

**MEETING**

**PLANNING COMMITTEE C**

**DATE AND TIME**

**TUESDAY 9TH MARCH, 2021**

**AT 7.00 PM**

**VENUE**

**VIRTUAL MEETING**

**LINK TO MEETING: [HTTPS://BIT.LY/3QPJEOA](https://bit.ly/3QPJEOA)**

**TO: MEMBERS OF PLANNING COMMITTEE C (Quorum 3)**

Chairman: Councillor Stephen Sowerby MA  
Vice Chairman: Councillor John Marshall MA (Hons)

Claire Farrier  
Nizza Fluss

Linda Freedman  
Nagus Narenthira

Laurie Williams

**Substitute Members**

Geof Cooke  
Jennifer Grocock  
Shimon Ryde

Jo Cooper  
Alison Moore

Alison Cornelius  
Julian Teare

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

**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](mailto:planning.committees@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
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.	A552 The Ridgeway Junction With Partingdale Lane South Along Bittacy Hill Ending At The Junction With Devonshire Road 20/3059/ADV (Mill Hill)	11 - 20
7.	Hendon Post Office 131 Brent Street London NW4 4BY (Hendon)	21 - 42
8.	83 High Street And 8 Union Street Barnet EN5 5UR 20/4969/FUL (High Barnet)	43 - 64
9.	33 Avondale Avenue Barnet EN4 8LT (Brunswick Park)	65 - 76
10.	Finchley Progressive Synagogue 54A Hutton Grove London N12 8DR 20/4733/FUL (West Finchley)	77 - 90
11.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee C

27 January 2021

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillor Claire Farrier  
Councillor Nizza Fluss  
Councillor Linda Freedman

Councillor Nagus Narenthira  
Councillor Laurie Williams

### 1. MINUTES OF THE LAST MEETING

The Chairman of the Committee, Councillor Stephen Sowerby notified the Committee that item 7 application (Talmud Torah Tiferes Shlomo Independent School (Ttts) Danescroft Avenue London NW4 2NB 20/3591/FUL) had been withdrawn by the applicant.

**It was RESOLVED that the minutes of the previous meeting of the Planning Committee C held on 2<sup>nd</sup> December 2020 was agreed as a correct record.**

### 2. ABSENCE OF MEMBERS

None.

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

None.

### 4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

### 5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items.

### 6. 56 HENDALE AVENUE LONDON NW4 4LS 20/2253/FUL (HENDON)

The report and addendum were introduced and slides presented by the Planning Officer.

The Committee received verbal representations from Mr Balaji Abbabatull and Mr Adam Besser who spoke in objection to the application.

Representations were heard from the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

The Committee voted on the Officer recommendation to approve the application subject to S106 as set out in the report and the addendum with an informative that the site not be used as an HMO.

Votes were recorded as follows:

For:	2
Against:	4
Abstention:	0
Not present:	1*

\*Councillor Williams was not present and did not take part in the vote as he joined the meeting later

Therefore, the application was **NOT APPROVED**.

Councillor Fluss moved the motion to refuse the application, which was seconded by Councillor Farrier for the following reasons:

1. The proposed subdivision of existing dwelling house into two three bed dwelling units would represent an over intensification of the use and associated noise generating activities at the site, resulting in an increase in noise and disturbance to the detriment of the amenity of occupiers of the adjoining neighbouring residential properties. As such the proposal would be contrary to Policies CS1 and CS5 of the LB Barnet: Core Strategy DPD (2012) and Policy DM01 of the LB Barnet Development Management Policies DPD (2012).
2. The proposed development does not include a formal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, leading to increased kerbside parking and conditions detrimental to the free flow of traffic and highway and pedestrian safety, being contrary to Policies CS9 and CS15 of the Local Plan: Core Strategy (2012), Policy DM17 of the Local Plan: Development Management Policies (2012) and the Planning Obligations SPD (adopted April 2013)

The vote on the motion to refuse the application was recorded as follows:

For (Refusal):	4
Against (Refusal):	2
Abstention:	0
Not present:	1*

\*Councillor Williams was not present and did not take part in the vote as he joined the meeting later

**RESOLVED – that the application be refused for the reasons stated above.**

## 7. TALMUD TORAH TIFERES SHLOMO INDEPENDENT SCHOOL (TTTS)

**DANESCROFT AVENUE LONDON NW4 2NB 20/3591/FUL (HENDON)**

The Committee noted that the application had been withdrawn by the applicant.

**8. A552 THE RIDGEWAY JUNCTION WITH PARTINGDALE LANE SOUTH ALONG BITTACY HILL ENDING AT THE JUNCTION WITH DEVONSHIRE ROAD 20/3059/ADV (MILL HILL)**

Prior to the Planning Officer presentation, Councillor Marshall moved a motion, which was seconded by the Chairman, to defer the application to a future meeting for officers to consult the ward members to comment on the impact of this application on the amenity of the approach to Mill Hill Conservation Area.

Votes to defer the application were recorded as follows:

For:	6
Against:	0
Abstention:	0
Not present:	1*

\*Councillor Williams was not present and did not take part in the vote as he joined the meeting later

**RESOLVED that the item be DEFERRED to a future meeting.**

**9. 114 HOLDERS HILL ROAD LONDON NW4 1LJ 20/2723/FUL (FINCHLEY CHURCH END)**

The report was introduced and slides presented by the Planning Officer.

The Committee received verbal representations from the Agent for the Applicant.

The Committee voted on the Officer recommendation to approve the application. Votes were recorded as follows:

For:	7
Against:	0
Abstention:	0

**RESOLVED that the application be APPROVED, subject to conditions as 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 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).**

**10. 48 BALLARDS LANE LONDON N3 2BJ 20/5514/ADV (WEST FINCHLEY)**

The Committee received the report. The report was introduced and slides presented by the Planning Officer.

The Committee received verbal representation from Mr Paul Walsh who spoke in objection to the application.

A representation was read out to the Committee on behalf of the Agent for the Applicant who was unable to join the meeting.

The Committee had the opportunity to ask questions of the speaker and officers.

The Committee voted on the Officer recommendation to approve the application. Votes were recorded as follows:

For:	4
Against:	0
Abstention:	3

**RESOLVED that the application be APPROVED, subject to conditions as 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 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).**

**11. 37 CHILTERN GARDENS LONDON NW2 1PU 20/5292/HSE (GOLDERS GREEN)**

The report and addendum were introduced and slides presented by the Planning Officer.

The Committee received verbal representations from Ms Pamela Bhanvra Adams and Ms Luisa Vallejo who spoke in objection to the application.

Representations were heard from the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

The Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report and the addendum and informative.

Votes were recorded as follows:

For:	7
Against:	0
Abstention:	0



**RESOLVED** that the application be **APPROVED**, subject to conditions as detailed in the report and addendum and informative,

**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)

**Informative:**

The applicant is advised that any change of use to house in multiple occupation (HMO) would require the submission of a separate planning application.

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

None.

The meeting finished at 8.45 pm

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**Location** **A552 The Ridgeway Junction With Partingdale Lane South  
Along Bittacy Hill Ending At The Junction With Devonshire  
Road** **AGENDA ITEM 6**

**Reference:** **20/3059/ADV** Received: 8th July 2020  
Accepted: 9th July 2020  
Ward: Mill Hill Expiry: 3rd September 2020

**Case Officer:** **Jonny Chan**

Applicant: Ms Lizzie Miller

Proposal: Installation of up to 19no PVC lamppost banners [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:

Banners details

Method Statement for lamppost mounted banner installations v3.8 January 2014

Site information Ref. 29 to 33 by Baymedia

The location plan

The applicant's email dated 26.11.2020

The applicant's email dated 11.12.2020

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 The period of consent shall be a period of five years commencing with the date of this decision.

Reason: To comply with Regulation 14(7) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## **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 developer is required to apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to 19 existing lamp columns located along The Ridgeway Junction with Partingdale Lane South along Bittacy Hill and ending at the junction with Devonshire Road (B552).

The site is not subject to any relevant planning restrictions.

The site does not lie within a town centre. The area has a mixed character, comprised predominantly residential development, a Mill Hill East Underground station and rows of terraced houses with commercial units on the ground floor and residential units above.

### **2. Planning History**

N/A

### **3. Proposal**

The application seeks planning permission for the installation of up to 19 no. PVC lamppost banners.

The display of temporary UPVC banners measuring 2.2 metres in height and 0.79 metres in width affixed to 19 existing bespoke lamp columns using Bay Media patented spring pensioned bracket system along road No. B522. The UPVC banners would be measuring 2.8m above the road level.

The banners would be sited on the following locations:

- 2 banners would be located at the junction between Inglis Way and Bittacy Hill;
- 8 banners would be located on the western side of Bittacy Hill (including 2 banners located outside the Mill Hill East Underground station);
- 1 banner would be located in Langstone Way;
- 1 banner would be located at the junction of Bittacy Hill and New Road
- 1 banner would be located at the roundabout of Bittacy Hill and Devonshire Road
- 6 banners would be located on the eastern side of Bittacy Hill.

The banner would be for the display of commercial advertising as confirmed by the applicant's email dated 11.12.2020.

There would be one banner on each lamp post as confirmed by the applicant's email dated 26.11.2020 and they would not be illuminated, though light would shine on them from the main lamp column.

The applicant is in agreement with the London Borough of Barnet to deliver advertising banner opportunities on behalf of LBB.

It must be noted that during the lifetime of the application, the scheme has been amended to reduce the number of banners proposed, from the original 42 locations proposed to the current scheme involving 19 lampposts. This was due to the feedback received from officers about the unsuitability of the omitted locations. Sites on The Ridgeway have now been omitted and the included lampposts are at the junction of Inglis Way and Bittacy Hill, south up to Devonshire Road.

#### **4. Consultation**

It must be noted that there is no statutory requirement to consult on advertisement applications. Therefore, no public consultation has been undertaken on this application. Nonetheless, 27 objections were received.

They could be summarised as follows:

- The proposed banners will be a distraction on this busy road and compete for attention with genuine road signs making this route even more dangerous.
- The proposed new development will increase traffic and buses to the area.
- It does not keep with the local character. It would look like the entrance to the Olympic arena.
- The subject site is within the green belt.
- Out of character.
- Approving this scheme would set up a precedent for the future as there are no advertising banners in the area of Mill Hill.
- This proposal is just another disgraceful and money-making proposal.
- There are several schools and many signages along this road so it would cause distractions for the drivers.
- The new banners are an eyesore.
- The new banners will take away the distinctive character of this area.
- Issues with the permission of the owner of the land.
- Adverse visual impact on the character of the green belt.

- The Planning Committee of the Mill Hill Preservation Society has inspected the plans for the plethora of advertising signage in this location wish to object to it because the proposed advertisement banners, by reason of their excessive number, positions, size, design and appearance would result in a proliferation and clutter of signs that would have an adverse impact on the street scene and visual amenity of the locality of the area. The proposed location runs right up to the boundary of the Mill Hill Conservation Area and the multitude of advertising signage would provide a very poor approach to this sensitive area. This type of proposal would not suit this suburban residential area.
- It will cause harm to the character of Mill Hill Conservation Area.

## **5. Planning Considerations**

### **5.1 Main issues for consideration**

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'. This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

### **4.2 Policy context**

#### National Planning Policy Guidance / Statements:

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

The 'National Planning Policy Framework' (NPPF) was published on 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.

Paragraph 67 states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

#### Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

#### Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public

consultation. It states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

### **4.3 Assessment of proposals**

#### **Public Safety**

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in the Government's Planning Practice Guidance.

The Highways Department have reviewed the application and commented:

1. The location of the proposed signage (above 2.8m from the public footway) is in line with highways requirements and is therefore acceptable on highways grounds.
2. However, taking into account the already existing large number of road signs and etc on this particular location, it is recommended to reduce the amount of signs proposed by 50% in order to retain a clean and acceptable street scene and to not bombard road users with further distracting signs.
3. The proposed signs are not expected to have a significantly detrimental impact on the surrounding public highway, therefore, it is considered that the proposal does not have sufficient grounds for objection to the proposed on highways grounds.

Whilst Highways advised that the number of banners should be reduced, objection was not raised as it was deemed that there were not sufficient grounds to consider the scheme harmful to road users or to warrant refusal on these grounds. It must be noted that the number of banners have been reduced to account of officer comments about the suitability of some locations.

The proposed banners would have an appropriate size and scale in relation to the



surrounding buildings. Moreover, the proposed banners meets the highways requirements. It is not considered that the banners, due to their modest size, height above ground and lack of illumination, would impede public safety or obscure highway sightlines.

On this basis, it is considered that the proposed banners would not be detrimental to public safety and that the application is therefore acceptable on this ground.

### **Visual Amenity**

When assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. Besides they should be located to avoid visual clutter.

The concerns about the proliferation of signage are noted. Amendments were requested by the planning officer to reduce the total number of banners down to 19 and no banners would be installed within the Greenbelt, within the Mill Hill Conservation Area or within close proximity to the neighbouring properties (such as right in front of the residences). The locations close to the Conservation Area have been omitted. In addition, locations which are directly in the eyeline of residential units have also been removed.

It is acknowledged that the proposed banners would be 2.2m high and 0.8m wide, and the document listing the locations has been conditioned; therefore the dimensions of the banner and the quantity of the banners (a maximum of 19 banners on 19 lampposts) would be implemented as shown on the supporting information. The scale and height of the banner would not be too excessive, therefore, it would not obscure and disrupt the architectural form of the buildings along this road. Therefore, it is considered the banners would not detract from the character and appearance of the street scene and, given the distance, from the conservation areas generally.

A condition on time limited would also be attached on this advertisement consent. In this connection, the proposed banners would have to be removed immediately when this consent is expired.

The proposed banners would not be illuminated so it would not cause any levels of light pollutions to the neighbours or drivers. Therefore, it is not considered that the banners would have a negative impact on the residential amenity of any residents along this road.

Overall, it is considered that the display of 19 temporary banners would not significantly detract from the character or appearance of the conservation area, or from the general street scene.

### **5. Response to objections**

- The lampposts are located on the classified road.

- The financial income or revenue of the proposal is not a material planning consideration in this planning application.

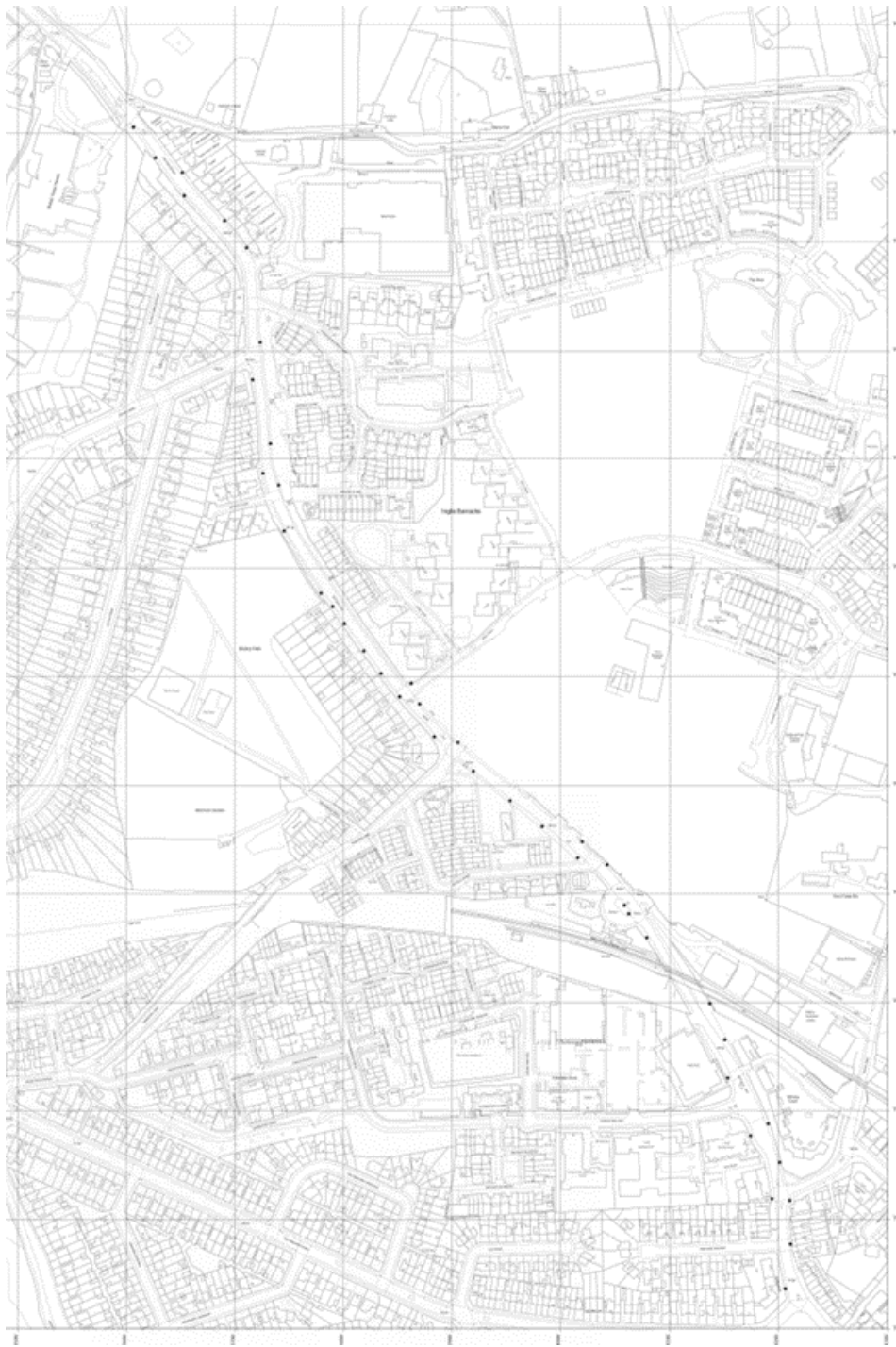
It is considered that all other planning considerations raised by objectors have been addressed in the above report.

## **6. Equalities and diversity issues**

The proposals do 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**

The proposal is considered to not adversely affect the amenity or public safety of the surrounding area and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for approval.



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**Location** Hendon Post Office 131 Brent Street London NW4 4BY

**Reference:** 20/5081/FUL

Received: 26th October 2020

Accepted: 27th October 2020

**Ward:** Hendon

Expiry 26th January 2021

**Applicant:** Mr Saul Kelly

**Proposal:** Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities

AGENDA ITEM 7

**Recommendation:** Approve subject to S106

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

### **Recommendation I:**

#### Travel Plan

Provision of a Travel Plan and monitoring contribution of £15,000.

#### Carbon Offset Contribution

Financial contribution of £60,337.00 towards the Council's Carbon offset fund.

#### Green Travel Measures

A contribution of £ 9,000 per towards green travel measures.

#### CPZ Contribution

A financial contribution of £20,000 towards a CPZ review and extension.

#### Off-site Highways Improvement Works

Off-site highways improvement works with the agreement of the Highways Authority to mitigate the impact of the development.

#### Tree Planting

A contribution of £6500 to provide new tree planting in the local area.

## **Recommendation II:**

That upon completion of the agreement specified in Recommendation I, the Service Director or 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:

1256-003 [Proposed Block Plan];  
1256-005 [Proposed Site Plan];  
1256-100 revL [Proposed Ground Floor Plan];  
1256-101 revL [Proposed First Floor Plan];  
1256-102 revL [Proposed Second Floor Plan];  
1256-103 revL [Proposed Third Floor Plan];  
1256-110 rev L [Proposed Basement Plan];  
1256-200\_C [Proposed Street Elevations];  
1256-201 [Proposed Elevations];  
1256-300\_C [Proposed Long Section];  
1256-301 [Proposed Short Section];  
"Activities Management Plan", UPP;  
"Air Quality Assessment", Syntegra Consulting, October 2020;  
"Energy Strategy Report", Syntegra Consulting, October 2020;  
"BREEAM 2018 UK Non-Domestic New Construction Scheme Pre-assessment Report", Syntegra Consulting, October 2020;  
"Flood Risk Assessment & Drainage Strategy", (Ref: 20-7101) Syntegra Consulting, January 2021;  
"Daylight, Sunlight & Overshadowing Report", Syntegra Consulting, October 2020;  
"Transport Assessment", Arup, October 2020;  
"Local Level Travel Plan", Arup, 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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

4. The area marked "Retail Space" on approved drawing 1256-100 revL shall be used for a retail unit within Class E(a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

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), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

6. a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the

Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

7. No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Statement submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractor's compound and car parking arrangements;
  - ix. Details of interim car parking management arrangements for the duration of construction;
  - x. Details of a community liaison contact for the duration of all works associated with the development.
  - xi. Provision of a competent banksman.

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

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

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

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



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

## 9. Part 1

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

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

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

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

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

- 11.a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

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

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

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

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

occupied,8 (long stay) and 24 (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.

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

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

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

16. Prior to commencement of the development, a basement impact assessment will need to be undertaken by the applicant and an "Agreement in Principle" (AIP) for the construction of the lower ground floor (basement) including traffic management shall be submitted to and agreed in writing by the local highway authority. Thereafter, the basement shall be constructed in accordance with the approved AIP and traffic management plan. The applicant will be required to enter into a s278 agreement with the council for works on the public highway.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

17. Within 3 months of occupation, a full Framework (workplace & Office) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially

single occupancy and single passenger journeys and encourage non-car modes of transport such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD. The key headlines of the travel plan are to be secured via a s106 agreement.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

18. Prior to commencement of the development, a plan of the proposed off-site highway works listed in para 6.2 below shall be submitted to the Local Planning Authority and approved in writing by the Local Highway Authority. The applicant will be required to enter S184/278 agreement with the council.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety and in the interests of safeguarding the existing road corridor, 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.

19. 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 neighbouring occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

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).

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

maintained as such in perpetuity thereafter.

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

22. The terraces as shown on drawings 1256-102 revL and 1256-103 revL shall not be hired out or used for events at any time.

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

23. The proposed area of flat roof, other than those marked as "terrace", 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).

24. The community facility (excepting the outdoor terraces) hereby permitted shall not be open to members of the public before 7am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays and Bank and Public Holidays.

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

25. The outdoor terraces hereby permitted shall not be used before 9am or after 8pm on any day.

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

26. There shall be no more than 300 people on the premises at any one time.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

### **Recommendation III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 24.08.2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not provide a legal agreement to mitigate the

impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

27. Notwithstanding the approved Flood Risk Assessment and Drainage Strategy, no development other than demolition works shall commence on site in connection with the development hereby approved until a revised Surface Water Drainage Strategy is submitted to and approved by the Local Planning Authority. The Surface Water Drainage Strategy shall include, but not be limited to, the following information:

1. Clarity regarding the assessment of the attenuation storage volumes to cope with the 100-year rainfall event plus climate change;
2. Attenuation storage volumes 50% drain down time, based on Recommendation 1;
3. Assessment of the proposed drainage network during the 30-year design rainfall in accordance with the Design and Construction Guidance (March 2020);
4. Evidence of Thames Water agreement for additional rate of discharge to their system;
5. SuDS maintenance programme;
6. SuDS on-going maintenance responsibilities; and,
7. SuDS construction phasing.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan (2012), Policies 5.13 and 5.14 of the London Plan (2016), and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

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

1. 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](mailto:highwayscorrespondence@barnet.gov.uk).
2. 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.

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

5. 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."

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

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the western side of Brent Street, on the junction with Brampton Grove, within the Brent Street Town Centre. Virtually the entire site is occupied by a part single, part two-storey building with a flat roof, last in use as Hendon Post Office; this comprises a retail use fronting Brent Street and a sorting office towards the rear of the building. There is vehicular access to the Brampton Grove frontage.

The site is located within the Brent Street Town Centre and includes part of the designate primary retail frontage. There is a variety of retail, commercial and residential uses within the surrounding area.

### **2. Site History**

Reference: W09860

Address: 131 Brent Street London NW4

Decision: Approved subject to conditions

Decision Date: 14.01.1992

Description: Formation of disabled access ramp with handrail.

Reference: W09860B

Address: 131 Brent Street London NW4

Decision: Approved subject to conditions

Decision Date: 06.05.1993

Description: Pedestrian Access Ramp.

### **3. Proposal**

The application seeks consent for the "Demolition of the existing Post Office and Sorting Office and erection of a four storey building over basement providing a mixed-use community building including retail premises at ground floor level, with associated landscaping, cycle storage and refuse and recycling facilities".

The proposed building measures 41.6 metres in depth and 22.1 metres in width. It has a flat roof form including areas of green roof. It steps down in height from a maximum of four storeys (plus additional basement level) to two storeys at the rear adjacent to 6 Brampton Grove. The top storey is also recessed from the front and side elevations. The maximum height of the proposed building is approximately 16.5 metres.

The proposed building comprises a retail use with an area of 91 sqm at ground floor, fronting Brent Street. The rest of the building comprises a community facility containing a mix of uses.

The proposal includes outdoor terraces at second- and third-floor levels to the rear and Brampton Street (side) elevations. A long-stay cycle store is provided internally at ground floor. Waste and recycling storage is also provided internally at ground floor. The proposal is car-free.

A revised site plan was submitted in the course of this application to remove the proposed on-street loading bays, following consultation with the Council's highways officers. The servicing needs of the development will be accommodated utilising the existing single yellow line on Brampton Grove (subject to a review mechanism with the highways authority to be secured via S106 agreement).

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

Consultation letters were sent to 398 neighbouring properties.

A total of 20 responses were received, comprising 2 neutral representations, 12 comments in support and 6 comments in objection.

The objections received can be summarised as follows:

- Objection to the loss of the post office facility.
- Concern regarding increased traffic congestion and added pollution in the local area.
- Concern regarding danger to pedestrians.
- Lack of parking proposed.
- Lack of need for this type of community facility.
- Concerns regarding overlooking towards Brampton Grove.
- Concern regarding noise and disturbance arising from the proposed outdoor terrace areas.
- Concern regarding overshadowing to neighbouring properties.
- The scale and massing and appearance of the proposed building is out of keeping with the local character.
- Concern regarding encroachment of the public footway.
- No travel plan is submitted with the application.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### Revised National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

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

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

#### The Mayor's London Plan

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

#### Barnet's Local Plan (2012)

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

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

#### Barnet's Local Plan (Reg 18) 2020

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

#### Supplementary Planning Documents

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:

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

## 5.3 Assessment of proposals

### Principle of development

The existing site contains a post office, comprising a retail (Class E) use and a post sorting office (Sui Generis use). The proposed development involves the provision of a retail (Class E) use with a comparable floor space of 91 sqm, fronting Brent Street. Although the width of the retail frontage is reduced compared with the existing post office, the design of the Brent Street elevation and the nature of the proposed uses at ground floor are such that the proposed building would retain a sufficiently active frontage. As such, officers do not consider that the proposal would be detrimental to the vibrancy or vitality of the Brent Street Town Centre and would be appropriate given its siting in the primary shopping frontage. It is not therefore considered to conflict with the requirements of Policy DM11 regarding town centre uses.

The proposed community facility is considered to be appropriate in this location. In accordance with Policy DM13(b), the site has a relatively good level of accessibility and is located within a town centre. Therefore, subject to an acceptable highways impact and protecting the amenity of residential properties, the proposed community use is supported.

Given the substantial increase in the floorspace of the proposed building and the nature of the proposed use, the proposed development is expected to provide additional employment and therefore there is not considered to be any adverse impact on the local economy or conflict with planning Policy DM14.

Overall, officers consider that the proposed development would be compliant with relevant local and national planning policy and is acceptable in principle, subject to the other material considerations as discussed below.

### Character and appearance of the site, street scene and surrounding area

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

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

The character of the surrounding area is varied with buildings displaying different architectural styles, heights and scales. Three- and four-storey buildings are in the immediate vicinity; the existing building at the applicant site is unique in its single-storey height. The Brent Street town centre comprises a variety of commercial and other uses.

As noted above, given the town centre siting, the proposed mixed-use development is considered to be appropriate and would be in keeping with the variety of uses found in the Brent Street Town Centre. The proposed Brent Street elevation contains a large area of glazing demarcating the retail and community uses at ground floor. The proposed building is also set back substantially from the public highway, retaining space on Brent Street to the front of the building to provide a good-quality public realm. Officers consider that the proposals, by virtue of the design of the building and proposed uses, would retain an active frontage to ensure the continuing vitality of the primary shopping frontage. Indeed, the proposed development has the potential to add to the vibrancy of the town centre.

With regards to the height of the proposed building, a total of four storeys plus additional basement level are proposed. This is not considered to be out of keeping with the scale of buildings in the local area, with several four-storey buildings on the eastern side of Brent Street. The set back of the building from the streetscene reduces its perceived height and bulk. Additionally, weight is given to the extant consent for a five-storey building, albeit with a slightly lower ridge height, at the neighbouring site at 133 Brent Street. It is considered that this establishes the acceptability of a building of this height in this location. The topmost storey is set back from the front and side elevations. This lessens the perceived scale and bulk of the building. Additionally, the height is staggered, with the proposed building only having two storeys to the rear along the Brampton Grove elevation, where the established character is more residential. The staggered height of the proposed building also breaks up its bulk and massing, such that it does not appear as overly prominent. The site coverage, while large, is comparable to the existing building.

While it is understood that development has not commenced on the neighbouring site pursuant to the permission referred to above, officers consider that the relationship of the proposed building to the consented scheme would be appropriate. Storey heights and fenestration are aligned. The front building line of the proposed building is staggered to the north to soften the transition with the consented building. This is considered to result in a good degree of visual coherence to this section of Brent Street.

The proposed materials include stone cladding and facing brickwork for the external walls up to second-floor level. This is in keeping with the established character on Brent Street, despite the more contemporary design of the proposed building. Glazed coloured cladding is proposed for the topmost set-back level. While precise details of materials are requested by condition, this approach is considered to be acceptable.

Green roof elements are also proposed for the sections of flat roof above ground-floor level. These contribute positively to the appearance of the building and provide biodiversity benefits to the development.

Overall, officers consider that the proposed four-storey building is acceptable in terms of its scale, bulk, massing, and appearance, subject to the recommended conditions requiring additional details to be approved. The proposed development would therefore have an acceptable impact on the local character and streetscene and would comply with the requirements of relevant planning policy including Policy DM01.

#### Impact on amenity of neighbouring residents

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

In terms of buildings surrounding the site, detached houses along Brampton Grove lie to the west, a three storey residential block (Homemead) lies to the north-west, and a three-storey building at 129 Brent Street comprising Barclays Bank at ground floor lies to the south. The adjacent site to the north at No. 133 is currently vacant, although weight is given to the consented scheme for a five-storey building on this site.

The Sustainable Design Guidance SPD (2016) states that a minimum distance of 21 metres should be provided between facing windows of habitable rooms. The proposed terraces are inset from the rear elevation to ensure this is complied with. Additionally, screening is provided to the edges of the proposed terraces to give additional privacy to neighbouring occupiers. Conditions are recommended to require further details of screening and to ensure only the designated terraces are used as such. There are no habitable windows on the west elevation within 21 metres of the neighbouring property at 6 Brampton Grove. To the north, the proposed building is designed to avoid overlooking with the consented scheme at No. 133. As such, officers are satisfied that the proposal would protect the privacy of neighbouring occupiers.

Conditions are also proposed to restrict the use of the proposed terrace such that they should remain ancillary to the uses contained within the building and shall not be hired out for events, in addition to a restriction on the hours of use of the terraces. Subject to these, officers are satisfied that the proposed terraces would not result in undue noise or disturbance to neighbouring residential uses, taking into consideration to the siting on Brent Street and within the town centre.

The height and massing of the proposed building is staggered such that it is only two-storeys towards the rear, adjacent to 6 Brampton Grove. A daylight and sunlight assessment has been provided with the application. This demonstrates a negligible impact on all neighbouring residential receptors in terms of daylight, sunlight and overshadowing. Taking into account this and the scale of the building towards the rear, it is not considered that it would result in unacceptable overbearing or a loss of light or overshadowing of the neighbouring occupiers at 6 Brampton Grove.

Overall, the proposed development, subject to conditions, is considered to protect the residential amenities of all neighbouring occupiers.

### Highways safety 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.

There are parking restrictions (yellow lines) and short term parking spaces in the form of "pay by phone" spaces in the vicinity of the site which operate Mondays - Saturday between 9am-5.30pm. The site is located within a Controlled Parking Zone (CPZ) which operates on weekdays between 10am-5pm. The site lies in an area with a PTAL score of 3 (average). However, 5 bus routes can be accessed from stops which are located within 2 - 6 minutes walking distance of the site on Brent Street and Finchley Lane. Hendon Central tube station is 10 minutes walking distance from the site.

There are no specific standards for D1/D2 which covers the proposed community facility but the guidance London Plan (6A.2) requests that non-residential elements of a

development should provide at least one accessible on or off street car parking bay designated for Blue Badge holders, even if no general parking is provided. Also, London Plan (6A.8) recommends that in areas with a PTAL range of 1 to 3, provision should be consistent with objectives to reduce congestion and traffic levels and to avoid undermining walking, cycling or public transport for leisure uses. No parking except the provision of two on-street disabled bays are proposed.

Barnet Policy requires that development proposals must demonstrate through a parking survey that sufficient on-street parking is available to justify limited or no on-street parking. The applicant has carried out daytime parking surveys over a 500m distance of the site as recommended by the Lambeth Methodology for non-residential uses. The results indicated that there was a total of 559 unrestricted kerbside space of which 414 was occupied and 145 spaces were available at time of peak use during the hours of 9am and 8pm. The survey also revealed that there was spare capacity on the "pay by display" spaces nearby. Additional spaces become available to visitors in the evening after the CPZ hours. Based on the results of the parking survey and considering the level of parking demand associated with scheme, it is considered that there is sufficient on-street parking spaces to accommodate any displacement from the scheme. Further, the site has reasonably good access to public transport and car trips associated with the Synagogue and Events/Museum are unlikely to be significant as some of the visitors/users will be local to the area. Additionally, the most well-attended events are during the Sabbath and Festival Days, on which visitors are not expected to drive to the site.

The applicant proposes two disabled bays on Brampton Grove near the site and this can be considered as part of the off-site highway works associated with the scheme. As such, it is considered to meet London Plan requirements (6A.2). Taking into account the submitted evidence, officers are satisfied the proposed development will not result in an unacceptable level of parking displacement. However, to provide assurance, the applicant has agreed to enter into a legal agreement with the local authority to monitor the highways impacts, with the possibility to carry out a review of the CPZ following occupation of the development. Further, a travel plan is to be provided for the site which will include measures to promote sustainable travel and car mode share targets. This is also to be secured via legal agreement.

The Highways Officer has raised no objection to the proposal subject to the proposed conditions and legal agreement.

### Other issues

The application site is located within a designated Critical Drainage Area. In accordance with the NPPF (para. 163) a flood risk assessment and drainage strategy has been provided with the application. These address the managed and mitigation of flood risk and ensure appropriate SUDs design. The council's sustainable drainage team have been consulted and have raised no objection on the basis of the submitted information, subject to conditions.

The applicant has agreed to contribute towards new tree planting in the local area. This will be secured via legal agreement. Subject to this, the council's tree officer has raised no objection to the proposed development.

The council's Environmental Health officer has recommended conditions including a preliminary risk assessment for potential contaminants. The air quality assessment submitted with the application indicates that it is air quality neutral. Subject to the proposed

conditions, officers raise no objections on environmental health grounds.

The applicant has agreed to make a contribution towards the council's carbon offset fund. Subject to this, the proposed development would be in accordance London Plan Policy 5.2 and the Sustainable Design and Construction SPD.

#### **5.4 Response to Public Consultation**

- Objection to the loss of the post office facility.

The proposal retains a retail unit with a comparable size to existing on the Brent Street frontage. The Local Planning Authority is unable to control the precise occupant of the unit within this Use Class.

- Concern regarding increased traffic congestion and added pollution in the local area.

- Concern regarding danger to pedestrians.

- Lack of parking proposed.

Highways officers have been consulted on this information and, subject to conditions and a S106 agreement to provide a travel plan for the development, contribution to green travel measures, off-site highways improvements, and CPZ review, are satisfied that the proposal would have an acceptable impact on the surrounding highways network and would not create any public safety issues.

- Lack of need for this type of community facility.

- Concerns regarding overlooking towards Brampton Grove.

- Concern regarding noise and disturbance arising from the proposed outdoor terrace areas.

- Concern regarding overshadowing to neighbouring properties.

- The scale and massing and appearance of the proposed building is out of keeping with the local character.

This is addressed in the above report.

- Concern regarding encroachment of the public footway.

It is not considered that the proposed building would result in harmful encroachment of the public footway.

- No travel plan is submitted with the application.

Officers' recommendation is subject to the completion of a legal agreement requiring the submission of a travel plan for the development.

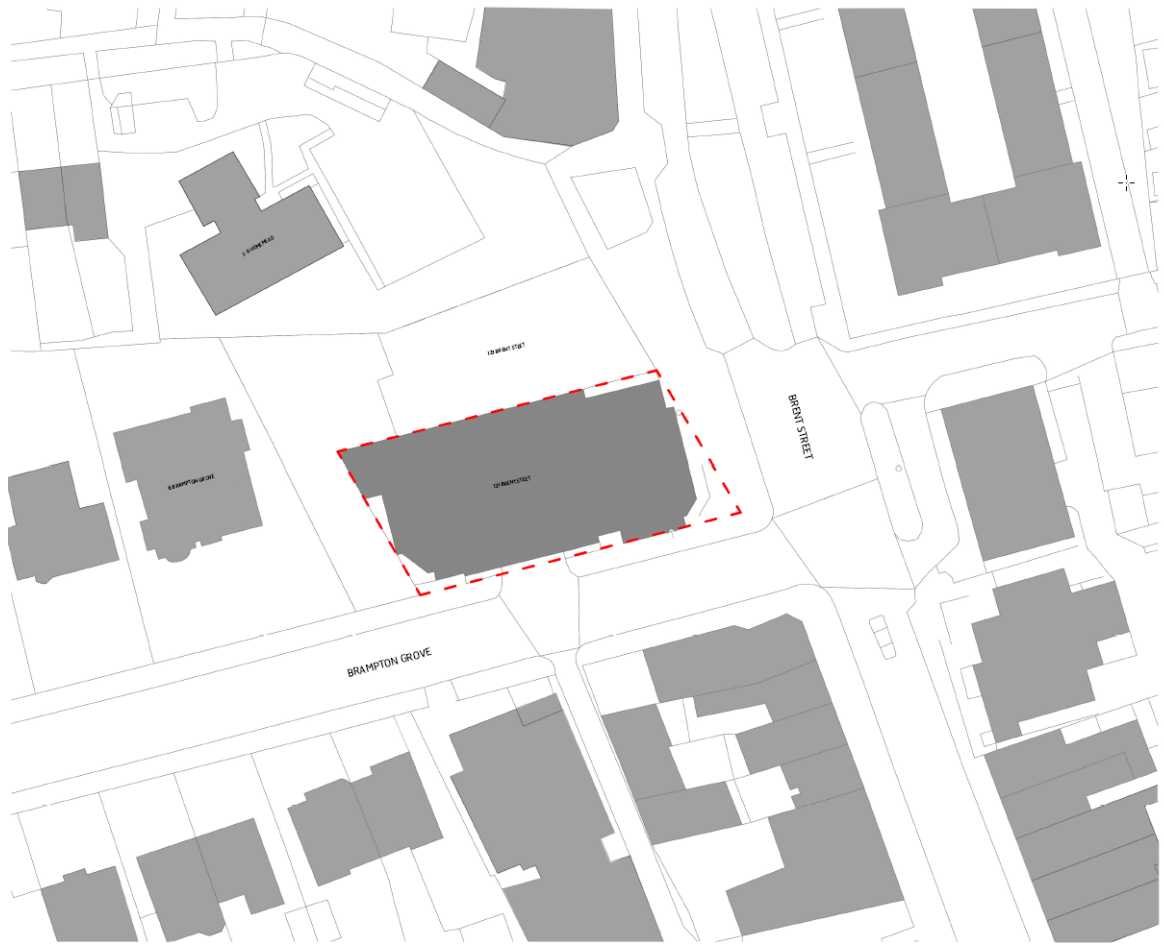
#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and legal agreement, 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. The proposed development is not considered to have an unacceptable impact on the surrounding highways network. This application is therefore recommended for approval.





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**Location** 83 High Street And 8 Union Street Barnet EN5 5UR

**Reference:** 20/4969/FUL Received: 21st October 2020  
Accepted: 22nd October 2020

Ward: High Barnet Expiry 17th December 2020

**Case Officer:** Zakera Matin

Applicant: Jason Lipman

Proposal: Alterations and first floor rear extensions to existing building at 83 High Street to provide 2no. self-contained residential units and conversion of existing first floor office space facing 83 High Street into 1no. self-contained flat. First floor roof extension to 8 Union Street to provide office space.

**AGENDA ITEM 8**

**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. Highways (traffic order) £2,072.55

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

Monitoring fee of £101.10

## **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:

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

5201 01

5201 02

5201 03

5201 04

5201 05

5201 06

5201 07

Site Location Plan

Design and Access Statement

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).

- 4 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.

- 5 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.

- 6
- a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
  - b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
  - c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).
  - d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

- 7
- 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).

8 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

9 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.

- 10 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.

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

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

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

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

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

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2016.

- 14 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 \*\*\*\* as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 15 The level of noise emitted from the (\_specify 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 2015.

### **RECOMMENDATION III:**

- 2 That if an agreement has not been completed by 10/06/2021 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application under delegated powers for the following reasons:

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring



costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

4      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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

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

- 6 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a part single and part two storey, mid-terrace, mixed use building located on the east side of High Street and part of it faces 8 Union Street to the south. The building is two storey facing High Street and single storey facing Union Street. The existing building is extended at the rear. There is access from Union Street which is secondary retail frontage.

The front at ground floor level facing High Street features retail use. The front facing Union Street features office at ground level.

The rear part of ground floor was used as a bakery which was vacant for 12 months when the application was submitted. The first floor features offices.

The adjacent building No.81 to the south features retail at ground floor and residential flats at first floor. The neighbouring building no.85 to the north features retail at ground level and residential flat at upper floors. There is rear yard at rear of no.81 and no. 85.

Some of the properties in the parade features first floor rear and roof extensions.

The application site falls within the Primary Retail Frontage in Chipping Barnet town centre. The site is located in Wood Street conservation area, but the building is not listed.

The site is also located in area of Special Archaeological interest.

## 2. Site History

Reference: N05621E/07

Description: Demolition of existing bakery production building to rear of 83 High Street and erection of two storey building incorporating three residential units. Alterations to roof at 83. Conversion to 2-8 Union Street to B1 (Offices) and A2 (Professional Services) and associated external alterations to front and rear elevation including roof extensions and a two storey rear extension to 8 Union Street.

Decision: Refused

Date: 17.03.2008

Allowed in Appeal on 23.02.2009

Reference: B/04319/11

Description: Submission of details of conditions 2 (Levels), 4 (Refuse), 10 (Landscaping-Details), 11 (Proposed Solar Panels) pursuant to appeal decision (N/05621/E/07) dated (23/02/2009).

Decision: Approved

Date: 25.07.2012

Reference: B/01828/10

Description: Demolition of existing bakery building to rear of no.83 High Street.

Decision: Approved subject to conditions

Date: 16.07.2010

Reference: B/03414/12

Description: Submission of details of condition 3 (Materials) pursuant to appeal decision APP/N5090/A/08/2071267 dated 23/02/09 (Planning reference N05621E/07).

Decision: Approved

Date: 15.11.2012

Reference: 18/0771/191

Description: Residential dwellings in use Class C3, B1 (Offices) and A2 (Prof Services) uses Continued implementation of planning permission

Decision: Unlawful

Date: 02.08.2019

## 3. Proposal

The application seeks permission for alterations and first floor rear extensions to existing building at 83 High Street to provide 2no. self-contained residential units and conversion of existing first floor office space facing 83 High Street into 1no. self-contained flat. First floor roof extension to 8 Union Street to provide office space.

The proposal is similar as the previous allowed scheme in appeal for refused scheme N05621E/07.

The main differences are as below:

- There is no new office space proposed above unit 2, 4 and 6 of Union Street
- There is no first-floor extension proposed over the access from Union Street

## 4. Public Consultation

Consultation letters were sent to 100 neighbouring properties.  
20 Objections has been received.

The objections received are summarised as below:

- Probable loss of light and overshadowing for 85A High Street
- Probable impact on parking
- Probable loss of light for 2-8 Union Street
- Not keeping with Conservation area
- Overlooking for 87A High Street
- The shopfront has historic significance
- There is no need for more flats
- Overdevelopment
- Will create congested environment

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a

series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS 6, CS 8, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM11, DM14, DM17.

### Barnet's Local Plan (Reg 18) 2020

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

### Supplementary Planning Documents

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the Wood Street conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking;

## **5.3 Assessment of proposals**

### Principle of development

The existing building no. 83 High Street features retail at ground level facing the High Street and the rear part of the ground floor was a bakery and currently vacant. The first floor features office spaces. No. 8 Union street features office at ground floor.

The proposal would retain retail at ground floor facing 83 High street and proposes alterations and first floor rear extensions to existing building to provide 2no. self-contained residential units at the rear. At first floor the existing office space facing 83 High street would be converted into one residential flat. The proposal also includes extension over 8 Union Street to provide office space.

This proposal is similar to the scheme which was refused under N05621E/07 and allowed in appeal Ref: APP/N5090/A/08/2071267 dated 23 February 2009. The current proposal is

marginally different in that units 2,4 and 6 Union Street is now omitted from this scheme therefore the first floor office space proposed previously over unit 2, 4 and 6 along Union street is no longer is proposed under this application. Also the first floor extension proposed over the access way from Union Street previously no longer forms part of this current application. However, the total number of the units remain the same and form part of this application. The design of the units also remain similar to the previous scheme.

The inspector, in the allowed appeal notes that, "The existing bakery at the rear of the retail outlet on the High Street frontage is a long, narrow and irregularly shaped building and its layout makes it very difficult to run an efficient and hygienic bakery business, to provide suitable staff facilities or to introduce modern equipment and production techniques. The High Street retail unit would be retained for the sale of products, but it is the appellant's intention to find suitable industrial premises for the relocation of the bakery itself."

The inspector goes on to mention that, "The Council contends that no evidence has been provided to demonstrate that no other industrial user would take over the bakery. The premises have been marketed, unsuccessfully, but only on a limited basis through specialist agents with a view to finding another bakery business. The appellant maintains that a wider marketing exercise, when the intention is to retain the retail outlet, would have been pointless and damaging to business and staff morale."

The inspector further mentions that, "Given the intention of the appellant to continue to operate the retail element,...the visual improvement in the Conservation Area, I do not consider that the proposed development taken as a whole would harm the supply of industrial land. Thus, in this instance I am of the view that the appeals should not fail because of the lack of marketing. In addition, an element of B1 floorspace is included in the Union Street properties, though this is intended as office rather than industrial floorspace. Thus, in this instance I do not consider that the appeals should fail because of the lack of a full marketing exercise."

It is noted that the policies were updated since the approval of the proposal. However, NPPF (2109) and policy DM11 promotes mixed use development in the town centre locations. NPPF states that, Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

NPPF further states that "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure."

The proposal would make use of the underutilized land in the town centre and provide much needed residential and office units in the town centre location and would comply with NPPF.

Policy DM11 states that, "The council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability."

It is noted that the proposal would retain retail use and active frontage along High Street and would not detract from the retail function of the town centre and it is considered that



the proposal would comply with DM11. The proposed office facing the secondary frontage along Union street is not considered to have detrimental impact on viability of town centre function.

DM 14 states that, "loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use." As mentioned earlier the inspector did not find lack of marketing of the vacant bakery would warrant a refusal.

As noted above the inspector found similar proposal acceptable under the previous allowed scheme under appeal APP/N5090/A/08/2071267 where the rear bakery and first floor office at 83 High Street was proposed to convert into residential unit. On this basis it not considered that there would be significant loss of office/ employment space and the proposal is considered to comply with Policy DM14.

As noted earlier the inspector found similar proposal acceptable under the previous allowed scheme under appeal APP/N5090/A/08/2071267 where the rear bakery and first floor office at 83 High Street was proposed to convert into residential unit. On this basis it not considered that there would be significant loss of office/ employment space and the proposal is considered to comply with Policy DM14.

DM08 states that, Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough. The proposal would provide 3 residential units at town centre location and would contribute towards housing provision in Barnet and would comply with DM8.

The principle of a mixed-use development, inclusive of residential units in a town centre is generally encouraged by the Local Planning Authority. The proposed mixed use is considered to provide sustainable development at town centre and the provision of residential use at town centre would contribute toward 24 hours vigilance of town centre and comply with NPPF and Local Plan.

Section 8.3 (Optimising housing density to achieve appropriate development) of Barnet's Core Strategy encourages the efficient use of land and buildings to promote higher densities. Among other areas, locations which are accessible by public transport such as town centres location, will be encouraged for higher densities. The site is located within a town centre with good transport accessibility. The proposal would contribute towards increasing the density in the town centre and would help to deliver more sustainable development in the town centre.

It is considered that the proposal would not be detrimental to the viability and vitality of town centre and considered acceptable in Principle.

#### Impact on character and appearance

DM06 states that, "All development will have regard to the local historic context." The proposal does not include any change in the front elevation facing 83 High Street. The proposal includes extension at first floor level at the rear of 83 High Street and first floor extension along 8 Union Street.

The proposed extensions are similar to the previous extensions allowed in appeal APP/N5090/A/08/2071267. The difference from the previous scheme is that no extension is proposed over the accessway along Union Street.

The existing pedestrian access from 8 Union street would provide access to the office and the residential flats. Officers consider the rear of the 83 High street is not immediately obvious from the public realm - given the built- up nature of the space behind the High Street. The proposed first floor rear extension at 83 High Street would be sited on top of the existing part single and part two building. The proposal would not extend at the rear beyond the existing footprint of the building of 83 High Street. The existing internal courtyard would be retained, and proposed residential units would face the internal courtyard.

Though the proposed first floor rear extensions are deep, however the depth is similar to the existing single storey rear projection of the building at 83 High street. Furthermore, similar extensions were allowed in appeal as mentioned before. In this context, it is considered that the proposed rear extensions would be in keeping with the surrounding area and would not have significant detrimental impact on the character of the area and street scene.

Along 8 Union Street the first floor extension would match the adjoining neighbouring property and will not have any detrimental impact on the street scene.

There would not be any change in the front elevation facing the 83 High Street and the proposal is not considered to have any detrimental impact on the street scene and conservation area and historic significance of the shopfront.

It is noted that in the allowed appeal the inspector mentions that, the Union Street properties are generally dilapidated and detract from the character and appearance of the Conservation Area." The inspector goes on to mention that, "The refurbishment of the Union Street properties would be a positive enhancement."

It is noted that, the proposal would improve the existing condition and would be a positive enhancement over the current situation.

The inspector in the allowed appeal stated that, " The proposed extension at the rear which would replace the bakery, would be a contemporary building. PPG15 indicates that new buildings in conservation areas do not have to copy their neighbours in detail, but should respect their setting, follow fundamental architectural principles of scale height, massing and alignment and use appropriate materials. Thus, with careful attention to detailing and the materials used, I consider that the new building, which would have overtones of the existing 'industrial' courtyard, would be an acceptable replacement for the bakery structure. It would have a flat roof, but in this location, at the rear of commercial properties, I do not find that this would be a harmful feature. The development gives the opportunity for an attractive courtyard which would be glimpsed through the access from the street. Overall, I consider that the proposals for this building would preserve the character and appearance of the Conservation Area."

It is noted that PPG15 has been consolidated in the current NPPF (2019). NPPF in paragraph 127. states that, "Planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate

innovation or change". In paragraph 131, it further states that "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

The design of the current proposal is not that different from the previous allowed scheme in appeal. The current proposal would be contemporary in design with flat roof at the rear which would not be readily visible from the street. It is considered that the proposal would not have any detrimental impact on the character of the conservation area and street scene. The proposal would be an improvement than what is existing on site and would enhance the character of the town centre.

Council's Conservation officer was consulted on the proposal the officer has no objection subject to use of sympathetic external material. A condition would be attached to ensure appropriate materials are used within the conservation area.

In considering the context of the surrounding area, the site is characterised by mixed use with retail at ground level and residential and office at upper level. Taking these factors into account, it is considered that the proposed conversion and extensions at ground and first floor for residential flats and office space, would be acceptable and would not appear out of keeping with the surrounding area.

Overall, the proposed scale and form of the extensions are considered to be acceptable and would integrate with the existing character and appearance of the street. The proposed form and design would not harmfully add to the bulk of the existing building and would not appear adversely harmful within the wider character of the area.

DM16 states that, Archaeological remains will be protected in Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact. The proposal is located in area of Special Archaeological Significance and a Condition would be attached to address this issue.

#### Impact on residential amenity of neighbouring occupiers

New development should have due regard to the amenity of existing occupiers in neighbouring buildings.

The proposed windows of flat 1 and 2 would face the rear yard of no.85 at north and these windows would not directly overlook the rear habitable windows of neighbouring property no.85 and considered not to have any detrimental impact on the amenities of those neighbours.

The proposed windows of flat 1 and 2 would face the internal court yard to the south and would not directly overlook any rear facing window of neighbouring property no.81 to the south and considered not to have any detrimental impact on the amenities of those neighbours.

The properties along Union street are separated by the internal court yard and it is not considered to have any significant detrimental impact on the amenities of those neighbouring properties.

It is noted that the scheme under allowed appeal APP/N5090/A/08/2071267 also featured same separation gap and same sized internal courtyard. That proposal also featured habitable room windows in north and south façade as proposed under current application.

The proposed extensions would not have any overshadowing impact on No.85 to the north as the north façade would face the rear yard of no. 85.

The proposal would be sited to the north west in relation to the rear of property no.81 and considered not to cause any overshadowing impact for that property.

The proposed first floor extensions would be sited to the north in relation to the rear of properties along Union street and because of the orientation and separation gap provided by the internal courtyard, would not cause any overshadowing impact for those properties to the south.

Because of modest height of two storey and separation gap present by the internal courtyard at south and open yard at north the proposal is not considered to appear overbearing for the neighbouring occupiers.

Council's Environmental health officers where consulted on the proposal, the officer has no objection subject to condition regarding noise.

#### Provision of adequate accommodation for 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 Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The scheme comprises of  
Flat 1 - 2 bed 4person unit with 104 sqm GIA,  
Flat 2- 2 bed 4 person unit with 89 sqm GIA  
Flat 3- 1 bed 2person unit with 66 sqm GIA

The proposed units would comply with the minimal internal space standards. The bedrooms would meet the minimum standard. There is space to accommodate storage space.

The proposed flats would be dual aspect and would provide adequate natural light and considered acceptable in that respect.

Flat 1 and 2 would provide outlook towards the open rear yard at north and internal courtyard at south. First floor Flat 3 would provide outlook towards High street and rear terrace and courtyard. It is noted that the outlook from the flats towards the internal courtyard and terrace is not traditional, however this arrangement is same as the previous allowed scheme in appeal where the inspector mentions that, "the unit could offer unusual contemporary living space in a very accessible location and future occupiers would be well aware of the nature of the accommodation being offered." On this basis, it is not considered that the proposed flats would provide poor outlook for the future occupiers.

Sustainable Design and Construction SPD (2016) requires 5 sqm of outdoor amenity

space per habitable room. The proposed flat 1 would provide 17 sqm outdoor amenity at ground level. Flat 2 and 3 would provide 10 sqm of amenity space for each flat in the form of outdoor terrace. It is considered that the proposal would provide sufficient outdoor amenity space and considered acceptable.

It is considered that the proposal would provide adequate accommodation for future occupiers.

### 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.

The proposal does not provide any additional parking and the applicant mentions in the statement to enter into S106 agreement to restrict parking permit for future occupiers.

Highway officer informed that, the site lies within a Controlled Parking Zone (CPZ - Zone C) in operation from Monday to Saturday between 8am and 6:30pm. The Public Transport Accessibility Level (PTAL) of the site is assessed as 4 which is regarded as good accessibility.

Based on the PTAL rating for the site as 4 (good accessibility), approximately 3 off-street parking spaces would be required to meet the parking standards of DM17 policy. The proposed development will not provide any car parking spaces within the curtilage of the site and therefore is falling short of 3 parking spaces to satisfy the DM17 Policy standards.

The highway officer mentioned that, there was a previous planning application for this site (Ref: N/05621E/07) which was allowed at appeal subject to a Unilateral Undertaking enabling a "car free" development as per the relevant decision APP/N5090/A/08/2071267/

The officer informed that, a non-provision of car parking spaces on site would be acceptable, subject to a S106 or Unilateral Undertaking agreement for restricting the future occupiers from obtaining on-street parking permits within the CPZ. The applicant will need to make contribution of £2,072.55 to amend the relevant Traffic Management Order (TMO) and Monitoring fee of £101.10.

The provision of 5 cycle parking spaces at the rear of 8 Union Street is considered compliant with London Plan Cycle Parking Standards.

Two refuse bin stores are proposed to be located at the communal area accessed by Union Street and within 10 metres from public highway. The bins will need to be taken to the back of the footway fronting the site on collection days.

Highway officers have no objection to the proposal subject to S106/Unilateral Undertaking agreement and attached conditions.

### Accessibility and sustainability

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest

standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan policy 3.8 which requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' which will usually require the provision of a lift. The proposal is for extension and conversion above the existing retail unit. In this context, it is considered that the proposal does not need to comply with requirement M4(2).

Separate conditions will be attached to ensure compliance with the required carbon reduction and water sustainability requirements.

#### **5.4 Response to Public Consultation**

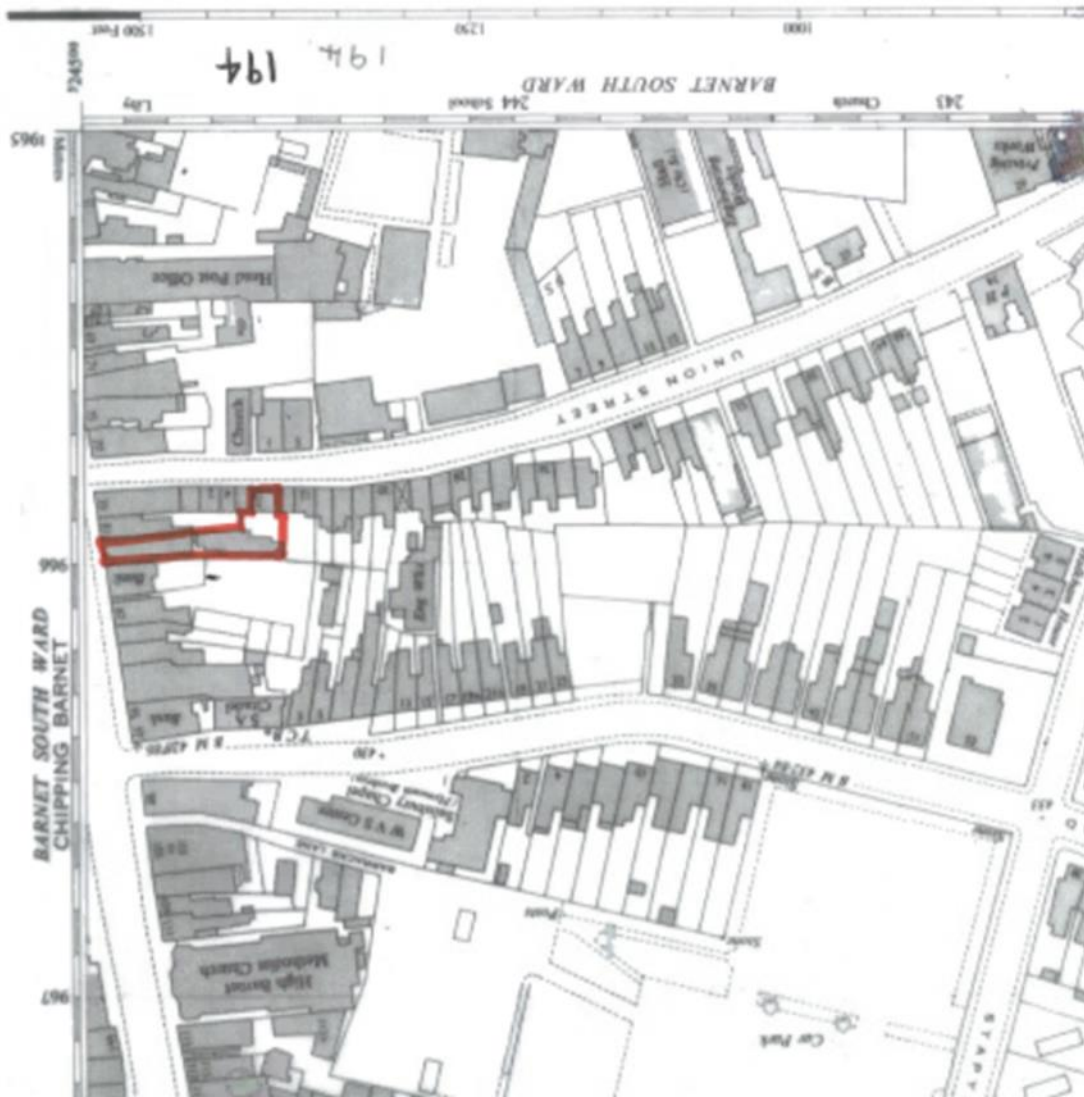
Addressed in the report.

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

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

#### **7. Conclusion**

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



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**Location** 33 Avondale Avenue Barnet EN4 8LT

**Reference:** 20/3347/HSE

Received: 22nd July 2020

Accepted: 23rd July 2020

**Ward:** Brunswick Park

Expiry 17th September 2020

AGENDA ITEM 9

**Case Officer:** Jacinta Naicker

**Applicant:** Mr. Alexander Findley

**Proposal:** Part single, part two storey side and 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:

Drawing No. 007 - Site Location Plan - dated 28/04/2020

Drawing No. 081 - Existing Block Plan - Revision A - dated 20/07/2020

Drawing No. 181 - Existing Plans Ground Floor Plan including Gardens - Revision B - dated 28/09/2020

Drawing No. 182 - Existing Plans First Floor Plan - Revision B - dated 28/09/2020

Drawing No. 183 - Existing Plans Second Floor Plan - Revision B - dated 28/09/2020

Drawing No. 280 - Existing Street Elevations Avondale Avenue. North Elevation - Revision B - dated 28/09/2020

Drawing No. 282 0 Existing Street Elevations - Chetwynd Avenue - West Elevation - Revision B - 28/09/2020

Drawing No. 283 - Existing Side Elevation within the site boundary - Revision A - dated 28/09/2020

Drawing No. 101 - Proposed Plans Ground Floor Plan - Revision E

Drawing No. 102 - Proposed First Floor Plan - Revision D - dated 28/09/2020

Drawing No. 103 - Proposed Plans Second Floor Plan - Revision B - 28/09/2020

Drawing No. 200 - Proposed Street Elevations Avondale Avenue. North Elevation - Revision E - dated 28/09/2020

Drawing No. 201 - Proposed Street Elevations. South Elevation along Avondale Avenue - Revision C - 28/09/2020

Drawing No. 202 - Proposed Street Elevations Chetwynd Avenue - West Elevation - Revision C - dated 28/09/2020

Drawing No. 203 - Proposed Side Elevation Within Site Boundary - Revision B - 28/10/2020

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 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).

## **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.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site contains a two-storey end terraced dwellinghouse (comprising of 4x terrace dwellings) located along Avondale Avenue, on a corner plot at the junction with Chetwynd Avenue, with significant level differences with the levels rising towards the rear.

The subject site comprises of a larger plot in comparison with other dwellings in the area as well as a large forecourt area which is used as off-street parking. The property benefits from part single and part two storey rear extension. The first floor with a flat roof. The site also comprises of two existing outbuildings used as a garage and additional storage.

The subject site is located directly opposite Oak Hill Park. The site is not within a Conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

The property is not subject to a listed building and there are no other planning restrictions associated with the site.

### **2. Planning History**

Reference: 19/6440/192

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Description: Roof extension, including, hip to gable, rear dormer window and 2no. rooflights to front roof-slope

Decision: Lawful

Decision Date: 2 January 2020

Reference: 19/6474/FUL

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Description: Erection of two storey dwellinghouse, including, off street parking space. Incorporating of a roof extension to No. 33. Avondale Avenue, including hip to gable

Decision: Withdrawn

Decision Date: 20 January 2020

Reference: 20/1292/192

Address: 33 Avondale Avenue, Barnet, EN4 8LT

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

Decision: Withdrawn

Decision Date: 9 April 2020

Reference: N02774B/01

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Description: Single storey side extension

Decision: Approved subject to conditions

Decision Date: 11 June 2001

### **3. Proposal**

The proposal seeks the construction of a part-single, part two-storey, side and rear extension to the property located at 33 Avondale Avenue.

The proposed side extension will measure approximately:

- 4.0m in width overall (NB: measured at ground floor. The proposed width of the first floor is setback 1.0m from the proposed ground floor and will have proposed width of 3.0m at the first floor)
- 10.1 metres in depth overall (NB: measured at the ground floor and inclusive of the proposed new rear extension. The depth of the first-floor is setback 1.0m from the existing front elevation of the property and will measure 9.0m)
- 7.4m in height (overall height of the side extension) and reduces height of the side extension reduces to 6.0m as it converges with the rear extension.

Overall, the proposed rear extension will measure approximately:

- The ground floor rear extension will measure 2.8m in height. The two-storey element of the rear extension will measure 6.0m in height.
- 9.7m in width (inclusive of the proposed side extension)
- 3.1m in depth

Following discussions with the applicant, the proposed development has been amended to reduce the overall size and scale of the extensions.

### **4. Public Consultation**

Consultation letters were sent to 9 neighbouring properties.

8 responses have been received, comprising 6 submissions in objection and 2 submissions in support.

Following amendments to the proposal, the 9 neighbouring properties were re-consulted. Five representations were received. Of the representations received:

- 1 new submission in objection was received;
- 2 submissions neutral/neither in support or objection to the proposal was received. These two "neutral" representations received, were originally in objection to the initial scheme but have since changed to neutral submissions.
- 2 submissions in support was received, who were also in support of the initial scheme.

Overall, there are 5 submissions in objection, 2 submissions in support, and 2 neutral submissions.

The submissions received in objection can be summarised as follows:

- Concerns regarding the proposed bulk and form of the proposal and it's adverse effects on the neighbouring properties, with specific regard to access to sunlight, privacy and overlooking toward the directly adjoining property;
- Concerns regarding the proposed bulk and form of the proposal which would result in over-development of the subject site;
- Concerns regard the proposed bulk and form of the proposal and it's adverse effects on the character of development within the context of the Chetwynd Avenue as well as the wider locality;
- Concerns regarding the future subdivision following the development of the side/rear extension;

The submissions in support received can be summarised as follows:

- Proposed development will suit/compliment the properties within the area;
- Proposed development will improve the residential interface at the corner of Avondale Avenue and Chetwynd Avenue;
- Proposed development is consistent with similar developments within the area

The submissions neither in support/objection received can be summarised as follows:

- The revised design are considered to be less unacceptable and more consistent with the development at No. 35 Avondale Avenue; and
- The revised design may result in adverse effects on access to light and will have a permanent impact on the set of terraces as a whole.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### **National Planning Policy Framework and National Planning Practice Guidance**

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

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

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

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

#### Barnet's Local Plan (2012)

Barnet's Local Plan - 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.

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

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (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 of the proposal on the character and appearance of the building, the street scene and the wider area

Policy DM01 goes on to state that "...development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets". The subject site is located on the corner of Avondale Avenue and Chetwynd Avenue, with primary access provided from Avondale Avenue. The site currently comprises of a two-storey terrace dwellinghouse. The surrounding area can be characterised as primarily suburban residential with a mixture of housing typologies ranging from semi-detached dwellings to terraced dwellings. The subject site is also located directly opposite Oak Hill Park (to the north).

The proposed development seeks the construction of a part-single, part-two storey side rear extensions. The proposed extension would be providing for a larger living spaces along the ground floor, additional bedrooms and bathrooms. As mentioned above, the proposal has been amended as the proposed development as submitted was considered to be contrary to Policy DM01 as it would result in development that would be in size, bulk and scale relative to the host property, having a detrimental impact on the character and appearance of the host property and surrounding area contrary to policy DM01 of the Development Management Policies DPD (2012), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (2012) and the Residential Design Guidance SPD (2016).

Following discussions with Council, the proposed development has been amended which are summarised as follows:

- Reduced width of the two-storey side extension;
- Reduced width of the first-floor rear extension;
- Relocation of a door-way within the flank elevation;

Proposed Side Extension

As noted above, the proposed development will be seeking a part-single, part two-storey side extension and has been amended to reduce the overall width of the side extension. The Barnet Residential Design Guidance - SPD (2016) states that side extensions to existing buildings can be unacceptably prominent features in the street scene. Para 14.15 states that side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene.

The proposed side extension will be setback approximately 3.2m at the ground floor and 4.2m at the first floor from the Chetwynd Avenue property boundary. The proposed development will be slightly larger than half the width of the original dwellinghouse, however given the size of the site and its location on the corner of Avondale Avenue and Chetwynd Avenue; the subject site is considered to be of a size that will be able to accommodate a slightly larger extension without appearing as an overly dominant addition to the host dwelling.

Furthermore, the proposed first floor element of the side extension will be setback approximately 1.0m from the principal building line, with the ground floor element aligning with the existing principal building line. The proposed setback of the front elevation of the first-floor level will ensure that the proposed side extension will appear as a subordinate addition to the host dwelling. The pitched roof over the proposed side extension will match the roof form of the existing dwelling and is set at lower height to the original dwelling.

The proposed development will match the building line of the existing terraces along Avondale Avenue and is considered to be consistent with the rhythm and pattern of development along Avondale Avenue. It is noted that the proposed side extension does not align with the line with the existing building line of properties along Chetwynd Avenue. Paragraph 14.19 Extensions on corner sites will be particularly open to public view. First floor extensions on corner sites should not project beyond the building line of the adjoining road. While the property is located on the corner of Avondale Avenue and Chetwynd Avenue, the primary entrance/elevation is oriented toward Avondale Avenue. The proposed side extension will not alter the main entrance of dwelling and will continue to be accessible from Avondale Avenue. While a door is provided for on the Chetwynd Avenue elevation, the door is not designed to be a primary access to the dwelling, rather it will function a secondary access for utility purposes.

It is important to note that the property at No. 35 Chetwynd Avenue has received approval for a similar level of development [Planning Reference: 19/2676/HSE] which allowed for a part single, part two-storey side and rear extension, single-storey front extension following the demolition of an existing storage structure. In this instance, the proposed ground floor side extension would replace an existing ground floor extension which extended toward the property boundary. The first-floor side extension was setback approximately 1.8m from the street boundary. The approved extensions would not align with the building lines along Chetwynd Avenue. Given the proposed side extension would be replacing an existing structure, the officers report does not consider any adverse effects from the proposed ground floor side extension extending to the property boundary. However, given there is an existing accessway/setback between the rear boundary of properties along Avondale Avenue and Chetwynd Avenue; there is less of a relationship between the built edge of properties along Chetwynd Avenue and Avondale Avenue.

While it is recognised that the proposed development does not align with the existing building line along of properties along Chetwynd Avenue; in this instance, given the accessway between the properties along Avondale Avenue and Chetwynd Avenue and considering the fact that the proposed side extension will maintain a setback from the Chetwynd Avenue boundary; the proposed development is not considered to undermine



the visual relationship between the pattern of development along Avondale Avenue and Chetwynd Avenue. As the proposal will not extend to the property boundary, the proposed development is considered to be more complimentary to the development pattern of properties along Chetwynd Avenue and will maintain the wider pattern of development of the surrounding locality.

### Proposed Rear Extension

The proposed ground floor rear extension will extend outward to match the existing rear building line of the existing rear projection. The proposed ground floor rear extension will not result in a built form that is inconsistent with or contrary to the existing character of the area.

The first-floor element of the proposed rear extension will be set approximately 3.29m off the common boundary with No. 31 Avondale Avenue and will be set approximately 4.2m from the property boundary along Chetwynd Avenue. The proposed development will not extend any further beyond the existing rear building line of the building and will not encroach any further toward the rear boundary shared with an accessway/ No. 3 Chetwynd Avenue. As discussed above, the proposed first floor element has been amended to ensure the proposed extensions are of an appropriate size and scale in order to maintain the character of the host dwelling and neighbouring properties.

The proposed first-floor rear extension does not strictly comply with the standards of the Residential Design Guidance - SPD (2016) and will result in a first-floor rear extension that will be more than half the width of the original dwelling. However, as discussed above, the size and location of the site (corner site) provides opportunity for the development of slightly larger additions to the host dwelling. Furthermore, the proposed roof form will be pitched to match the original roof form and will be set down from both the original roof line and the proposed roof line over the side extension. This helps to ensure that the proposed two-storey rear extension appears visually subordinate when viewed from the southern elevation. Therefore, in this instance, the proposed size and scale of the proposed first-floor extension is considered to be appropriate and will not result in any significant adverse effects on the character of the host dwelling, neighbouring properties and the wider locality.

The proposed rear extensions will not result in adverse bulk and form effects on the host dwelling and is not considered to appear visually unbalanced or inconsistent with the existing character of the dwelling, neighbouring properties and wider area. Furthermore, any visual amenity impacts can be adequately managed by conditions requiring all materials and finishes to be used on external surfaces to match those used in the existing building.

### Conclusion

For the reasons outlined above, the overall impacts of the proposed side and rear extensions are considered to be appropriate within the context of the subject site and wider area. The impact of the proposed development would not result in unacceptable adverse effects on the character and amenity of the existing building, streetscape and the wider area. The proposed extensions are considered to meet the principles of the Residential Design Guidance - SPD (2016) and therefore are not considered to be contrary to Policy DM01. Conditions of consent requiring the proposed materiality of the development to be complimentary of the existing dwelling will ensure that the proposed development will visually integrate into the existing built fabric of the dwelling.

## Impact of the proposal on the amenities of neighbours

Following the assessment of the wider character and amenity of the area, any potential adverse effects on neighbouring properties must be assessed. Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. As such, any potential impact on light, outlook, privacy and dominance towards the property directly to the No. 31 Avondale Avenue, No. 35 Avondale Avenue, and 3 Chetwynd Avenue.

### 31 Avondale Avenue

The subject site is the directly adjoining neighbour to the east of the host dwelling and shares a party wall. The neighbouring property benefits from a small rear projection along the boundary shared with No. 29 Avondale Avenue. The Residential Design Guide states that "there should normally be a minimum gap of 2.0 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions)". As illustrated in the submitted drawings, the proposed first-floor extension will be sufficiently set away from both No. 31 Avondale Avenue. Given the distance from the nearest principal rear window in the first floor of the neighbouring property and the proposed projection of the first-floor extension it is not considered that there would be any appreciable loss of amenity to the neighbouring occupiers and would not give rise to a loss of outlook or sense of enclosure as perceived from the principle rear window.

The proposed ground floor rear extensions will not result in any further increases to the built edge along the boundary shared with No. 31 Avondale Avenue. The proposed extensions are adequately setback from all neighbouring properties. The distance between the other properties will meet the minimum setback requirements; and is appropriately setback from the Chetwynd Avenue boundary and Avondale Avenue boundary. As such, the proposed development will not result in significant adverse overlooking effects between the subject site and the neighbouring properties.

### 35 Avondale Avenue and 3 Chetwynd Avenue.

Both of these properties are adequately set away from the subject site and will not be impacted in terms of bulk, dominance and shading. The proposed development will result in noticeable visual amenity effects for these neighbouring properties, however given the size, scale and design of the overall side and rear extension; and considering that the proposed roof form will match that of the existing roof form; the proposed development will be visually cohesive when viewed within the context of the four terrace units as a whole.

As discussed above, a condition requiring all materials and finishes on the building exterior to match the existing building will ensure consistency with the existing character of the building. As such, any visual amenity effects on the neighbouring properties are considered to be acceptable.

### Conclusion

Overall, any potential adverse effects on the development on the residential development of the surrounding area will be acceptable.

## **5.4 Response to Public Consultation**

A number of objections were received regarding this application at the time of submission and additional consultation following the amendments to the proposal.

The proposed amendments respond to many of the matters outlined in the objections to this application. Any subsequent matters raised following the submission of the amended design have been assessed in the sections above.

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

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

## **7. Conclusion**

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.



**Location** Finchley Progressive Synagogue 54A Hutton Grove London N12 8DR

AGENDA ITEM 10

**Reference:** 20/4733/FUL Received: 7th October 2020

Accepted: 7th October 2020

**Ward:** West Finchley Expiry 2nd December 2020

**Case Officer:** Sinead Normoyle

**Applicant:** Richard Greene

**Proposal:** One and half storey side extension, single and two storey extensions to existing basement and ground floor classrooms, reconfiguration of car park including provision of 1no. disabled parking space and secure storage for 16 cycles, replacement of existing bitumen roof with sedum roof and insertion of new raised element over sanctuary, installation of solar panels on roof, replacement windows and cladding of building with insulated render and cedar cladding

## **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. 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. A full School Travel Plan (STP) that meets the requirements of the TFL booklet 'What a School Travel Plan should contain' shall be submitted and approved at least 3 months prior to occupation
  4. The STP shall remain in place until the Year 5 STP review and STARS award have been approved.
  5. Consultation with staff, pupils, parents/carers, Governors, residents and other stakeholders must be completed within 3 months of occupation and the STP updated and re-submitted for approval within 6 months of occupation
  6. An annual hands up survey with pupils and staff.
  7. The STP shall be reviewed, revised and re-submitted for approval annually.
  8. A STP Champion shall be appointed at least 3 months prior to occupation and remain in position for the life span of the STP.
  9. The STP shall achieve at least Bronze level TfL STARS (Sustainable Travel,; Active, Responsible, Safe) in Year 1 of the STP and at least Silver level STARS from Year 2 of the STP for the lifespan of the STP.
  10. A STP monitoring fee of £5000 shall be required within 1 month of the 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:

Planning Statement - Finchley Progressive Synagogue, 54 Hutton Grove, N12 8DR,

305/18-PL-01,  
305/18-PL-02,  
305/18-PL-03,  
305/18-PL-04,  
305/18-PL-05,  
305/18-PL-06,  
305/18-PL-07.

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

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

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

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

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

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

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

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

with the development.

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

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

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

5 a) 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.

6 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).

7 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.

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

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

- 9 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.
- 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 that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 10 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 305/18-PL-05; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed by 10.09.2021, 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 mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy DPD (2012) and Policy DM17 of the Adopted Development Management Policies DPD (2012).

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 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 [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  
- 3 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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices> We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

Finchley Progressive Synagogue is a brick built single storey community building located on a backland site on the edge of North Finchley town centre. The building is accessed via a gated single-track driveway from Hutton Grove. Levels rise-up from Hutton Grove. A car park is located to the side of the building in addition to a garden area.

The building is used extensively by both the FPS community and outside organisations. It is open every day of the week. In addition to religious services the building is used for fitness classes; youth groups; lunch clubs; karate classes; a winter homeless shelter (as part of Homeless Action in Barnet); food bank services and refugee support services. In addition to which the Southover Partnership is based at the building during the week.

The surrounding area is predominantly residential, characterised by terraced and semi-detached properties.

The property is not listed nor is it located within a conservation area.

## **2. Site History**

N/A

## **3. Proposal**

One and half storey side extension, single and two storey extensions to existing basement and ground floor classrooms, reconfiguration of car park including provision of 1no. disabled parking space and secure storage for 16 cycles, replacement of existing bitumen roof with sedum roof and insertion of new raised element over sanctuary, installation of solar panels on roof, replacement windows and cladding of building with insulated render and cedar cladding.

## **4. Public Consultation**

Consultation letters were sent to 209 neighbouring properties.

34 responses have been received, comprising 3 letters of objection, 27 letters of support and 4 letters of comment.

The objections received can be summarised as follows:

- o Do not wish for a smaller carpark. As this is a great asset to all building users, particularly for the elderly and disabled;
- o The building size is adequate as it is;
- o Object to the unnecessary expense of extensions;
- o The car park should not be made smaller, besides which the car park area is a useful outdoor space for the building: currently useful for drive-in services and other purposes;
- o A stair/wheelchair lift could be installed to the basement;
- o There is an emergency exit onto our property behind the carpark. If there is a substantial increase of people who will now be accessing the synagogue, potential damage to our property might occur;
- o Not in keeping with the character of the area;
- o Concerns regarding privacy, security, noise, congestion, pollution and parking risk/impact;
- o The synagogue has also not provided any written undertaking/guarantee that they will be fully and directly responsible and liable for the full cost of any/all damage and

repairs to property, fencing and garden in the event of any damage;

- o Significant increase in congestion and potentially further obstruction on Hutton Grove, which already is a busy cut through road for traffic going from Nether Street to the Finchley High Road;
- o Oversized vehicles;
- o Significant increase in noise;
- o Multiple extra windows and bi-folding doors on the side facing Hutton Grove will overlook rear gardens.

The supporting statements received can be summarised as follows:

- o Current building needs updating;
- o New building will be more energy efficient;
- o Good design;
- o Fit for purpose,
- o The sedum roof and new planting opportunities should help increase biodiversity on the site;
- o Improve the aesthetic experience;
- o synagogue building greener, more beautiful, more functional and more versatile.
- o The sedum roof and new planting opportunities should help increase biodiversity on the site;
- o Will result in less traffic in the road and encourage people to cycle or walk;
- o The building provides valuable social justice support for the wider local community and the building is in great need of repair and renovation.

The representations received can be summarised as follows:

- o Noise;
- o Increased commercial letting;
- o Anti-social behaviour;
- o All activities should stop at 10pm;
- o Support the principle improvements.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

## The Mayor's London Plan 2016

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

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

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

## Barnet's Local Plan (2012)

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

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

Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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)

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;

- Highway impacts

### **5.3 Assessment of proposals**

#### Design, appearance, and character matters

The National Planning Policy Framework (February 2019) states in Paragraph 124 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."

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. It also states that developments should be safe, attractive and fully accessible.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets (point b).

The subject application wishes to update the existing Finchley Progressive Synagogue which was built in 1964. The current building is dated in appearance. The proposal would update the building, the bulk and mass would remain largely the same with an increase in height to the northern side of the building.

The Finchley Progressive Synagogue is applying for the following alteration and additions:

A one and a half storey side extension to the north east (facing the car park) increasing the size of the small hall 40.4m<sup>2</sup> to 103.3m<sup>2</sup>. The hall will be able to accommodate 96 seats.

Single storey extension to the front of the building to increase the size of the reception area/office.

Single storey rear extension to basement classrooms; marginally increasing the size of the classrooms. Single storey rear extension to the ground floor classroom increasing the room size by 43.m<sup>2</sup>. Internal remodelling and reconfiguration of rooms to improve the current arrangement.

A new flat roof is proposed with raised section with clerestory windows over existing sanctuary.

Replacement of existing flat felt roof with new sedum roof to be set behind parapet wall, including the installation of 72 solar panels on roof. Replacement windows and cladding of existing building with insulated render and vertical open jointed oiled red cedar cladding.

The existing car park will be altered to provide one disabled space and secure storage for 16 cycles, 12 parking spaces will be removed, resulting in 15 spaces being retained.

The proposed alteration and extension to the existing building are considered an improvement. The material chosen will improve the energy efficiency of the building and improve aesthetic appearance.

Subject to the conditions recommended, the proposal is found to be acceptable and

compliant with development plan policies as they relate to design, character and appearance matters.

### **Impact on amenities of neighbours**

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users (point e).

The existing community use would be retained and enhanced through the proposed extensions and alterations. The update would provide a multi-functional accessible community hub.

The applicant has designed the proposal to have little impact on the surrounding neighbours.

Objections have been received from the residents of Hutton Grove regarding overlooking of rear gardens. It should be noted that the building will not be extended on the boundary with Hutton Grove. It is proposed to replace the windows on this elevation. The existing building features a number of windows and doors to this elevation. The proposal features three windows, two doors and a bifold door. It is noted there will be an increase in glazing however, planting is proposed along this boundary which will help minimise any overlooking of neighbouring gardens. The increase in glazing would not cause unacceptable overlooking over and above the existing situation to justify refusal.

The use of the building is already established and would not change. The proposal is not considered to result in an unacceptable level of harm to neighbouring amenity.

### **Impact on highways and Parking**

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's policies in regards travel impact and parking standards.

A Highways Officer has been consulted and made the following comments:

The site has a PTAL of 3 (average), with 7 bus routes within 4-7 minutes walking distance of the site and Woodside Park tube station is 10 minutes walking distance of the site. However, the main highway issue here is the loss of 12 parking spaces from 27 to 15 spaces as the increase in floor area is relatively modest (10%) from 706sqm to 783sqm.

While the site is in a CPZ (Mon-Sat, 9am-5pm), the loss of parking could potentially displace parking outside CPZ hours.

The provision of 16 cycle parking spaces is welcome and these should be housed in a covered, sheltered, secure, lockable and enclosed compound. This is to be secured by way of a condition.

Highways would also request that a travel plan is prepared for the synagogue. This is to be secured by s106 and a contribution would be sought towards travel plan monitoring.

### **5.4 Response to Public Consultation**

The public consultation comments have been addressed within the report and through



conditions of consent.

In relation to neighbours amenity, it is considered that the modest increase in floorspace will not result in significant additional activity on the site compared to the range of activities that already take place. There are no extensions to the side of the building immediately rear of the Huttton Grove properties.

Potential additional parking demand can be mitigated through the adoption of a Faith Travel Plan which will encourage sustainable transport to the site. This will be secured via the legal agreement.

Matters relating to damage to property during construction is not a planning matter.

## **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.

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