Part 2

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

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

- 10 Before use commences, a scheme of proposed mitigation measures for noise from the Jetwash shall be submitted to and approved by the Local Planning Authority. The scheme shall follow the design criteria in the report by Anderson Acoustics dated March 2018, reference 3699_001R_1-0_SZ. The approved mitigation scheme shall be implemented in its entirety before the use commences.

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

- 11 The car repair/servicing workshop shall not operate outside of the hours 8.30am to 6.30pm Monday to Saturday.

Reason: To ensure that occupation of the premises does not prejudice the amenities of future residential occupiers and to safeguard the amenities of the area in accordance with policies DM01 of the Barnet Local Plan.

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

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

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

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

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

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

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

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

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

Unless it complies with the standards set out in the SPG, no NRMM shall be on site,

at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

- 15 Prior to the commencement of any built development phase the associated surface water infrastructure works (including attenuation features, pipe work, controls and outfalls) shall be completed in accordance with the agreed site-wide drainage strategy (Flood Risk Assessment and Drainage Strategy, 7 June 2018 (Reference 13608PL-FRA) and Flood Risk Assessment and Drainage Strategy Second Addendum, 11 December 2019 (Reference 13608PL-FRAAd2)), unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent an increased risk of flooding and protect water quality and to ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties

- 16 Further details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

- 17 a) Prior to carrying out above grade works of each building or part of any new building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate how such building or such parts of a building seek to apply the principles of Secured by Design'.

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

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 18 a) A scheme of hard and soft landscaping, including details of existing trees to be

retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

19 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

20 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof (main building and workshop building) 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 2016.

- 21 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing in accordance with the recommendations set out in Section 7.1 of the submitted Ecology Report. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to birds, bats and the implementation of the areas of green roof and soft landscaping. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

- 22 Prior to the commencement of development (other than for demolition works) details of a lighting scheme incorporating measures for the protection of roosting, hibernating and breeding bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

- 23 Prior to the occupation of the development, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority detailing the type, design, lux levels of proposed external lighting as well as measures to control glare. The External Lighting Assessment submitted shall detail the existing and proposed average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to both neighbouring residential properties as well as residential properties within the proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to first occupation.

Reason: To ensure the development provides adequate amenities of neighbouring residential properties as well as the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan.

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

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

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

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

- 26 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 27 Other than the balconies and terraces shown on the approved plans, the roofs of the development hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 28 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be

submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 29 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 37% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 30 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.

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

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

- 32 Notwithstanding the details shown in the drawings submitted and otherwise hereby

approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 33 Before the main building hereby permitted is first occupied the proposed windows shown on the approved drawings to be obscure glazed (denoted "O.G") shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 34 Before the workshop building hereby permitted is first occupied the windows on the north-west side elevation facing 179 Victoria Road (shown to be obscure glazed "O.G" on approved drawing P-318-15 Rev A) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be non-openable and permanently fixed shut.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to

assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the

final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

Please visit

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

- 3 The developer is informed that a temporary/habitual crossover licence is required for the proposed works. Also note that any hoarding on or abutting the public highway requires a licence. To make an application for a hoarding licence please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk, (Kayleigh.Jones@Barnet.gov.uk).

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

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

To receive a copy of our Guidelines for Developers and an application form please contact:
Traffic & Development Section - Development and Regulatory Services, London Borough of

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

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

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
 Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 The submitted Construction Method Statement shall include as a minimum details of:

Site hoarding

Wheel washing

Dust suppression methods and kit to be used

Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

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.

Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.

For major developments only: provide a copy of an asbestos survey;

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.

- 9 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- 10 Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the

Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

- 11 It is recommend that treatment of polluted surface water runoff from the car parking areas should be compliant with UK Government Pollution prevention for business guidance.
It is recommended that the surface water runoff from the site during demolition activities is managed effectively in accordance with water resources statutory and general guidance and provision of SuDS.
- 12 It is recommended that the surface water runoff from the site during demolition activities is managed effectively in accordance with water resources statutory and general guidance and provision of SuDS
- 13 Swift boxes should be provided via the Ecological enhancements condition
- 14 Additional trees and landscaping should be provided (on site) via the landscaping condition.

OFFICER'S ASSESSMENT

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1. Site Description

The application site contains a series of single storey buildings, used both for the repair/service and sale of motor vehicles (Sui Generis use class).

The buildings are set within a plot with a maximum depth of some 100 metres, and a width at the Victoria Road end of some 32 metres and a width at the north-eastern end of just over 9 metres.

The site is surrounded by mixture of uses. To the west of the site, the former Alexandra public house at 133 East Barnet Road has been demolished and replaced by a 3 storey flatted development fronting East Barnet Road. To the north, planning permission has been granted for the demolition of part of the site at No. 181 and the construction of a four-storey block of flats which has now been completed. Further to the north of that neighbouring site, planning permission has been granted for an office building, and permission has been granted at 179a Victoria Road for two pairs of semi-detached dwellings which are currently being built out. To the east of the site there is a 3 storey block of flats (1-15 Warwick Close).

In terms of planning permissions granted but not yet implemented, to the east of the site (between the site and the existing flats at 1-15 Warwick Close) planning permission has been granted for a three storey block of flats (Land adjacent to 1-15 Warwick Close, 16/3259/FUL) and to the west of the site planning permission has been granted for a 3 storey mixed use development (office and residential) at land to rear of the former Alexandra Public House, 18/4287/FUL). And more recently planning permission was granted for the Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces. Planning permission was granted at committee subject to legal agreement and conditions dated 10th September 2020.

The application site is not within a town centre or a conservation area and does not contain any listed buildings or protected trees.

2. Site History

Reference: 19/3313/FUL

Address: 183 Victoria Road

Description: Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces.

Decision: Approved subject to legal agreement and conditions

Decision Date: 10th September 2020.

Reference: 18/7223/FUL

Address: 183 Victoria Road

Description: Demolition of the existing car sales buildings and workshops and erection of a part four, part five storey building providing new workshop and car sales showroom at ground floor level. 15no self-contained flats on upper floors. Associated amenity space, hard and soft landscaping and refuse storage. Provision of cycle parking and 25 off-street parking spaces.

Decision: Withdrawn

Decision Date: 25th February 2019

Reference: N07554B/03

Address: 183 Victoria Road

Description: Demolition of all existing buildings and erection of a three storey building to provide 150m² of Class B1 office space. Erection of 6no. three storey houses in a terrace and erection of a three storey block to provide 3no. self contained flats. Provision of a total of 11no. off street car parking spaces (accessed from Victoria Road) and associated changes to landscaping.

Decision: Withdrawn

Decision Date: 8th July 2003.

3. Proposal

As stated above planning permission ref: 19/3313/FUL has recently been granted for the Demolition of the existing car sales buildings and workshops and erection of a part single, part two, part three and part four storey building providing new car sales showroom at

ground floor level and 15no. self-contained flats on upper floors, plus new single storey workshop building. Associated amenity space, hard and soft landscaping and refuse storage, cycle parking and 25 off-street parking spaces. Planning permission was granted at committee subject to legal agreement and conditions dated 10th September 2020.

The amendments proposed by this S73 application relate only to the workshop element of the approved 19/3313/FUL scheme.

The remainder of the 19/3313/FUL scheme would remain unchanged.

The amendments propose an enlargement of the footprint of the approved workshop building. The height of the building would remain as approved under the 19/3313/FUL permission.

The proposed amendments would result in the workshop building being 2.29 meters longer than currently approved and 0.5m wider. This gives a modest corresponding increase in Ground GIA to 203.5 Sq/m (Approved 173.58 Sq/m).

The submitted plans show a blue dashed line which denotes the outline of the approved footprint of the extant permission.

The Ramp to gain access to the workshop building is now smaller than approved following detailed discussions with Engineers.

The Building overall Height, Green Roof, External Finishes and Windows remain as approved.

The proposed amendment will facilitate the installation of the car lifts making them safer to work around, the extra space being fully utilised with new equipment benches as required and will allow the workshop to operate more effectively.

4. Public Consultation

Consultation letters were sent to 660 neighbouring properties.

5 responses were received comprising 5 letters of objection.

The objections received can be summarised as follows:

- Loss of sunlight to house and garden
- Overdevelopment
- Insufficient car parking
- Noise from workshop
- Light pollution

Amended Drawings

Amended drawings were received on 17th March 2021.

Neighbours were not re-consulted because the amendments made by the amended drawings reduced the potential impact on neighbouring properties as follows:

- Removed proposed entrance doors on north and east elevations.

- Moved proposed extended building west away from nearest neighbouring houses.

The final drawings for the changes proposed under this S73 application are:

Drawing number P-318-03 Rev A - Proposed Site Layout Plan Sheet 2 of 2
 Drawing number P-318-14 Rev A - Proposed Workshop Building Floor Plans
 Drawing number P-318-15 Rev A - Proposed Workshop Building Elevations
 Drawing number P-318-16 Rev A - Proposed Workshop Building Roof Plan & Section BB & Boundary Elevation.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The London Plan 2021

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 over the next 20-25 years. 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 new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS8, CS9, CS12, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM16 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

Planning Obligations (April 2013)

Affordable Housing (February 2007 with updates in August 2010)

5.2 Main issues for consideration

The following assessment relate only to the proposed enlargement of the workshop building proposed by the current S73 application. The remainder of the assessment of the scheme remains unchanged as per the 19/3313/FUL Committee Report.

The main issues for consideration in this case are:

- Whether the proposed enlarged footprint of the approved workshop building would cause harm to the character and appearance of the application site, the street scene and the wider locality;
- Whether the proposed extension to the approved workshop building would cause harm to the living conditions of neighbouring residents

5.3 Assessment of proposals

As stated above this S73 application would only be assessing the changes proposed to the footprint of the approved workshop building. The remainder of the scheme has already been assessed and considered acceptable under application ref: 19/3313/FUL. The application was approved by the Committee. It worthy to note that no changes are proposed to the remained of the approved scheme other than in relation to the proposed extension to the approved workshop building.

Whether the proposed extension to the approved workshop building would cause harm to the character and appearance of the application site, the street scene and the wider locality

At the eastern end of the site a workshop/car repair building was approved as part of the 19/3313/FUL scheme.

As approved the building measured 23m long by 8.35m wide with a maximum height above existing ground level of 4.4m with a flat roof. The building will utilise similar external materials to the main building and will also have a green sedum roof and these details will ensure that the workshop building has an acceptable appearance in the context of the proposed main building and the surrounding area.

The proposed extension would increase the footprint in length by 2.29m and the width by 0.5m. The increase in the length will be to the west end of the building away from the nearest neighbouring properties and the increase in width will be to the south into the application site.

The height of the building will not increase compared to the approved building, nor will it move closer to the site boundary to the north.

The Green Roof, External Finishes and Windows are also as Approved.

The proposed enlargement of the approved building is modest and the building remains acceptable in terms of its impact on the character and appearance of the application site, the street scene and the wider locality.

Whether the proposed extension to the approved workshop building would be cause harm to the living conditions of neighbouring residents

Overlooking/Loss of Privacy:

The windows on the northern elevation of the workshop building are to be obscure glazed and as such no harmful loss of privacy/overlooking will occur from the workshop building to neighbouring residential properties.

Loss of light:

The proposed extension to the approved workshop building would not result in a harmful loss of light to neighbouring properties due to its maximum height of 4.4m above existing ground level.

Noise:

The 19/3313/FUL application submission was reviewed by the Council's Environmental Health Officers who had no objection subject to conditions relating to contaminated land, noise and construction management.

The submitted Noise Assessment addresses potential noise impacts that may arise from the proposed workshop building effecting existing and proposed neighbouring residential developments. Environmental Health Officers are satisfied with the proposal subject to conditions restricting the operating hours of the workshop and a condition requiring further details of the proposed jetwash.

It should be noted that the proposed workshop building, being a purpose-built building with noise mitigation measures, represents an improvement on the existing position which consists of a number of ad hoc workshop buildings with limited noise mitigation properties.

The same noise mitigation conditions that were applied to the 19/3313/FUL planning permission will also be applied to the current S73 decision notice in the event of an approval.

Subject to these noise conditions, the proposed extension to the approved remains acceptable in terms of its impact on the living conditions of neighbouring residents.

External Lighting:

An external lighting condition was attached to 19/3313/FUL and will be carried over to any future S73 permission.

Subject to the conditions discussed above, the proposed enlarged workshop building remains acceptable with no appreciable impact on neighbouring residential amenity.

S106 legal agreement

Heads of terms:

- Affordable Housing £110,000
- London Plan Carbon Offset payment £44,748
- Street Trees £24,000

Total financial contributions of £178,748

S106 monitoring contribution of £3,575

The legal agreement for 19/3313/FUL was completed on 3rd September 2020 and contains a carry over clause to any future S73 application such as the current application and therefore no Deed of Variation is needed.

5.4 Response to Public Consultation

Loss of sunlight to house and garden

Response - The height of the workshop building will not increase and due to its maximum height of 4.4m it is not considered that it will result in a harmful loss of light.

Overdevelopment

Response - The 19/3313/FUL scheme has been approved, the current application relates only to the enlargement of the workshop building.

Insufficient car parking

Response - The 19/3313/FUL scheme has been approved, the current application relates only to the enlargement of the workshop building. The modest extension will not change the previous Highways conclusions as set out in the 19/3313/FUL Committee Report.

Noise from workshop

Response - Noise mitigation conditions will be attached as detailed above.

Light pollution

Response - An External Lighting condition will be attached as detailed above.

6. Equality and Diversity Issues

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

7. Conclusion

Recommended for approval subject to legal agreement and conditions.



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