

**MEETING**

**PLANNING COMMITTEE C**

**DATE AND TIME**

**THURSDAY 27TH MAY, 2021**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL**

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

**Membership to be confirmed at Annual Council on 25 May 2021**

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

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**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), 0208 359 5129

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 - 6
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.	24 - 26 Arcadia Avenue London N3 2JU (Finchley Church End)	7 - 22
7.	Trees Austell Gardens London NW7 4NS (Mill Hill)	23 - 44
8.	18 Cotswold Gardens London NW2 1QU (Golders Green)	45 - 54
9.	1 & 7 Station Road London NW4 4FA (West Hendon)	55 - 70
10.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee C

13 April 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 welcomed everyone to the meeting and apologised on behalf of Officers for the meeting having been convened with only one application on the agenda. He advised that officers would be reviewing the process moving forward, to ensure this did not happen in future.

**RESOLVED that the minutes of the meeting held on 9<sup>th</sup> March 2021 be agreed as a correct record.**

### 2. ABSENCE OF MEMBERS

None.

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

Councillor Freedman declared an interest in item 6 by virtue of living in the ward of the trees to which the application relates.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

None.

### 6. BIG SITE ALLOTMENTS - LAND BETWEEN COLERIDGE WALK, ADDISON WAY, HOGARTH HILL, WORDSWORTH WALK (ADJACENT 27 WORDSWORTH WALK) LONDON NW11, HAMPSTEAD GARDEN SUBURB - TPP/1013/20

The Chairman proposed that the one application on the agenda be deferred to the next Planning Committee A meeting, due to the Vice-Chairman experiencing technical difficulties that prevented him from being able to participate in the virtual meeting. The application was within the Vice-Chairman's ward of Hampstead Garden Suburb and he

wished to be able to speak in relation to the item. The Committee unanimously agreed for the item to be deferred.

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

None.

The Chairman declared the meeting as closed at 7.05pm

**Location** 24 - 26 Arcadia Avenue London N3 2JU

**Reference:** 20/2999/FUL

Received: 3rd July 2020

Accepted: 3rd July 2020

**Ward:** Finchley Church End

Expiry 28th August 2020

AGENDA ITEM 6

**Case Officer:** Sinead Normoyle

**Applicant:** Nimesh Sachdev

**Proposal:** Partial demolition of the existing building, external alterations including the construction of an additional storey, provision of extraction units to roof, alterations to car parking layout and the erection of perimeter fencing. Associated refuse/recycling storage and cycle parking

### **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.

D1-D4 existing plans and elevations

11,

12,

13,

14 Rev B,

15 Rev B,

16 Rev B,

17 Rev B,

18 Rev B,

19 Rev B,  
Design and Access Statement,  
Sound Acoustics report 28 July 2020,  
Cover letter 02/07/2020.

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

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

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

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

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

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

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



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

- 4 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.

- 5 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).

- 6 Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a revised parking layout plan showing 23 spaces including 2 disabled parking spaces, including exact dimensions of the

existing/proposed

access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 23 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant will be require to enter into a s184/278 agreement for any off-site highway works to be undertaken in connection with this 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.

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 8 (long stay) and 4 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 8 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of 5 active and 2 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 9 The premises shall be used for B8 storage, offices within Class E and commercial kitchens as set out in the application documents only 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 neighbouring

residents in accordance with policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012 .

- 10 The premises shall not be used for sale or delivery of food direct to members of the public.

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 neighbouring residents in accordance with policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012 .

- 11 The sizes and layout of the kitchens shall be retained as shown on the approved drawings.

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 neighbouring residents in accordance with policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012 .

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

chargeable development.

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

Please visit

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

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

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

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

## **1. Site Description**

The host site lies at the end the cul-de-sac known as Arcadia Avenue, within the Finchley Church End ward.

The site covers an area of 0.2ha and consists of a two-storey industrial brick building. The site is currently occupied by Dephna Group, and primarily used for storage units (Use Class B8). The building is in B8 use with ancillary B1 offices. The building is currently used for a combination of services including serviced offices, self-storage units and works units. There are presently no kitchens on site. The site benefits from a forecourt which accommodates off-street parking.

The site does not benefit from a heritage designation; however it is directly adjacent to the Glenhill Close Conservation Area to the southeast. In addition, towards the west on Regents Park Road there is a Grade II listed building known as King Edward Hall. Further south lie Avenue House Grounds which include a Grade II listed building. This public park is accessed from East End Road.

The site falls within Flood Zone 1, which is defined as having a low probability of flooding.

Surrounding the site on Arcadia Avenue, is a mixture of commercial uses, some of which have recently benefitted from office to residential prior approval, and residential uses. Glenhill Close itself accommodates residential development. To the northwest lies the Finchley Church End Town Centre.

The site features a Public Transport Accessibility Level (PTAL) of 4, however, is close to areas of 5 owing to its relative proximity to Finchley Central Tube Station. Streets surrounding the site are subject of Controlled Parking Zones (CPZ) for either resident or charged parking.

Due to the commercial context of the site, the land does not feature vegetation at the front; there are some mature trees which lie on third party land, mainly within the Glenhill Close Conservation Area.

## **2. Site History**

Reference: C07519C/00

Address: 24 - 26 Arcadia Avenue, London, N3 2JU

Decision: Finally Disposed Of

Decision Date: 4 March 2003

Description: Change of use from a warehouse to a motor vehicle repair workshop.

## **3. Proposal**

Partial demolition of the existing building, external alterations including the construction of an additional storey, provision of extraction units to roof, alterations to car parking layout and the erection of perimeter fencing. Associated refuse/recycling storage and cycle parking

## **4. Public Consultation**

Consultation letters were sent to 228 neighbouring properties on the 02.08.2020. The

neighbouring properties were re-consulted on the amended plans received on the 18.12.2020.

50 letters of objection have been received.

- o Drawings are poor quality and inaccurate,
- o The proposed building - a 30 metre wide x 40 metre long x 10 metre high solid brick box on three sides - has taken no notice of its neighbours and made no concessions to them.
- o It is inappropriate in scale and operation and incompatible for a neighbourhood with residential units immediately surrounding
- o The scale of development makes in a factory,
- o Hours of operation have not been stated,
- o Loss of privacy,
- o Residential area,
- o Kitchen odours, industrial bins, air pollution
- o Traffic concerns,
- o Not in keeping with the area,
- o Architectural conservation
- o No place in a residential area with some commercial office space
- o Reduce light,
- o Healthy issues, Waste pollution and vermin
- o impact on the surrounding neighbours will be huge due to loss of sunlight, increase in noise pollution, smell and the increase
- o in vermin due to food waste generated from these kitchens.
- o Overdevelopment,
- o Adequacy of parking/loading/turning
- o unobtrusive smells and noise,
- o Effect on listed building and conservation area
- o 24/7 365 days noise pollution - extractor & condenser units.
- o increase the industrial element
- o constant delivery vehicles driving to and from
- o What will be the days and hours of opening?
- o How many employees will be working in the building? And how many shifts?
- o What will be the impact on Arcadia Avenue from deliveries - both in-going and out-going?
- o the sustainability of the "dark kitchen" model
- o What is the anticipated amount of deliveries per day?
- o Will Deliveroo style motor scooters be driving up and down Arcadia Avenue at all hours of the day and night?
- o How much rubbish will 22 commercial kitchens generate? How will Dephna protect against vermin? How often will rubbish and grease removed? Is there a provision for an industrial sized trash compactor? How often will the grease traps be cleaned?
- o How will Dephna attenuate the noise generated by 22 rooftop mounted extract fans?
- o How will Dephna mitigate the cooking odours from 22 extract fans?
- o How much of a fire risk is the proposed project? Is my flat, which is 1.2 metres away, at risk?
- o constant delivery vehicles driving to and from

## **5. Planning Considerations**

### **5.1 Policy Context**

## National Planning Policy Framework and National Planning Practice Guidance

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

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

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

### The Mayor's London Plan 2021

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

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

E1 - Offices

E2 - Providing suitable business space

E7 - Intensification, co-location and substitution for industry

SI 2 Minimising Greenhouse Gas Emissions

T6 - Residential Car Parking

### 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, 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

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**

- i. The Impact on the appearance and character of the area
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. The impact on the amenities of neighbouring occupiers
- iv. Parking and highways
- v. Refuse and recycling storage

### **5.3 Assessment of proposals**

#### Principle

Arcadia Avenue is a commercial road and forms part of a strategic employment area. The subject building encompasses serviced offices, self-storage units and work units presently.

The site is currently in lawful use for storage units (Use Class B8) with ancillary offices. The proposal put forward as part of this application does not seek to change the use but undertake extension and alterations to the existing building.

The site will continue to be used for cold storage units, storerooms, offices within Use Class B8 with the introduction of kitchens for food preparation. The site is identified for such uses through the Regents Park Road Employment Cluster.

The principle for extending the existing building would not be opposed subject to the below considerations.

#### Impact of the Proposal on the Character and Appearance of the Area

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

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

Arcadia Avenue has traditionally been a commercial road with the original buildings on the road constructed for commercial purposes within the Regent's Park Road Employment Cluster.

The proposed development proposes the part demolition of the building that is used for ancillary offices and the subsequent provision of a larger area for on-site parking.

The works will be accompanied by a number of external alterations to the building including the erection of an additional storey measuring a maximum of 11.55m in height, the existing height being a maximum of 8.6m as such an increase of 2.9m. The proposed

ridge height would measure 10.3m which is an increase of 2.1m. Many of the surrounding buildings on Arcadia Avenue measure up to four storeys in height. As such, the increase in building height would not be out of keeping with the surrounding area.

The subject application has been amended several times, the design, scale, and bulk of the roof was changed to a more sympathetic mansard roof design with a lower eaves level on the Arcadia Avenue elevation which would not be considered to be detrimental to the host building or surrounding streetscape. The mansard roof has been set back 1.5m from the first floor to reduce the visual impact when viewed from neighbouring buildings.

New external materials are proposed to provide a more aesthetically pleasing appearance.

The internal alterations will provide commercial kitchen spaces on the ground floor with individual cold storage units and storerooms on the two floors above, all of which measure over 100 sqft each.

Eight ancillary offices will also be re-provided on the second floor.

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

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

#### Impact on Residential Amenities

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The neighbouring properties have been converted via prior approval applications for the change of use of commercial properties on the road to a residential use. As a result, the site now adjoins a number of residential properties, which up until recently, were in use as commercial offices (Use Class B1).

The subject application has been amended to feature a mansard roof extension, with eaves lowered on the Arcadia Avenue elevation to lessen the visual impact and any reduction in daylight and sunlight for the adjoining occupiers. This is further documented within the submitted daylight and sunlight assessment.

Views of the development from the windows of flats in Gallery Court, Arcadia Avenue have been submitted for assessment to show there will not be a detrimental impact when viewed from Gallery Court.

The proposal is setback 2.97m from the shared boundary with the houses to the rear of Linchfield Grove. There is a distance of 27.17m from the proposal to the rear elevation of dwellings on Linchfield Grove.

The application site currently runs a 24-hour commercial operation from the premises, which can have more than 100 operators. Although the site is predominately used during the daytime, it is currently in use 24 hours a day, the subject application does not wish to

alter the hours of operation.

It has been advised by the applicant that there will be roughly 2/3 workers per kitchen, and approximately 1 worker for every 5 storage units. There will subsequently not be an increase in the number of workers attending the site, but rather a slight reduction given the proposed demolition of the existing ancillary offices.

The applicant further states that: "the commercial kitchens are not used by mass producers of food but provide a space for the food industry business and in particular, small artisan caterers, to develop their food products and expand into the sector. This is evidenced by the range of operators who occupy existing Dephna sites and consist of predominately bakers, smoothie makers, popcorn makers and healthy fitness meals creators. The units are not of a size where food can be massed produced and as clearly evidenced above, the operators are not handling or creating food which would create pungent smells or odours on the surrounding area."

The premises will not operate a food delivery service for customers.

With regards to noise from plant and kitchen extract noise and odour concerns raised by nearby residents - the Council Environmental Health team were consulted on the application and recommended conditions including a construction method statement, restrict noise from plant, impact of noise from ventilation and extraction plant on development, odour and smoke control from kitchen extraction systems be added to the consent. These conditions will protect the surrounding residential from nuisance smells and noise resulting from the commercial kitchens.

Furthermore, an acoustic assessment, prepared by Sound Acoustics Limited, confirms that any noise from the development would meet the standard guidance for internal noise.

The report concluded that the new proposed plant proposed is predicted to be quieter than the existing plant on site, which will be of a benefit to the surrounding occupiers.

The proposal also includes the erection of new perimeter fencing and security gates to the larger car parking area so it can accommodate 23 car parking spaces, which is an uplift of 15 spaces. Twelve cycle spaces are also proposed.

The proposal is not considered to significantly harm the amenity of the occupiers of the neighbouring properties. Controls over the type of uses are covered in the suggested conditions.

### Highways and parking provision

The site is situated on Arcadia Avenue, a no-through road fronted by commercial properties and office buildings. Arcadia Avenue is a side road off Regents Park Road, a classified road (A1000) which is one of the main north-south radial routes through the borough.

Arcadia Avenue is in a Controlled Parking Zone (CPZ) which operates on weekdays only (Mon-Fri between 2-3pm) and the road is covered by yellow lines and residents permit bays.

The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 0 (poor) - 6 (excellent). This suggests that the site has good access to public transport. The closest

pair of bus stops are located on Regents Park Road, within a two-minute walk of the site. There are 6 bus routes available within a 400metre walking distance of the site and Finchley Central Tube Station on the northern line is 275 metres to the north-east of the site.

The construction of an additional storey will increase the total floorspace to 3583.1sqm. Based on London Plan parking standards, for outer London sites of 1 space per 100 - 600sqm, a maximum allowable parking provision of between 6 - 36 spaces. With a PTAL rating of 4, around 20 spaces will be acceptable.

Hence, the provision of 23 spaces is satisfactory and Highways would recommend that 2 of these spaces should be marked as disabled bays. 2 loading bays are proposed but it is not clear if these will be for lorries or cars. A revised parking layout plan is therefore requested by way of a planning condition. Also swept paths drawings showing service and refuse vehicles entering the site in forward gear are requested.

Based on London Plan standards, a minimum of 4 active and 2 passive electric vehicle charging points are required. These are to be secured by way of a planning condition.

Based on London Plan cycle parking standards, 8 long stay and 4 short stay cycle parking spaces. A cycle store with 12 spaces is provided at the end of the site. While this is acceptable, Highways would recommend relocating the cycle store closer to the entrance and away from the bin store. Cycle parking should be provided in a covered, sheltered, secure lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition is therefore requested.

Existing servicing and refuse storage and collection arrangements will remain unchanged and this is acceptable. Elevations of the refuse store and collection arrangements are required. A servicing management plan condition is therefore recommended.

A construction management logistics plan for construction of the additional storey can be secured by way of a planning condition.

A travel plan and travel plan monitoring contribution of £15,000 is required for the site.

Highways would raise no objection to the proposal subject to a s106 CPZ restriction and a contribution of £15,000 towards travel plan monitoring as well as the imposition of conditions.

## **5.4 Response to Public Consultation**

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

In relation to neighbour's amenity, it is considered that the increase in floorspace will not result in significant additional activity on the site compared to the range of activities that already take place.

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

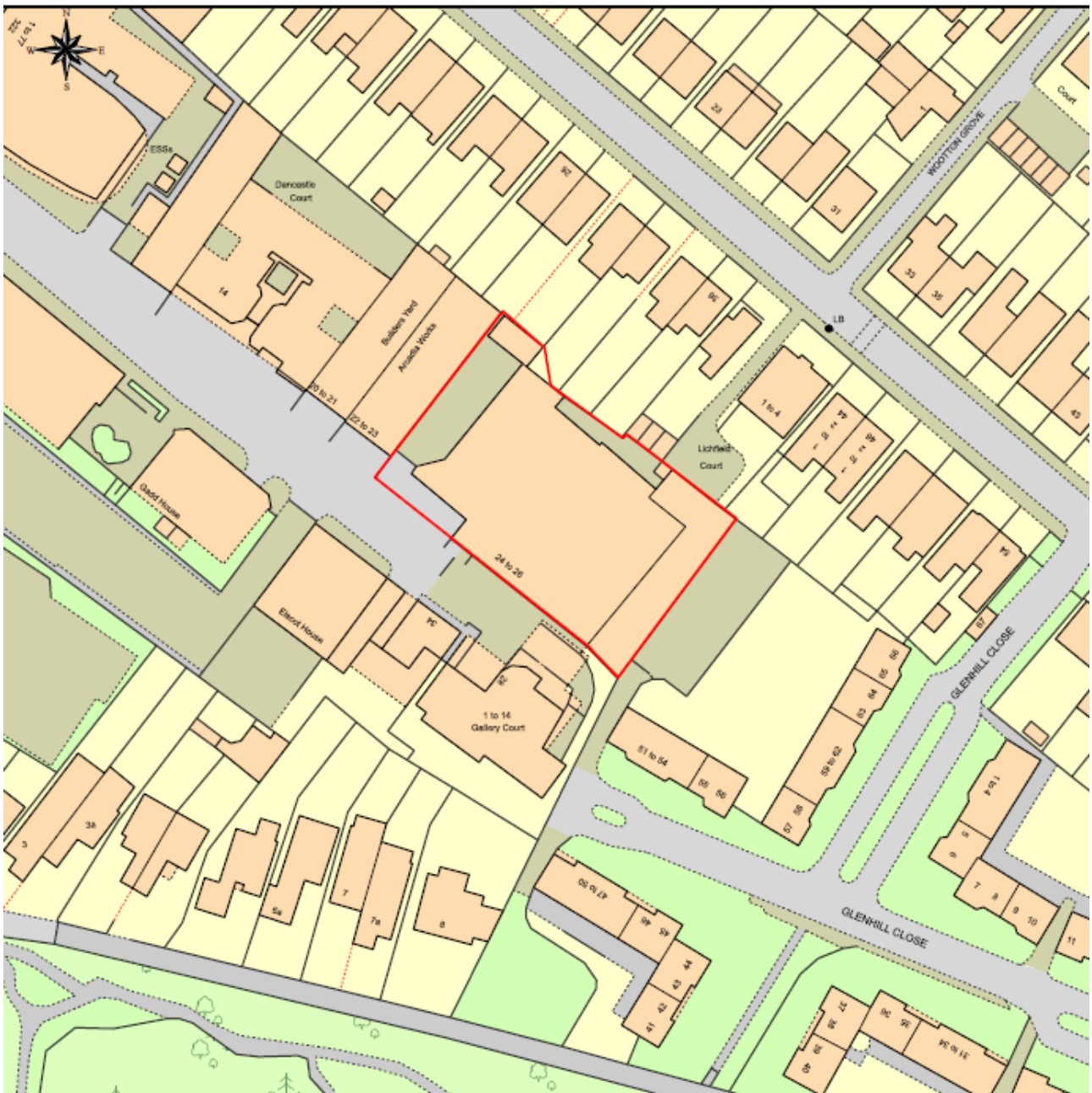
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory

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.

### Site Plan



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**Location** **Trees Austell Gardens London NW7 4NS**

**Reference:** **20/4044/FUL** Received: 2nd September 2020  
Accepted: 23rd September 2020

Ward: Mill Hill Expiry 18th November 2020

**Case Officer:** **Jack Wride**

Applicant: Sammy Conway

Proposal: Erection of new dwelling on side of house. Associated refuse/recycling area, cycle store and amenity space, provision off street parking

AGENDA ITEM 7

### **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:

Covering Letter (dared 01.09.20 and received 02.09.20)  
PL01 - Location Plan (received 02.09.20)  
PL02 Rev A - Context Plan (received 02.09.20)  
PL03 - Existing Floors, Elevations & Site Plan (received 02.09.20)  
PL04 Rev D - Proposed Ground Floor and First Floor Plan (received 26.02.21)  
PL05 Rev D - Proposed Proposed Second Floor andRoof Floor Plan (received 26.02.21)  
PL06 Rev D - Proposed Elevations (received 26.02.21)  
PL07 Rev D - Proposed Sections Plan (received 26.02.21)  
Amended Design and Access Statement Rev (dated 26.02.21 and received 02.03.21)

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 the London Plan 2021.

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

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



Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and updated London Plan (2021).

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and the updated London Plan 2021.

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

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy G7 of the London Plan 2021.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2012) and the updated London Plan 2021.

- 8 Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

The development shall then be implemented in full accordance with these details

Reason: To ensure that there is net gains in biodiversity in accordance local planning policy DM16 and Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the London Plan 2021.

- 9 a) Notwithstanding the approved plans, 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).

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

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

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

- 11 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles, with the parking space lining up correctly with the vehicle crossover likely to be approved by the Highways Authority, 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.

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

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

- 13 Before the building hereby permitted is first occupied, the proposed side facing first floor windows in the north/south elevations, facing Chatsworth / Trees, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the baseline of Part L of the current Building Regulations (2021). 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 SI2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI05 of the London Plan 2021 and the 2016 Mayors Housing SPG.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan (2021) and the 2016 Mayors Housing SPG.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any Class of Part 1 of Schedule 2 of that Order shall be carried out within the area of the proposed dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the proposed landscaping, the visual integrity of the design and the general locality within this confined location 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.
- 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 £60 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 £135 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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

4 For any proposal new crossovers or modification to existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossovers Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

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 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."

7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## **OFFICER'S ASSESSMENT**

### 1. Site Description

The application site relates to a new infill plot between the detached properties of Trees and Chatsworth on the east side of Austell Gardens. There is a slight north-south fall in the land across the site.

The immediate area of Austell Gardens is a residential cul-de-sac, with a variety of different housing design and typologies, primarily detached, but with terraced groupings at the head of the road. The pattern of development, including plot size and gaps between buildings is likewise mixed, but generally tending towards smaller gaps than usual between larger detached properties.

The site is not located within a Conservation Area nor subject to any other relevant planning designations. It has a PTAL rating of 0 (worst) and is in Flood Zone 1.

### 2. Site History

Various onsite extension to the Trees property, including W02345K/06 - erection of single storey front/side extension (approved 14.12.2006) and H/01746/09 First floor side extension (approved 15.07.2009).

No formal planning history regarding the creation of a new dwelling on this site.

#### 2.1 Other Relevant History

H/03498/12 - Front porch extension, conversion of garage into habitable space including replacement of garage door with matching window at Chatsworth. Approved 06.11.2012.

### 3. Proposal

Erection of new dwelling on side of house. Associated refuse/recycling area, cycle store and amenity space, provision off street parking  
Dwelling Details (3 bedroom / 5 person dwelling)

The proposed dwelling is a narrow gable end design. Maximum dimensions 14.9 metres by 6 metres with a staggered rear elevation at both ground and first floors (with cut-out sections facing Chatsworth). Distance to plot boundary approximately 0.9 metres. Materials are brick, tiles and UVPC windows.

Waste and recycling areas are designated in the front garden area, alongside two off street parking spaces. Cycle storage in rear garden (accessible via side passageway).

Total Number of Habitable Rooms: 6 (including 2 double sized), including 3x Bedrooms with en-suites (11.1 m and 20.6 m<sup>2</sup>) & Living/Kitchen Room (65m<sup>2</sup>) - Note the loft bedroom is designated bedroom 4 in error



Gross Internal Area - 147m<sup>2</sup> (72m<sup>2</sup> ground floor / 55m<sup>2</sup> first floor / 20m<sup>2</sup> second floor)

Private Amenity Space - 125m<sup>2</sup> (rear garden, excluding bike storage and pathways)

This is a revised scheme, with design improvements to the roof form; removal of dormer window; removal ambiguities regarding boundary and works outside of the application red line; and reductions to both front and rear footprints of the proposed property to better correspond to the building line.

#### 4. Public Consultation

Neighbour consultation letters were sent to 44 neighbouring properties and a general site notice (posted on 01.10.2020).

Twelve (12) responses were received, including from the Mill Hill Preservation Society, which are summarised below:

- o Neighbouring Amenity - Height, design and proximity of the proposed construction would significantly impact on Chatsworth, including loss of light and privacy
- o Neighbouring Amenity - Loss of privacy for 33 Tretawn Gardens to rear of site
- o Neighbouring Amenity - Neighbouring windows not shown on plans
- o Character & Appearance - The proposal is contrary to para 6.8: "The character of streets with detached houses...is informed by gaps between buildings, and this rhythm of development should be maintained".
- o Character & Appearance - Depth of the proposed building is such that a terracing effect
- o Character & Appearance - The proposed house is on a narrow plot of land that does not adhere to the minimum distance from Chatsworth.
- o Character & Appearance - The proposal is not in keeping with the pattern of local development and is an obvious example of overdevelopment.
- o Character & Appearance - Precedent for further development in Austell Gardens
- o Character & Appearance - Removal of a number of trees and other landscape features
- o Character & Appearance - Against the principles for new dwelling set out in Barnet's Residential Design Guidance
- o Transport - Austell Gardens is a very narrow cul-de-sac, which reduces to a single lane outside the proposed development. There is inadequate space for the inevitable increase of traffic
- o Transport - Off street parking is a major issue for all residences in this road
- o Transport - Parking provision of two spaces may or may not meet policy, but the site is too small to accommodate any more (visitor) vehicles, which would put pressure on the already congested local roads.
- o Transport - Impact on refuse collection
- o Transport - Narrowness of the road at the site does not lend itself to creating a drive entrance
- o Transport - Issues during construction with loading and turning of heavy construction vehicles. Damage to the road surface. The construction period would prevent access for residents and emergency vehicles further down the road putting people, including children, at risk

Please see the main appraisal section for responses.

- o Drainage & sewage issues would be exacerbated

Such issues fall outside of the remit of the planning system. This issue would be covered by Thames Water.

- o Why are there no dimensions shown on the drawings?

The plans are to a standard scale and, as such, measurements can be effectively scaled off the drawings. They meet the required minimum standards set out in Barnet's Local Requirements

- o Building an additional property on the site of Trees would be in direct contravention of the restrictive covenant
- o Disputed the boundary demarcation on our side of the proposed development between Trees and Chatsworth

Covenants and other such issues are not within the remit of the planning system and would need to be resolved by interested parties through the legal system.

- o Why has the council NOT advised us of this development as of today's date 25th September 2020

Property is listed on the system as having been sent a consultation letter (in addition to the site notice posted). The number of comments received suggests there has been no substantive issues with the neighbour consultation and the representation from this property has formed part of the planning assessment.

#### 4.1 Internal Consultation

Barnet's Transport and Development Team commented on 13.10.20 :

The proposal is for the construction of a new 4+bed single family dwelling with the provision of 2x off-street car parking spaces. The proposed provision of 2x off-street car parking spaces is in line with requirements set out in Policy DM17 of the Barnet Local Plan and is therefore acceptable on Highways grounds.

A revised, detailed drawing, showing the dimensions of the proposed car parking spaces and vehicular access to be approved by the highways authority. A condition to this effect has been included

This will require the construction of a new vehicular crossover. The applicant must make an application to the Highways Domestic Crossovers Team prior to the commencement of any works on the highway. Please note that this approval is subject to further approval by the highways domestic crossovers team. The applicant is advised that a minimum of 2.4m gap between crossovers is required and all crossovers must be between 2.4m and 4.2m wide. An informative to this effect has been included below.

The proposed refuse location is acceptable on highways grounds.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For a proposal such as this, the required cycle parking provision is 2 spaces.  
Recommendation

The Arboricultural Officer commented on 11.10.20 and 05.03.21 :

No supporting arboricultural information has been provided to support the application. There are trees of various sizes located on the boundaries of the site. Some of these trees on the front boundary will need to be removed to facilitate the development.

Google street view indicates that the trees on the front boundary, holly and cypress trees are not of a quality to merit special protection.

Where trees are removed replacement trees must be provided. There is sufficient space within the property to do this in the front garden.

An arboricultural survey is required to evaluate the extent required tree protection measures and mitigation tree planting required. Primarily it is the trees located in the rear garden are most at risk from harm due to construction activities such as material storage, pollution vehicle and plant movements.

- o The design of the front garden and car parking must retain established trees where possible.
- o There are no trees directly impacted by the footprint of the building.
- o No detailed landscape plans have been provided. A detailed landscape plan that provides new trees and shrubs that builds on the character of the local area.

No details provided / no preliminary ecological assessment needed.

The development must demonstrate net improvements to biodiversity.

#### Recommendations

No objection - subject to conditions regarding tree protection to the rear, biodiversity net gain and a scheme of landscaping

## 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) (June 2019 revision) is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

## The Mayor's London Plan 2021

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

### Policy H2 Small sites

Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community-led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

### Mayor's Housing Supplementary Planning Guidance (March 2016)

### Nationally Described Space Standard (March 2015)

### 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, CS2, CS5.

### 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.

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

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

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether harm would be caused in terms of traffic, highway safety and parking;
- Provision of Refuse and Recycling
- Whether there is an impact on trees
- Sustainability Issues

## 5.3 Assessment

5.3.1 - Principle of Development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The National Planning Policy Framework 2019 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In addition to the NPPF, Policy CS5 of the Core Strategy 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'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. 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 NPPF outlines at para 11 that decisions should be taken with a presumption in favour of sustainable development. Paragraph 118 states that Local Authorities should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". The paragraph goes on to state that Local Authorities should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing...."

Concerns regarding the development's relationship form a key part of the objections to the scheme. The site is located in an existing housing area where policy DM01 directs new housing and would form a small site, which the new London Plan acknowledges as key part of housing delivery in the borough. Austell Gardens has a mixed streetscape as noted in the site description with a varied pattern of development with buildings often found in clusters. These range from terraces groups near the head of the road and detached properties at far end with minimum gaps between dwellings.

As such, the general principle of the development is acceptable given the varied streetscape that prevents there being one consistent pattern or rhythm to the development, but consideration must be taken the visual impacts and more general principles of good design to ensure it meets the requirement of the aforementioned policies, avoiding any terracing effects; respecting the building line; and preventing overdevelopment of the plot that would leave a cramped feel to the proposed property and its neighbours.

It is acknowledged by the applicant the site is tightly constrained in terms of location and size for a larger detached dwelling. The applicant has therefore opted for a low-key design to respond to this challenge, which in general succeeds in its attempt to blend into the background alongside the other houses of Austell Gardens.

The revised scheme follows the stagger of the existing building line at both front and rear and retains near 1 metre gaps both ground and first floor levels to either boundary to prevent the worst potential impacts of the terracing effects. The initial side dormer windows have also been removed to reduce its massing when viewed from Austell Gardens with a front gable design ensuring the roof pulls away from the shared boundary to both sides. While there is no strict numerical figure regarding a new dwelling's relationship to the plot boundary and neighbouring development set out in Barnet's Residential Design Guidance, this house would meet the criteria for side extensions in this document, which provides a useful rule of thumb in this regard.

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

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

The strong objections on these grounds, especially from the neighbouring property 'Chatsworth' are noted and have been given careful consideration as part of the below assessment.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces

The front of the proposed property is in line with the staggered building line at this point in Austell Gardens and would not present any amenity issues to its fore. The scheme's revised design to the rear has clearly been informed by the constraints of the application site with due regard taken to the amenity of neighbouring occupiers with a reduced depth to the ground floor elements and cut out sections in proximity to Chatsworth to the south. The proposed first-floor element is also set significantly further back on this side and is in line with the main rear elevation of Chatsworth. The orientation (north-south) and height (same level) relationship between the proposed property and the more vulnerable Chatsworth is respectively either favourable or neutral.

In terms of windows, the ground floor rooms at Chatsworth have an existing impediment courtesy of boundary fencing (allowable up to 2m in height) in close proximity. The first floor rooms are more vulnerable to unacceptable additional impacts, but appear to either serve non-habitable rooms (bathroom) or are dual aspect rooms. Although not prescribed within the LB Barnet Local Plan, the scheme would pass the 45 degree test from rear windows at both Trees and Chatsworth - a standard planning test to assess sense of enclosure and loss of daylight / sunlight.

On the opposing side, the existing double height rear extension at Trees will shield the development from the majority impacts of the proposed dwelling, with both properties terminating on the same rear boundary line. There are no main windows on Trees' south facing side elevation for this scheme to affect.

In terms of privacy, all side facing windows on the proposed dwelling are either obscurely glazed (compliance would be ensured via condition) or are roof lights with very restricted lines of sight. To the rear, 33 Tretawn Gardens is approximately 40 metres distant (well over the prescribed 21 metres separation distance) and would suffer little additional overlooking above that of the existing rear windows along Austell Gardens.

As such, and considering the development is located within an existing building line where there is some expectation of reduced light and sense of enclosure, the scheme is considered, on balance, not to cause unacceptable harm to the amenities for occupiers of Chatsworth, and to have little impact at Trees.

Any additional future impacts would be carefully regulated with removal of Permitted Development rights for the main property.

### 5.3.3 Impact on the future occupiers

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

In addition to this, section 2.4 of the SPD for sustainable design and construction states that "the impact of development on the availability of daylight / sunlight and privacy to the

occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life.

The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

Table 3.1 of the London Plan (2021 edition) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required Gross Internal Area (GIA) for unit is as follows: 3 bedroom unit for 5 persons on three floors requires 99sqm.

The proposed dwelling therefore meets and exceeds the minimum GIA requirements.

#### Floor to Ceiling Height / Minimum Rooms Size

Policy D6 of the updated London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling; internal storage areas and gives minimum bedroom sizes and widths. The proposed dwelling meets and exceeds all these requirement

#### Outdoor Amenity Space

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

In addition, paragraph 8.8 of the Residential Design Guidance (RDG) SPD outlines the importance of high quality amenity space. It notes that "Awkwardly shaped, narrow and very steeply sloping amenity spaced should be avoided and will not be considered to count towards usable outdoor amenity space".

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for a house with six habitable rooms a minimum of 70m<sup>2</sup> of outdoor amenity. As per the residential Design Guidance glossary, rooms exceeding 20m<sup>2</sup> will be counted as two.

As the property supplies 125m<sup>2</sup> of outdoor amenity space it easily meets this target. Due to the large plot size, Trees would retain enough amenity space of its own to also satisfy the SPD's requirements

#### Natural Light / Outlook

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.



Barnet Councils Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall, it is considered the proposed outlook would be, on balance acceptable in all of the above respects, with the issues regarding outlook of the north/south elevations and some obscure glazing mostly solved by room configurations designed to be dual or even triple aspect, and open plan areas to maximise light infiltration.

### Privacy

In terms of privacy, it is considered the proposal would result in adequate levels of privacy to future occupiers with no close interactions from unobscured windows to neighbouring properties beyond those usually found in close knit urban environments.

### 5.3.4 Refuse and Recycling

The bin storage area is located within the front garden area is within 10 metres of the public highway. This area is able to provide the levelled access required for the refuse collection personnel to collect the bins. Further details regarding enclosures to screen these facilities and to confirm that the required on-site capacity is present will be sought via condition.

### 5.3.5 Traffic and Parking

The site is located within a PTAL rating of 0 (with 1 being low and 6 being high) indicating average links to public transport.

Policy DM17 sets out the parking requirements for new developments. The required off-street car parking provision for a detached property such as this is between 1.5-2). It has a very low PTAL that means it is being assessed at the top end of this bracket in terms of parking requirements.

The proposal indicates space for 2 off street spaces to the front of the property. As such the proposal is considered to meet the requirements of DM17 and is acceptable in terms of parking provision, with the caveat that the proposed crossover configuration, and therefore the associated parking layout, will likely require a redesign to be acceptable to the Highways Authority.

This level of required parking assessed under the Local Plan Policy DM17 is in line with the updated London Plan, which requires a maximum of 1.5 spaces per small unit (3 bedroom) within 0-2 PTAL sites located in the outer boroughs, but with higher levels of provision where there is clear evidence that this would support additional family housing, such is the case with the proposed dwelling.

Barnet Highways Team have indicated the scheme is acceptable on these grounds. Details raised in objections to the scheme such as impacts during construction would be covered by a Demolition and Construction Management Logistics Plan requested via condition.

The applicant has shown provision of 2 cycle spaces. The London Plan stipulates that new development should provide 1 cycle space for 1-bedroom units and 2 for any other sized unit. As such the proposal requires 2 cycle spaces. These would be located within a bike store to the rear of the property. This is an acceptable accessible (via side access). There are no details provide of the design of the bike enclosure, which will need to be secured and covered. A condition has been attached requiring details of this prior to occupation of the development.

### 5.3.6 Trees

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible.

Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

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

The proposal would result in the loss of a number of small trees on the site's frontage. The Arboricultural Office has not deemed these worthy of retention as having significant amenity value but notes their general contribution to amenity and site ecology. The replacement soft landscaping therefore needs sufficient visual and ecological quality too help compensate for their loss, and that this has been incorporated in a condition for general improvement in biodiversity, alongside the standard landscaping condition.

The more mature trees to the rear of the site are not directly affected by the new development, with the nearest rooting area / canopy starting approximately 6 metres from the proposed conservatory. Tree protection measures will be required to prevent stockpiling and other issues during construction potentially affecting them and have thusly been conditioned.

As such, the scheme is considered to be acceptable in these terms, subject to conditions requiring the provision of new planting /landscaping; net ecological gain and provision of suitable tree protection.

### 5.3.7 Sustainability.

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 10% CO<sub>2</sub> reduction over current building baseline figures (as a non-major residential site). This level of reduction is considered to comply with the requirements of Policy SI 2 - Minimising greenhouse gas emissions of the updated London Plan (2021) and the 2016 Housing SPG's requirements and a standard condition has been applied to ensure compliance with these Policies.

In terms of water consumption, a standard condition has been attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 Water infrastructure of the London Plan (2021).

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

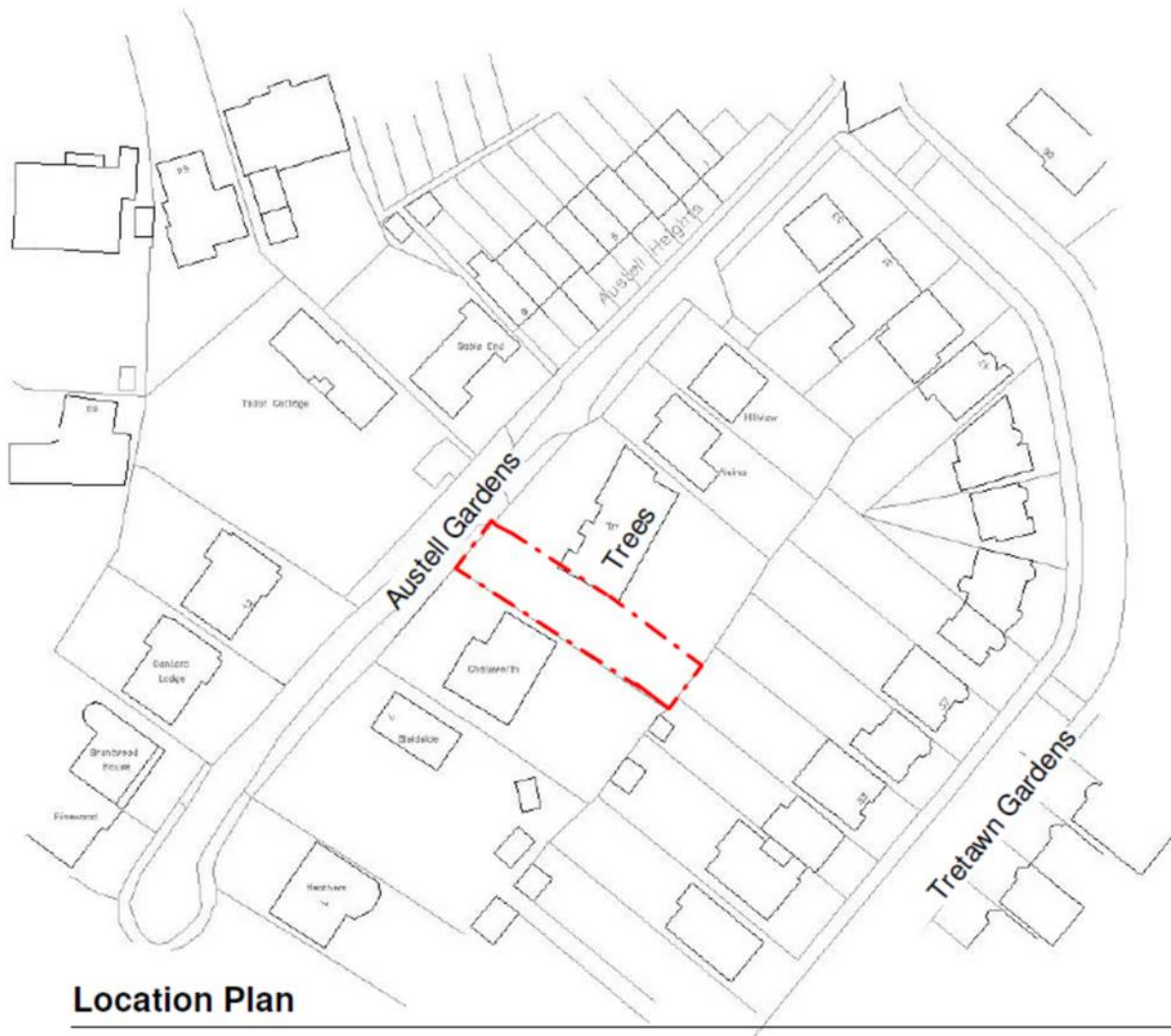
## 6. Equality and Diversity Issues

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

Whilst still a substantial dwelling in a relatively narrow site, the revised scheme is considered to have successfully addressed the various specific issues stemming from its siting in its initial design.

As such, it is considered to accord with the requirements of the Development Plan and is therefore, on balance, recommended for APPROVAL.



**Location Plan**

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**Location** 18 Cotswold Gardens London NW2 1QU

**Reference:** 21/0713/HSE

Received: 10th February 2021

AGENDA ITEM 8

Accepted: 11th February 2021

**Ward:** Golders Green

Expiry 8th April 2021

**Case Officer:** Tania Sa Cordeiro

**Applicant:** MR MICHAEL BRODTMAN

**Proposal:** Part single, part two storey rear extension. New pitched roof over existing first floor flat roof. New front porch (Amended Plans)

### **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:

Drg.no. T21101900E (Site Location Plan)

Drg.no. T21101901E (Block Plan)

Drg.no. T21101902E (Existing Plans)

Drg.no. T21101905E (Existing and proposed Block Plan)

Drg.no. T21101905E (Existing and Proposed Block Plan)

The above were received on the 25th March 2021.

Drg.no. T21101903EV2 (Existing and Proposed Plans)

Drg.no. T21101904EV2 (Existing and Proposed Elevations)

The above were received on the 14th April 2021.

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

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

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

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

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises of a two-storey semidetached dwelling house. The site is located on the north western side of Cotswold Gardens, at the junction with Grampian Garden, within the Golders Green Ward.

The properties on this street are largely characterised by its traditional architectural appearance, with its hipped roofs and two storey bay windows.

The site is not within a conservation area and the building is not listed. There are no TPO's on site as well.

### **2. Site History**

None known

### **3. Proposal**

Through negotiations, the proposal has been amended and reduced in bulk and scale to an acceptable scheme.

#### **New pitched roof (Side)**

The property benefits from a two storey side extension that benefits from a flat roof. The proposal involves a new pitched roof, over the existing flat roof. It will be set down by 0.8m from the main ridge and will be set back by 0.5m from the front elevation, covering the rest of the footprint of the flat roof.

#### **Front Porch**

The front porch will measure 1.35m in depth and 2.3m in width and will cover an area of 3m<sup>2</sup>. It will have a hipped roof measuring 2.7m to its eaves and 3.5m to its maximum height.

#### **Single storey element**

The single storey will project along the common boundary wall with the adjacent property at no. 20. It will have a depth of 3.36m, full width of the rear wall, measuring 8.8m (includes the new side extension). It will wrap around to the side to join the rear wall of the existing two storey side extension. The side extension will have a depth of 5.8m and a width of 2.6m. It will have a flat roof measuring 3m in height.

#### **First floor rear element**

The first floor rear extension, will have a depth of 3m and will be set away by 2.2m from no. 20 and set away by 2.6m from the boundary with no.56 Grampian Gardens. It will have a hipped roof, set down by 1.7m from the main ridge to have a maximum height of 3.5m and eaves of 2.5m to match the existing dwelling.

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

Consultation letters were sent to 4 neighbouring properties.

6no. objections have been received, which have been summarised below;

- Restriction of light to the rear of our property and garden
- The aesthetics of the rear building compared with other properties overlooking the green open space
- Example of over development that is ruining the Golders Green Estate
- 2 storey extensions are aesthetically changing the architecture of the back of these lovely 1930s houses
- The design adds additional bulk to the building, causing loss of light for neighbours and encroaching on the garden which are being reduced
- Building works at this address are already far ahead
- 18 Cotswold and 56 Grampian are next to each other and face a green space which reduces options for street parking, in addition are opposite the junction of Cotswold and Grampian.
- Furthermore, Grampian Gardens is the street with the highest number of HMOs in our Estate. This is not the right place for 6 flats or any other intensification of use.

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

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

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

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

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

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

###### The Mayor's London Plan 2021

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



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

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

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 will be adopted in March 2021. When adopted this will replace the London Plan 2016. The Mayor published his Publication London Plan in December 2020, and the Secretary of State has now confirmed that he requires no further revisions to the document before adoption. The Publication London Plan will be adopted in March 2021 and therefore a very high weight should be attached to those policies. Until then the London Plan 2016 remains the statutory Development Plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2021 London Plan, whilst noting that considerable account needs to be taken of the soon to be adopted policies.

### Barnet's Local Plan (2012)

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

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

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

A number of properties have carried out alterations to their properties, differing in scale and design. The site benefits from a hip to gable and a rear dormer, which appears to have been carried out under permitted development and is not subject of this application.

New pitched roof (Side)

The property benefits from a two-storey side extension with a flat roof. The proposal involves replacing this flat roof with a new pitched roof which will improve the appearance of the dwelling. It is sufficiently set down from the main roof and appears as a subordinate addition to the main dwelling. The new roof will harmonise with the character and appearance of the host property and the immediate vicinity. Therefore, this element of the proposal is considered to be acceptable.

Front Porch

The front porch will measure 1.35m in depth and 2.3m in width and will cover an area of 3m<sup>2</sup>. It will have a hipped roof measuring 2.7m to its eaves and 3.5m to its maximum height.

With regards to the front porch, paragraph 9.8 of Barnet's Residential Design Guidance, states that "the entrance to residential buildings marks an important transition between public and private space. The main entrance can be an important part of a building's architectural expression providing a wider understanding of the building's function(s) when viewed from the public realm. Main entrances in new buildings should be clearly visible from the street, contributing to the overall legibility of the development, and should be fully accessible".

A front porch is quite a common feature and most houses benefit from these kinds of extensions. An area of 3m<sup>2</sup> is considered to be a subordinate element and will have an acceptable impact on the appearance and character of the application site. The front building line is consistent along the streetscene of Cotswold Gardens. It is noted that the front porch would protrude beyond the front building line of the dwelling, however, the structure would be modest in size and the design sympathetic to the style of the existing dwelling and subordinate to the original. It is therefore considered that there would be no harm caused to the character and appearance of the existing building, the street scene and the wider locality. In addition, due to its siting, it is not considered to have an impact on the amenities of neighbouring occupiers.

#### Single storey element

The single storey will project along the common boundary wall with the adjacent property at no. 20. It will have a depth of 3.36m, full width of the rear wall, measuring 8.8m (includes the new side extension). It will wrap around to the side to join the rear wall of the existing two storey side extension. The side extension will have a depth of 5.8m and a width of 2.6m. It will have a flat roof measuring 3m in height.

Barnet's residential design guidance states that a depth of up to 3.5m is acceptable for a semidetached property, as such the proposed depth of 3.36m is not considered to have a detrimental impact on both neighbouring properties and is not considered to detract from the established character and appearance of the dwelling.

The extension wraps around to join a new side extension. With regards to side extensions, paragraph 14.15 of the adopted Residential Design Guidance SPD states that side extensions should not be more than half the width of the original house and would not extend more than 3.5m beyond the rear elevation. This element is subordinate in scale and policy compliant. Due to its design and siting, it will not have an unacceptable on the amenities on neighbouring occupiers as well.

#### First floor rear element

The first floor rear extension, will have a depth of 3m and will be set away by 2.2m from no. 20 and set away by 2.6m from the boundary with no.56 Grampian Gardens. It will have a hipped roof, set down by 1.7m from the main ridge to have a maximum height of 3.5m and eaves of 2.5m to match the existing dwelling.

The Council's Residential Design Guidance (2016) sets clear and detailed guidance for first floor rear extensions. Paragraph 14.23 of the Residential Design Guidance SPD states that two storey extensions which are closer than 2m to the neighbouring boundary

and project more than 3m in depth is not normally considered acceptable, because they can appear to be too bulky and dominant and have a detrimental effect on the amenities of neighbours.

The first floor is similar to the approved first floor extension at 22 Grampian Gardens. The first floor is significantly set down from the main roof and is confined within the rear wall of the dwelling. In addition, it is sufficiently away from both neighbouring properties. As such the proposed bulk, size, design and siting of this element is considered to be acceptable and not likely to have an impact on the amenities of both adjoining occupiers and the character and appearance of the application site and the immediate vicinity.

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

- Restriction of light to the rear of our property and garden
- The aesthetics of the rear building compared with other properties overlooking the green open space
- 2 storey extensions are aesthetically changing the architecture of the back of these lovely 1930s houses.
- The design adds additional bulk to the building, causing loss of light for neighbours and encroaching on the garden which are being reduced

The above comments have been mostly addressed within the body of the report. With regards to the loss of light, given the size and location of the extensions, they are not deemed to result in an unacceptable degree of loss of light or overshadowing which would warrant a refusal of the application. The extensions are modest in size and are similar to other extensions granted within the Golders Green Estate.

- Example of over development that is ruining the Golders Green Estate

This comment is not a material consideration.

- Building works at this address are already far ahead

The property has carried out a loft conversion, which appears to have been built under permitted development and is not part of this application.

- 18 Cotswold and 56 Grampian are next to each other and face a green space which reduces options for street parking, in addition are opposite the junction of Cotswold and Grampian.
- Furthermore, Grampian Gardens is the street with the highest number of HMOs in our Estate. This is not the right place for 6 flats or any other intensification of use.

This does not form part of the current application and therefore it cannot be assessed. The subdivision of the property into flats or the conversion of the property into an HMO will require a separate planning application.

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

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

#### **7. Conclusion**

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



**Location** 1 & 7 Station Road London NW4 4FA

**Reference:** 20/3704/FUL

Received: 11th August 2020

Accepted: 12th August 2020

**Ward:** West Hendon

Expiry 7th October 2020

AGENDA ITEM 9

**Case Officer:** Olivia Fuller

**Applicant:** Mr Avi Dodi

**Proposal:**

Change of use of ground floor offices to 2no self contained flats. Associated refuse/recycling area and cycle store. Alterations to front elevation including additional doors and changes to fenestration [AMENDED ADDRESS & DESCRIPTION]

### **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. - Amendment to Traffic Management Order - £2,151.31  
- Monitoring Fee - £103.62  
- Loss of Employment Floorspace - £25,000

## 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:

575/PL/601 - Rev A - Existing Plans  
PL575/620 - Rev A - Existing South Elevations  
575/PL/801 - Rev B - Proposed Plans  
PL575/820 - Rev A - Proposed South Elevations  
575/PL/010 - Rev A - Site Location Plan and Existing Block Plan

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

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

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

- 3 The materials to be used in the external surfaces shall match those illustrated in the existing building

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

- 4 a) Notwithstanding the approved plans, prior to the first occupation of the units hereby approved, details of cycle parking for a minimum of 3 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location and type of cycle store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, before the development hereby permitted is first occupied, those cycle spaces shall be provided in accordance with the approved details and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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



of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

6 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 2015.

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

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

8 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed

per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

9 Prior to first occupation of the dwellings hereby approved:

- The existing footpath to the front of 1 Station Road shall be re-directed to run adjacent to the front boundary wall and return along the side of the driveway and the lawn extended to cover the restored area.
- The existing lawned area to the front of 7 Station Road shall be extended to cover the windows of the proposed dwelling

Reason: To ensure that the proposed development provides the future occupiers with adequate levels of privacy, in line with Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D6 of the London Plan 2021.

### **RECOMMENDATION III:**

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted within three months of the date of resolution unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application 20/3704/FUL under delegated powers for the following reason(s):

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)

## **Informative(s):**

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to two office units at Nos. 1-7 Station Road, within the West Hendon ward. The wider site to which the units relate was implemented following planning permission under ref no. H/01827/11, for 18 residential units and 2 office units. The existing office units remain vacant. The character of the properties in the immediate vicinity of the site is that of residential terraced properties.

West Hendon Broadway is close to the site, which benefits predominantly from commercial units at ground and residential over the upper floors.

The application site does not reside within a designated Conservation Area, nor does it contain a locally or statutory Listed Building.

The application site is conveniently located with ease of access to transport facilities and local amenities, with a PTAL rating of 3.

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

Reference: H/01827/11

Address: Deerfield & West Hendon Social Club, 1-3 Station Road, London, NW4 4QA

Decision: Approved subject to conditions

Decision Date: 31 January 2012

Description: Demolition of existing buildings on site and construction of a part 3 part 4 storey building of 18 residential units and 2 Office (Class B1a) units with off street parking at lower ground level for 16 vehicles.

Reference: 17/4493/FUL

Address: 1 Station Road, London, NW4 4FA

Decision: Approved subject to conditions

Decision Date: 22 August 2017

Description: Creation of 1x two bedroom self-contained flat at third floor level.

Reference: 17/5483/FUL

Address: 1 Station Road, London, NW4 4FA

Decision: Approved subject to conditions

Decision Date: 11 October 2017

Description: Retention of 1no self-contained unit at third floor level at the south east side of Block B (Retrospective Application)

Reference: 18/4233/RCU

Address: 1 Station Road, London, NW4 4FA

Decision: Approved subject to conditions

Decision Date: 22 November 2018

Description: Conversion of 2 x 2 bedroom duplex flats to provide 4 x 1 bedroom flats at 1st and 2nd floor level (Retrospective application)

Reference: 18/5408/FUL

Address: 1 Station Road, London, NW4 4FA

Decision: Approved subject to conditions

Decision Date: 29 July 2019

Description: Extension to 2no existing commercial units at ground floor level and existing residential units at upper levels, including a three storey front extension to an existing part three, part four storey building with extension to existing lower ground floor level. Associated alterations to landscaping,

Reference: 18/5527/NMA

Address: 1 Station Road, London, NW4 4FA

Decision: Approved

Decision Date: 5 October 2018

Description: Non-material amendments to planning permission 17/4493/FUL dated 17/07/2017 for 'Creation of 1x two bedroom self-contained flat at third floor level.' Variation to include replacement of north facing terrace with a south facing winter garden

### **3 Proposal**

This application seeks to convert, the existing ground floor office units into 2no. self contained flats. Associated refuse/recycling area and storage. Alterations to the front fenestration and replacement of existing door.

Flat 1-A - 2bed 3person unit with a GIA of 84.8m<sup>2</sup>

Flat 1A - 1bed 1person unit with a GIA of 39.4m<sup>2</sup>.

No car parking is provided for the units.

### **4. Public Consultation**

Consultation letters were sent to 117 neighbouring properties. 5no objections have been received, these are summarised below:

- Harm to amenity of neighbours
- Loss of privacy
- Overdevelopment of local area
- Lack of parking

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The 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 2021

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8. CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM14, DM17.

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

## Supplementary Planning Documents

### Residential Design Guidance SPD (adopted October 2016)

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

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

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

### Sustainable Design and Construction SPD (adopted October 2016)

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

## **Preliminary Matters**

This application was submitted prior to the amendment to the amendment of the Use Class Order on 1st September 2020. Regulation 4 of Statutory Instrument 2020 No. 757 which amended the Use Classes Order, confirms that applications submitted prior to 1st September 2020 that make reference to the old use classes should be determined by referencing those use classes.

As such, the rest of the report will be determined referencing the office units as falling within 'Class B1' rather than the current Class E description.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- i. The principle of flats in this location
- ii. Loss of B1 office space
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers

- iv. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- v. The impact on the amenities of neighbouring occupiers
- vi. Parking and highways
- vii. Cycle Storage
- viii. Refuse and recycling storage.
- ix. Accessibility and Sustainability

### **5.3 Assessment**

#### Principle of conversion into flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

As noted, the wider site to which the units relate was implemented following planning permission under ref no. H/01827/11, for 18 residential units and 2 office units. Taking into consideration the wider development of No 1-11 Station Road, the principle of flatted development is considered to be acceptable in principle.

#### Loss of B1 office space

This application seeks to convert the existing B1 office units to residential flats.

In regards to the loss of Use Class B1, Policy DM14 of Barnet's Development Management Policies Document DPD (2012) states that:

- i) Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map to a non B Class use will not be permitted.
- ii) Outside these locations 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.
- iii) Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations 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 active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use.

iv) Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

v) Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

The application site does not reside within a Locally Significant Industrial Site, Industrial Business Park or Business Location as shown on the Proposals Map.

The application site does not reside within a Town Centre location.

Policy DM14 states that:

'Effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council'.

The applicants have provided several documents to evidence effective marketing at the application site.

Grovelands (Estate Agents) have been marketing the units since July 2017. The Grovelands website indicates that the use of the units are A1/A2 and B1 use, making specific reference to office use at the site. The applicants have indicated A1/A2 was added to the marketing, due to the lack of interest in B1 use.

Correspondence from the Estate Agents have confirmed that interest was received for a beauty salon, after school club, restaurant, café/shisha, however none in respect of B1 use.

Additionally, the applicants have provided correspondence from SN Lettings. These estate agents confirmed that marketing occurred on the in-house database on January 2017 and the units were live online in March 2017. The units were marketed on their website and through mail and regular email circulation. SN lettings note that few enquiries have been received, these have largely been in relation to alternative and unsuitable uses rather than B1 use.

Following an assessment of the price per sqm of several local offices in West Hendon, officers are satisfied that the units were marketed at an appropriate price. Since construction, the units have not been in use as B1. The units have been effectively marketed at an appropriate price for more than 12 months. The Council are therefore satisfied that the 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. The proposal complies with Policy DM14 in this regard.

Within the lifetime of the application, the Council's S106 Employment and Skills Officer was consulted to determine if the change of use would require a contribution for the loss of employment floor space. The S106 Officer took into consideration the fact that the site had undertaken marketing for the office space, and that the site had been vacant for over 4



years. In this instance, a financial contribution of £25,000 (more than 50% of the required calculation) towards site's loss of employment floorspace is required.

The financial contribution is to be paid to the Council, prior to commencement of the development. The Council will utilise the contribution to support local economic development initiatives, including but not limited to, employment and skills training and business support, in the administrative area of the borough of Barnet.

#### Whether the proposal provides a satisfactory living environment for future occupiers

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area flats based on a standard set for the number of bedrooms(b) and persons-bedspaces (p). Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units are as follows:

Flat 1-A - 2bed 3person unit with a GIA of 84.8m<sup>2</sup> (61m<sup>2</sup> required)

Flat 1A - 1bed 1person unit with a GIA of 39.4m<sup>2</sup> (39m<sup>2</sup> required)

Both flats meet the relevant minimum standard for internal floorspace.

The London Plan sets a requirement for at least 75% of a new dwelling to be over 2.5 metres in height. It should be noted the Sustainable Design and Construction SPD also states 'To address the unique heat island effect of London and the distinct density and flatted nature of most of London's residential development, a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.' The agent has confirmed that the units measure an internal head height of at least 2.5m.

Outlook, light and privacy:

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

In terms of daylight, sunlight and outlook it is noted that all habitable rooms within the units benefit from adequate fenestration. The units have been designed to ensure that the future occupiers would benefit from sufficient levels of both daylight, sunlight and outlook.

With regard to the levels of privacy, it is noted that the units are set back from the public footpath (4.5m set back at 1 Station Road and 7.3m set back at 7 Station Road). Whilst the set back would enhance levels of privacy, the arrangement is considered acceptable in the context of the wider residential scheme.

It is noted that the only window serving the bedroom of the unit at 1A is positioned to the side of unit in close proximity to the bin/recycling store, with further dwellings in the block

to the rear. Due to this arrangement, it is likely that other residents would pass this window with some regularity. However, whilst the Council accepts that this is not an ideal arrangement, taking into consideration the wider context of the arrangement of other properties along Mapesbury Mews and the separation provided by the dwarf wall and defensible space in front of the window, it is not considered to warrant refusal in this case.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

It is noted that unit 10 would be sited above Flat 1-A and Unit 18 would be located above Flat 1A. The proposal does not comply with Residential Design Guidance concerning stacking. However, the agent has agreed for a condition to be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the Council.

Outdoor amenity space:

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. Rooms over 20m<sup>2</sup> should be counted as two habitable rooms.

Whilst the units would not have direct access to private amenity space, it is noted that the wider development benefits from communal amenity space to the rear. This amenity space measures approximately 240m<sup>2</sup> and can be accessed from a side gate toward the northern boundary of the wider site. The applicants have confirmed that future occupiers would have access to this space. Taking into consideration the mixture of private and communal amenity space serving the development as a whole, the Council consider that the units would be provided with sufficient amenity space and would therefore provide satisfactory living environment for future occupiers.

The site also resides within close proximity to Malcolm Park (0.3 miles distance from the site) and York Park (0.4 miles distance from the site). These nearby open spaces would supplement the on-site communal amenity space provision.

In assessment, the on-site communal amenity space provision is considered acceptable and the development is considered to provide satisfactory living environment for future occupiers.

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

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the

local character and either preserve or enhance it. This is compliant with policies DM01 and CS05 of the Local Plan DPD.

This application proposes alterations to the fenestration on the front façade of the existing units, the alterations are as follows:

- Existing door of No.1 modified to match the window above.
- Existing door of No.7 modified to match the window above.

It is noted that care has been taken to ensure that the alterations are of a similar design to the existing fenestration on the units located on the upper floors of the existing development at Nos. 1-11 Station Road. The alterations to the front facade are considered to relate sympathetically to the residential character of the wider residential development. As such, no concerns have been raised regarding the impact of the proposal on the character and appearance of the flats and surrounding area.

### Impact on the amenities of neighbours

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

As noted, the current units form part of a wider scheme of 18 residential units. The proposed conversion would result in an additional occupancy of 4 persons. Taking into consideration the context of the local area together with the existing relationship between the host building and neighbouring properties, officers are satisfied that the slight increase in occupancy at the application site would not result in adverse impacts on the amenity of adjoining occupiers above and beyond that already present within the site and surrounding uses.

Residential use is accepted on site and it is considered that there would be no significant additional impact on the residential amenities of the neighbouring occupiers as a result of the conversion. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

### Parking and highways

The Highways Department were consulted during the lifetime of the application.

Highways outlined that the change of use of the ground floor units to 2no. self-contained flats is unlikely to have a significant highways impact. It is noted that a maximum of 1-2.5 parking spaces are required, however given that the site is in a Controlled Parking Zone (CPZ), the Highways department considered a car free scheme would be acceptable, subject to a CPZ permit restriction. Therefore, the applicant is required to enter into a S106 agreement to restrict the future occupiers to obtain CPZ parking permits, as such the development is considered to comply with Policy DM17.

## Cycle Storage

Cycle parking needs to be provided in accordance with London Plan Cycle Parking Standards. A condition will be included to require final details of the cycle enclosure including height and materials to ensure there is no impact to visual amenity to the neighbours.

In line with the London Plan Cycle Parking Standards, 3 spaces need to be provided for the proposal. A condition to that effect has been proposed

## Refuse and recycling storage

The existing refuse storage at the application site is considered acceptable for the proposed units.

## Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy SI 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI 2 of the London Plan (2021).

## **5.4 Response to Public Consultation**

### - Harm to amenity of neighbours

Covered in the main body of the report. However in terms of the increased comings and goings, given the scale of the units coupled with the residential nature of the wider area it is not considered that the uplift in occupancy at the site would harm the amenity of the neighbouring occupiers to an extent that would warrant a refusal.

### - Loss of privacy

The alterations to the units to facilitate the change of use would be minor and are not considered to adversely impact on the privacy of neighbouring occupiers. Whilst it is accepted that the development is not ideal in terms of privacy, with particular reference to the bedroom of the unit proposed at 1 Station Road, taking into consideration the set back of the units from the public footpath, coupled with the ground floor arrangement of the wider scheme it is not found that the levels of privacy afforded to the units would warrant a refusal in this case.

### - Overdevelopment of local area

The current units form part of a wider scheme of 18 residential units. The proposed conversion would result in an additional occupancy of 4 persons. Taking into consideration the context of the local area, officers are satisfied that the slight increase in occupancy at the application site would not result in adverse impacts on the amenity of adjoining occupiers above and beyond that already present within the site and surrounding uses.

### - Lack of parking

Covered in the main body of the report. The scheme would be car-free. Highways outlined that the change of use of the ground floor units to 2no. self-contained flats is unlikely to

have a significant highways impact. It is noted that a maximum of 1-2.5 parking spaces are required, however given that the site is in a Controlled Parking Zone (CPZ), the Highways department considered a car free scheme would be acceptable, subject to a CPZ permit restriction for future occupiers.

## **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 entering into a S106 agreement for the loss of employment space and to restrict car-parking permit access, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality and would not have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

