

MEETING

PLANNING COMMITTEE A

DATE AND TIME

THURSDAY 10TH JUNE, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Helene Richman BA (Engineering), JD (Juris Doctor),
Barrister (Middle Temple), TEP

Cllr Richard Cornelius
Cllr Danny Rich
Cllr Tim Roberts

Cllr Gill Sargeant
Cllr Elliot Simberg

Substitute Members

Cllr Paul Edwards
Cllr Thomas Smith
Cllr Eva Greenspan

Cllr Kath McGuirk
Cllr Reuben Thompstone

Cllr Mark Shooter
Cllr Zakia Zubairi

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	Barons Court 56 The Bishops Avenue London N2 0BE - 21/0263/FUL	11 - 50
7.	Land Fronting St Andrew's Road And Portsdown Avenue Golders Green London NW11 0PJ - 20/5616/FUL	51 - 86
8.	9 Corringway London NW11 7ED - 21/0200/HSE	87 - 96
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10.	Any item(s) that the Chairman decides are urgent	

COVID-SECURE COMMITTEE MEETINGS

All public Committee meetings will now be returning to Hendon Town Hall. However, during the period of the 17th May - 21st June, these meetings will be subject to covid-secure measures. This means there will be limited capacity for the public.

The meetings will all be audio live streamed, recordings will be available on the relevant committee meeting page.

More information on covid secure meetings can be found here [Face-to-face committee meetings set to resume | Barnet Council](#)

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Decisions of the Planning Committee A

27 April 2021

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor Helene Richman (Vice-Chairman)

Councillor Richard Cornelius Councillor Gill Sargeant
Councillor Danny Rich Councillor Elliot Simberg
Councillor Tim Roberts

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 25th March 2021 were approved as an accurate record.

2. ABSENCE OF MEMBERS

None.

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

The Chairman declared an interest in relation to item 11 - 133 Brent Street NW4 4DA, by virtue of knowing the applicant. The Chairman declared she would not be participating in the discussion or voting on the item.

Councillor Richard Cornelius declared an interest in item 8 – Forming meeting hall rear 2 Blenheim Road EN5 4NF, by virtue of his wife being a trustee of the Eleanor Palmer Trust. Councillor Cornelius declared he would not be participating in the discussion or voting on the item.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The addendum was noted. Items in the addendum would be dealt with under individual agenda items.

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

The Planning Officer presented the report.

Councillor John Marshall addressed the Committee in relation to the application. He asked that in future the Hampstead Garden Suburb residents association be consulted on applications involving trees in the suburb. Councillor Marshall also

requested that a condition be included within the application to state that work should take account of the nesting season and therefore not take place until the middle of September. Councillor Marshall also thanked the officer Ann Currell for all her hard work on the committee over the last 20 years, as this was Ann's last meeting.

Following discussions, the committee unanimously agreed to include the following informative to the application, "Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution."

The Chairman then moved to vote on the officer's recommendation, including the informative.

The votes were recorded as follows:

For: 7

Against: 0

Abstain: 0

RESOLVED that the application including the informative be approved. That the proposed crown of 1x Oak (applicant's ref T3). T1 of Tree Preservation Order subject to the following conditions:

- The branches shall be pruned in accordance with the recommendations in British Standards BS3998:2010 (Recommendations for Tree work).
- Reason: To safeguard the health of the existing tree which represents an important amenity feature.

Informative - Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

The Chairman also thanked Ann Currell on behalf of the whole committee for her valuable service and wished her the best for her retirement

7. 751 HIGH ROAD LONDON N12 8LF - 20/5753/FUL (WEST FINCHLEY)

The Planning Officer presented the report.

Ms Nakato Kiwana addressed the Committee in objection to the application.

Mr Sundeep Bhavra agent for the applicant, addressed the Committee.

Following discussions, the Chairman moved to the vote on the officer's recommendation. The votes were recorded as follows:

For (approval) – 6

Against (approval) – 0

Abstained – 1

RESOLVED that the application was APPROVED subject to section 106.

AND that the Committee granted 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).

8. FORMER MEETING HALL REAR OF 2 BLENHEIM ROAD LONDON EN5 4NF - 20/0512/FUL (HIGH BARNET)

The planning officer presented the report and addendum.

Mr Andrew Wood addressed the Committee in objection to the application.
Ms Gail Oliver addressed the Committee in objection to the application.

Mr Joe Henry agent for the application, addressed the Committee.

Following discussions, the Chairman moved to vote on the planning officer's recommendations as outlined in the report and addendum.
The votes were recorded as follows:

For (approval) – 3

Against (approval) – 2

Abstained – 1

*(*Councillor Cornelius did not participate in the voting on this item by virtue of his declaration of interest.)*

RESOLVED that the application was APPROVED 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).

9. SISTERS OF THE SACRED HEART 6 OAKLEIGH PARK SOUTH LONDON N20 9JU - 20/3799/OUT (OAKLEIGH)

The Planning Officer presented the report and addendum.

Mr Joe Henry, agent for the applicant, addressed the Committee.

Following discussions, the Chairman moved to vote on the officer's recommendation as outlined in the report and addendum.

The votes were recorded as follows:

For (approval) – 6

Against (approval) – 0

Abstained – 1

RESOLVED that the application was APPROVED subject 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).

10. B193 EAST BARNET ROAD INTO CAT HILL AND CHURCH HILL ROAD EN4 8SX - 21/0667/ADV (EAST BARNET)

The Planning Officer presented the report and the addendum.

Mr Mike Fanning addressed the committee in objection to the application.
Councillor Laurie Williams addressed the committee in objection to the application.

Following discussions, the Chairman moved to the vote on the officer's recommendations as outlined in the report and the addendum.
The votes were recorded as follows:

For (approval) – 0
Against (approval) – 7
Abstained – 0

The application was therefore NOT APPROVED.

Councillor Rich, seconded by Councillor Richman moved the following reasons for refusal:

The proposed advertisement banners, by reason of their excessive number, positions, size, siting, design and appearance would result in a proliferation and clutter of signs that would have an adverse impact on the street scene and the visual amenity of the immediate surrounding area of East Barnet village contrary to paragraph 132 of the NPPF, Policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS5 of Barnet's Core Strategy (2012), and Barnet Design Guidance Note 1: Advertising and Signs.

The votes on the refusal for the reasons outlined above were recorded as follows:

For (refusal) – 7
Against (refusal) – 0
Abstained – 0

RESOLVED that the application was REFUSED as the proposed advertisement banners, by reason of their excessive number, positions, size, siting, design and appearance would result in a proliferation and clutter of signs that would have an adverse impact on the street scene and the visual amenity of the immediate surrounding area of East Barnet village contrary to paragraph 132 of the NPPF, Policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS5 of Barnet's Core Strategy (2012), and Barnet Design Guidance Note 1: Advertising and Signs.

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

None.

12. ITEM: 133 BRENT STREET LONDON NW4 4DA - 20/4357/FUL (HENDON)

Councillor Greenspan left the meeting at this point by virtue of having declared an interest in regard to the application. Councillor Richman chaired the remainder of the meeting.

The Planning Officer presented the report.

Mr Ashley Katz addressed the committee in objection to the application.

Mr Elliott Bishop addressed the committee in support of the application.

Councillor Mark Shooter notified the committee that he was available to ask any questions from the committee.

Mr Barry Ackerman, agent for the application, addressed the committee.

Following discussions, the Chairman moved to vote on the officer's recommendation to **REFUSE** the application.

The votes were recorded as follows:

For (refusal) – 4

Against (refusal) – 2

Abstained – 0

RESOLVED that the application be REFUSED.

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).

The meeting finished at 7.50pm.

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Location **Barons Court 56 The Bishops Avenue London N2 0BE**

Reference: **21/0263/FUL**

Received: 18th January 2021

AGENDA ITEM 6

Accepted: 18th January 2021

Ward: Garden Suburb

Expiry 19th April 2021

Case Officer: **Josh Mclean**

Applicant: Harrison Varma Projects Ltd

Proposal:

Full demolition of the existing building (use class C3) and construction of a new building of part 4 storey and part 6 storey (5 above ground) with the uppermost storey of both elements providing accommodation within the roof. New building to provide residential accommodation (use class C3) of 109 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. Provision of 135 off-street parking spaces within the basement, accessed via ramped access, and 10 further spaces above ground

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Provision of Affordable Housing
Contribution of £1,100,000 as a payment in-lieu toward the provision of affordable housing in the Borough.
4. Carbon Offset
Contribution of £132,359 towards the Council's carbon offset fund.
5. Skills and Employment
On-site or Off-site contribution towards skills and employment.
6. Travel Plan and Monitoring
Submission of a residential travel plan and a monitoring contribution of £10,000.

The travel shall include a contribution of £150 per household towards travel plan measures (maximum £16,350)
7. Section 278 Works
Upgrading of the existing crossovers and renewing the footway along the site frontage in order to enhance pedestrian safety.
8. Replacement Trees
The value of tree loss is £129,000. Provision of details demonstrating value of trees replaced on site shall be submitted and any monies left over shall be contributed as an in-lieu payment to the Council for new planting in appropriate off-site locations.
9. Monitoring of Legal agreement
Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1947-PL-001 (OS Map)
 - 1947-PL-002 (Site plan)
 - 1947-PL-004 (Ground Floor Plan)
 - 1947-PL-005 (First Floor Plan)
 - 1947-PL-007 (As Existing Elevations)

 - 1947-PL-199 A (Site Plan)
 - 1947-PL-200 E (Basement Plan)
 - 1947-PL-201 F (Lower Ground Floor Plan)
 - 1947-PL-202 G (Ground Floor Plan)

1947-PL-203 D (First Floor Plan)
1947-PL-204 D (Second Floor Plan)
1947-PL-205 D (Third Floor Plan)
1947-PL-206 D (Fourth Floor Plan)
1947-PL-207 C (Roof Plan)
1947-PL-220 C (Eastern and Western Elevation)
1947-PL-221 C (Southern and Northern Elevation)

1947-PL-230 C (Long Sections)
1947-PL-231 C (Short Sections)
1947-PL-233 A (Street Section)

Tree Protection Plan, Landmark Trees (dated February 2021)
660_P_00_100 P01 (General Arrangement Plan)

101 P5 (Basement Level Mechanical Services Energy Centre & Plant Room Heating Layout)
102 P6 (Lower Ground Floor Mechanical Services Heating Layout)
103 P7 (Ground Floor Mechanical Services Heating Layout)
107 P5 (Fourth Level Mechanical Services Heating Layout)
108 P6 (Roof Level Mechanical Services Heating Layout)

101 P2 (Basement Floor Public Health Services Below Ground Drainage)
102 P2 (Lower Ground Floor Public Health Services Above Ground Drainage)
103 P2 (Ground Floor Public Health Services Above Ground Drainage)

C2405-03 D (Surface Water Network & SuDS Layout Plan)

Air Quality Assessment, Air Quality Consultants (dated October 2020)
Arboricultural Impact Assessment HVL/BRC/AIA/01b, Landmark Trees (dated 09/10/2020)
Arboricultural Method Statement HVL/BRC/AMS/01, Landmark Trees (dated 09/03/2021)
Below Ground Drainage Statement, KUT LLP
Construction Management Plan, Harrison Varma Projects Ltd
Daylight, Sunlight and Overshadowing to Neighbouring Buildings and Proposed Accommodation, BVP (dated September 2020)
Design & Access Statement, Wolff Architects
Ecological Impact Assessment, JDEcology (dated February 2021)
Ecology Matters - Developer Objective, Harrison Varma (dated 27/04/2021)
Economic Benefits Summary, Savills
Energy & Sustainability Statement, KUT LLP (dated 19/02/2021)
Flood Risk Assessment & SUDS Report C2405-R1-REV-B, Nimbus Engineering Consultants (dated March 2021)
Heritage Statement, Stephen Levrant: Heritage Architecture Ltd (dated March 2021)

M&E Services Strategy Rev. - P2, KUT LLP (dated 11/03/2021)
Noise Impact Assessment 20339.NIA.01, KP Acoustics (dated 29/09/2020)
Planning Report, GEA (dated August 2020)
Preliminary Impact Assessment 20339.NIA.01, KP Acoustics (dated 29/09/2021)
Residential Travel Plan, Caneparo Associates (dated January 2021)
Statement of Community Involvement, Kanda (dated January 2021)
Transport Statement, Caneparo Associates (dated January 2021)

Waste and Refuse 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 a) No development (other than demolition) 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).

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

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

Reason: To safeguard the character and visual amenities of the site and conservation 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 and DM06 of the Development Management Policies DPD (adopted September 2012).

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved

in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy T7 of the London Plan 2021.

6 Prior to occupation, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, 215 cycle parking spaces (211 long stay and 4 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 7 Prior to first commencement of works relating to the basement car parking area and vehicular access on The Bishops Avenue, a Stage 1 Road Safety Audit shall be undertaken in relation to these elements. The results of the audit shall be submitted to and approved in writing by the Local Planning Authority.

Any necessary works identified within the audit shall thereafter be fully implemented prior to the first occupation of any part of the development.

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

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

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 10 Prior to occupation 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 a minimum of 29 active and 114 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 T6 of the London Plan 2021.

- 11 Prior to first occupation of the development hereby approved, drawings showing the swept paths of delivery vehicles/lorries and a fire tender entering and exiting the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall only be operated in accordance with the approved drawings.

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

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

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

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

- 13 The development shall be entirely implemented in accordance with the details and mitigation measures as set out in the approved Preliminary Planning Compliance Review Report 20339.PCR.01 by KP Acoustics 29/09/2020). The measures shall be implemented prior to the 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 2016).

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

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

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

Reasons: In the interest of good air quality.

- 15 The level of noise emitted from the any ventilation / extraction plant hereby approved and installed in the development shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

- 16 The development shall be constructed and implemented in accordance with the mitigation measures as set out in section 8 of the approved Air Quality Assessment by Air Quality Consultants (dated October 2020).

Reason: In the interests of air quality during the construction and occupation stages.

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

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

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

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

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

19 Before the final occupation of the last remaining building hereby approved, all biodiversity and ecological enhancement measures as set out in approved Ecological Impact Assessment by JDEcology shall be implemented and thereafter maintained in accordance with the approved details.

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

20 All site works and works in connection with the development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved Ecological Impact Assessment by JDEcology.

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

- 21 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G5 of the London Plan 2021.

- 23 a) No development (other than demolition) shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

- 24 Prior to commencement of development (excluding demolition and site preparation

works), an updated Surface Water Drainage Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The updated strategy shall include:

- Evidence of SuDS on-going maintenance responsibilities;
- SuDS detailed design drawings; and
- SuDS construction phasing.

The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

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

- 25 Prior to the occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason- To ensure the development provides adequate amenities of the future occupiers of the building and neighbouring residents and to accord with policy DM01 of the Barnet Local Plan.

- 26 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan

Core Strategy (adopted September 2012).

- 27 a) Prior to occupation, the development hereby approved shall obtain a 'Secure by Design' accreditation and confirmation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

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

- 28 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 61% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan.

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

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

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

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

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

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed by 30 September 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, highways mitigation and loss of existing trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

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

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

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

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

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

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

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Occupiers of properties which have not been formally registered can face a

multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

5 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

6 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.

- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 8 For works on the public highway, the applicant will be required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW at least 4-6 weeks before the start of works on the public highway.
- 9 In cases, 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 approval of the Council's Tree Officer. The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

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

- 10 To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to

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

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

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

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

OFFICER'S ASSESSMENT

This application is being referred to Planning Committee as it results in the loss of a building on the Council's Local List.

The application has also been called into committee by Councillor Marshall - Garden Suburb, for the following reason: *"This is an important road and the application asks questions about the desirable height of buildings in this prestigious road."*

1. Site Description

The application site is located on the western side of The Bishops Avenue and lies within the Hampstead Garden Suburb, The Bishops Avenue Conservation Area. The total area of the site is approx. 1 hectare.

The site comprises of a detached two-storey dwelling house which is designated as a Locally Listed Building. It is built in the Neo-Georgian style with red brickwork, hipped slate roof and a large two-storey Tuscan portico. The building is set back from the street behind a densely planted front garden, with a large rear garden enclosed by dense planting and mature trees. Evidence has been submitted by the applicant which questions the validity of the listing and this will be discussed further within the report.

The Bishops Avenue Conservation Area Statement states that the site falls within Zone 4 of the Conservation Area. This zone is characterised as:

"Zone 4 includes all the locally listed properties. In summary, this part of The Bishop's Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees."

The site is described within the statement as follows: *Barons Court. 1900. Locally listed. Colonial Georgian in red brick with huge Tuscan tetrastyle portico. Extended and altered over the years.* The Council's Local Heritage List has a similar description of the building with the addition of "Timber sliding sash windows."

The site is extensively covered by a large number of moderate and high value trees which are located within the site and designated under a number of individual and group Tree Preservation Orders (TPO).

2. Site History

Reference: C06336K

Address: Barons Court 56 The Bishops Avenue London N2

Decision: Refused

Decision Date: 27.08.1986

Description: Retention of floodlighting to tennis court

Reference: C06336H

Address: Barons Court 56 The Bishops Avenue London N2

Decision: Approved subject to conditions

Decision Date: 30.10.1985

Description: Demolition of ancillary buildings in the rear garden (application for consent to demolish unlisted buildings in a conservation area).

Reference: C06336G
Address: Barons Court 56 The Bishops Avenue London N2
Decision: Approved subject to conditions
Decision Date: 30.10.1985
Description: Single storey building in the rear garden.

Reference: C06336F
Address: Barons Court 56 The Bishops Avenue London N2
Decision: Approved subject to conditions
Decision Date: 03.04.1985
Description: Demolition of poolhouse (consent to demolish an unlisted building in a Conservation Area).

Reference: C06336E
Address: Barons Court 56 The Bishops Avenue London N2
Decision: Approved subject to conditions
Decision Date: 27.02.1985
Description: First floor rear extension.

Reference: C06336C
Address: Barons Court 56 The Bishops Avenue London N2
Decision: Approved
Decision Date: 10.11.1982
Description: Front boundary brick wall and railings and two entrance gates.

Reference: C06336B
Address: Barons Court 56 The Bishops Avenue London N2
Decision: Approved
Decision Date: 11.08.1982
Description: Front boundary brick wall and railings, and two entrance gates.

3. Proposal

The application seeks the redevelopment of the site, comprising of the demolition of the existing building and ancillary structures and the erection of part 2, part 3 and part 4 storey building with additional basement level, lower ground floor and accommodation at roof level.

The proposal comprises of 109no. self-contained units comprising of 16 x 1-beds, 62 x 2-beds and 31 x 3beds.

In terms of footprint, the proposal takes the form of an 'I' shape with a long horizontal frontage along The Bishops Avenue, a perpendicular vertical middle section and another horizontal rear element. The eastern elevation facing The Bishops Avenue will retain an Arts and Crafts style façade with a modern style appearance to the rear portion of the building. The front element of the site varies from two and three storeys with accommodation at roof level, with the middle and rear elements being four-storeys with accommodation again at roof level. There are a further two storeys at lower ground and basement levels. At lower ground level, a number of on-site facilities are proposed such as a gym, swimming pool and spa facilities.

The existing driveway and 2no. access points off The Bishops Avenue will be retained.

Parking provision for 135 car park spaces is proposed at basement level, with access gained via a ramp on the northernmost part of the site which curves behind the front building. An additional 8no. spaces are provided at ground floor level to the front of the proposed building.

The proposal has been amended during the course of the application to include the following:

- Revised technical plans to respond to comments from the Council's Drainage consultants;
- Updated landscaping plan and additional arboricultural details;
- Updated plans to reflect the updated documents listed above; and
- Provision of economic benefits statement.

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties. 20 responses have been received, comprising 12 letters of objection and 8 letters of support.

The objections received can be summarised as follows:

- Change the historic architecture of The Bishops Avenue;
- *Gross* overdevelopment;
- *Excessive* density;
- Size and scale is inappropriate;
- Visually *violate* the horizon line;
- Out of keeping with the house and other blocks in the road;
- Loss of locally listed building;
- Set precedent for similar developments in the road;
- Increased traffic movements;
- Increased parking stress;
- Increase of waste on The Bishops Avenue;
- Inadequate parking facilities provided on site.

The letters of support received can be summarised as follows:

- In favour of replacing dilapidated building with a modern building that will be occupied;
- Upgrading of The Bishops Avenue;
- Make The Bishops Avenue a suitable home for far more local people than a derelict wasting asset;
- Too many derelict properties in it.

Internal Consultees

Affordable Housing

We would be asking for policy compliant scheme of 40% AH with 60/40 split between social rent / intermediate.

Arboricultural Officer

No objection subject to conditions and a financial contribution towards the loss of trees.

Conservation

The applicant needs to provide the relevant submission as required under the Council's Local Plan policy DM06. However, regardless of recent approvals, it is maintained that the proposal is substantially harmful to a locally listed building and its setting, and cumulatively harmful to the character and appearance of a conservation area.

Barons Court is a locally listed building situated within the Bishops Avenue, a sub area of the Hampstead Garden Suburb Conservation Area. As such, the proposal is subject to scrutiny under national and local policies in regard to the heritage assets. The NPPF defines a locally listed building as a non-designated heritage asset and a conservation area (forthwith called CA) as a designated heritage asset.

Environmental Health

No objection subject to conditions.

Sustainable Drainage

No objection subject to condition being attached.

Traffic and Development

Highways would raise no objection to the proposal subject to relevant planning obligations and conditions being attached should permission be granted.

Waste - Street Scene

The initial waste and refuse plan in this application meets the requirements of the Street Scene Operations team.

External consultees**Greater London Archaeological Advisory Service (GLAAS)**

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site does not lie within an archaeological priority area and it appears to have been heavily wooded prior to the construction of the existing building. The site also overlies a Clay geology which would not have been favourable for early settlement. It is therefore unlikely that the proposed development would have a significant archaeological impact at this location. No further assessment or conditions are therefore necessary.

Hampstead Garden Suburb Trust (HGST)

Although not in the area covered by the Trust, it is in the HGS Conservation Area and the site backs onto Suburb properties in Winnington Road. It is difficult to make a strong case for retaining the existing house but the replacement proposal is too large and the architecture is fairly dismal. It would be damaging to the character of the road.

Historic England

On the basis of the information available to date, we do not wish to offer any comments.

Metropolitan Policy (Secure by Design)

I do not object to this application and would respect that any approval of this application contains a relevant planning condition 'whereby the development must achieve SBD accreditation, prior to occupation'.

Thames Water

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Transport for London

Subject to the comments raised, TfL have no further comments on this application.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS13,

CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM08, DM10, DM16, DM17

Supplementary Planning Documents

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

Green Infrastructure (2017)

Planning Obligations (2013)

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

The Bishops Avenue Character Appraisal

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing locally listed building, the street scene and the conservation area;
- Provision of adequate accommodation for future occupiers;
- Affordable housing;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways and parking;
- Trees, ecology and landscaping;
- Other material considerations; and
- The planning balance.

5.3 Assessment of proposals

Loss of single family dwelling

Barnet Policy DM01 of the Development Management Policies DPD (2012) states that the loss of houses in roads characterised by houses will not normally be acceptable.

This part of The Bishops Avenue (Zone 4) is characterised by a mix of mansion style houses on very large plots and a number of flatted developments which have been granted planning permission. This includes Buxmead, and recently, planning permissions were granted for the redevelopment, whilst retaining the locally listed building of No.54 to provide 30no. self-contained flats and the erection of a 96-bed care at No.58 The Bishops Avenue

The historic character of this zone of the conservation area was mansion style houses and therefore it is acknowledged that an alternative use other than a single-family dwelling could be considered to cause harm to the character of the area in land-use terms. The proposed would occupy a greater proportion of the site and being significantly closer to the neighbouring sites.

In that regard it has been extensively reported and evident in person, that the existing dwelling along with many others have laid vacant and derelict for up to 30 years leading to a deterioration of both the existing property and surrounding landscape. The applicant seeks to provide material justification for the redevelopment of the site based on the

principles of a more efficient land-use and the fact that large mansion style houses are not being occupied and are deteriorating within the street and harming the overall character. Where strong justification has been demonstrated, a number of plots have been allowed to be redeveloped or subdivided into smaller plots.

This position is consolidated by the Local Plan requirement to make the best use of the borough's limited land and resources and its promotion of the most efficient use of land in the borough. The local plan highlights housing as a priority land use which accords with the government's objective of significantly boosting the supply of housing, as set out in the NPPF. To substantiate this position further, paragraph 59 of the NPPF outlines the Government's objective to significantly boost the supply of housing, a position echoed by the London Plan (2021).

In light of the above, the loss of an unused and deteriorating single dwelling in order to accommodate a greater quantum of residential accommodation is considered, on balance, to be acceptable in principle, and subject to the detailed consideration of all other matters below, will not adversely affect the overall supply of family housing.

Loss of Locally Listed Building

The Council has a statutory duty to give 'special regard' to the desirability of preserving listed buildings or their settings or any features of special architectural interest which they possess under section 66 of the Planning (Listed Buildings & Conservations Areas) Act 1990.

In addition the Council has a statutory duty to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of the Conservation Area under section 72 of the Town and Country Planning (Listed Buildings & Conservations Areas) Act.

These requirements are echoed in national and local planning policy guidance. The NPPF requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and significance of the heritage asset. Decision makers are required to give great weight to any harm to the significance of a heritage asset. If the application would cause substantial harm, paragraph 195 sets out that consent should be refused unless it can be demonstrated that the substantial harm or loss is *necessary* to achieve substantial public benefits that outweigh that harm.

If the application would cause *less than substantial* harm paragraph 196 requires that the harm should be weighed against the public benefits of the proposal. Paragraph 197 requires that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Barons Court is listed on the Council's Local List register and is described as "*Two storey house in red brick with slate roof. Colonial Georgian style with huge Tuscan portico. Timber sliding sash windows.*" The register dates the property around 1900 and notes it being of aesthetic merit and architectural interest and as being intact.

Policy DM06 of Barnet's Development Management Policies DPD states that there will be a presumption in favour of retaining all Locally Listed Buildings in Barnet and any buildings which make a positive contribution to the character and appearance of the borough's

conservation areas.

The proposal is for the demolition of the existing building. The application is supported by a Heritage Statement prepared by Stephen Levrant: Heritage Architecture Ltd. For the consideration of this specific issue, the report provides an appraisal of the subject site, identifying and establishing the significance of the heritage asset.

The appraisal identifies the original Barons Court as being one of the first buildings to be built on The Bishops Avenue between 1897-98. The appraisal notes that in November 1960 a licence for the demolition of the original house and the erection of a new house was issued. The original Barons Court was demolished and the replacement building contrasted with the original building, being designed in the Neo-Georgian style of red brickwork, a hipped roof of grey slate and a substantial portico to the projecting entrance. The footprint of the new house can be seen on the Ordnance Survey Map from 1970.

Reviewing this evidence, it is clear to view that two different buildings have stood on this site. Whilst the Local List description refers to a date of 1900, this is correct in the sense of the original building, but the building description clearly refers to the replacement 1960s building. Officers consider the evidence provided to be robust and are satisfied that the current building is not one of the original buildings which defines the character of Zone 4.

In relation to its architectural significance, the appraisal concludes the existing building has no architectural relationship with its locally listed neighbours and is concluded to be of 'low significance'. Given that the original building has been demolished and re-built in the 1960s, its historic value is also 'low'. This is consolidated by consultation responses from Historic England who offer no comments on the application proposal and from the Hampstead Garden Suburb Trust who comment that '*it is difficult to make a strong case for retaining the existing house*'.

In terms of its contribution to the conservation area, the conservation area appraisal notes the original building being one of the earliest buildings and thereby contributing positively to the character and appearance of the area. However, the above paragraphs have set out that this is not the case and that the replacement building has little architectural quality. When combining this with the limited views into the site due to the extensive mature trees and planting, the report concludes that the subject site makes a 'neutral contribution' to the significance of the character and appearance of the conservation area.

The Council's Conservation Officer remains silent on the applicant's evidence regarding the merits of the locally listed building, but maintains by fact that the building is recorded on the local list. They comment that as the building represents a grand single dwelling house situated in large, landscaped gardens, it has a positive contribution to the conservation area. On the building's current appearance, they comment that its double height grand portico creates a property with requisite prestigious residential suburban development that represents the historic character of the road. By virtue of the loss of a locally listed building, they find that the proposed development would represent 'less than substantial harm' to the significance of the conservation area.

Whilst concerns have been raised by conservation officers about the buildings demolition, the evidence within the conservation area appraisal and local listing is clearly outdated and the existing replacement building does not hold the historical value of the original Barons Court that is set out in these documents. While policy DM06 seeks a presumption in favour of retaining the borough's locally listed buildings, this is not the original building. Officers do however accept that by fact the proposal results in the loss of building listed on the

local list and would result in the loss of a large single-family dwelling, set within a large plot. On this basis, the proposal is considered to sit at the lower end of 'less than substantial harm' to The Bishops Avenue Hampstead Garden Suburb Conservation Area. Accordingly, this harm will be weighed against public benefits of the proposal as required by the local plan and national planning policy guidance.

Design and Impact on Character

Within the supporting Design and Access Statement, there is a comprehensive analysis of street, existing site and design evolution of the proposed development.

Layout and footprint

The proposal takes the form of an 'I' with two horizontal elements situated at the front and rear of the site and a connecting perpendicular vertical element running through the middle of the site.

Whilst the front building line of the proposed development would come further forward towards The Bishops Avenue more than the existing building, it is still considered to maintain and respect the established pattern of development in terms of building lines along this side of the street. As will be referenced in the massing section, the front element has a staggered footprint which has a central element which then steps back towards the sides which denotes a main building with ancillary wings. Officers are welcoming of this design approach which reflects the older mansion style houses that are found along the street. For these reasons, Officers are satisfied with the proposed siting and layout of the front section.

The vertical perpendicular middle section allows for the built form to be pulled away from the neighbouring boundaries which enables a greater proportion of landscaping / open space to be provided within the site. It is noted that both consented schemes at Nos 54 and 58 have built form running along the boundaries, and therefore the proposal would provide welcome relief by virtue of the built form being considerably stepped away and located within the middle of the site.

The rear element would measure across a considerable part of the width of the rear part of the site. It is noted that there are some large extensions, outbuildings and new dwellings which have been built throughout the plots. However, it is acknowledged that they may not have been built to the extent as the form and layout proposed within this application. Whilst further rear built form was permitted within Nos. 54 and 58, this was considered acceptable within the overall planning balance of those respective applications. The proposed footprint would be set back from the site boundaries by approx. 10m in most parts and therefore providing adequate separation. Notwithstanding the adjacent approved schemes, Officers accept that the proposal would be different in nature and character to the prominent context of this zone and while faithful replication is not considered to be necessary from a character perspective, it is nevertheless acknowledged that a modest degree of harm would result and therefore would result in harm in terms of pattern of development. However, this harm will again be considered within the planning balance section of the report.

Massing and height

The proposal provides a variety of massing and height across the proposed development.

The front building can be separated into a couple of elements. There is a central section representing the main proportion of the front of the site, measuring three-storeys in height. It is defined by three projecting gables, with the middle marking the entrance to the building. Either side of this section, there are ancillary wings which step down in height to two storeys and have a staggered footprint to reduce their massing and prominence. With both the central element and side wings, there is a further level of accommodation within the roof space. There are small and proportionate dormer windows which identify this accommodation level. Within the heritage report, a proposed street scene elevation is shown which shows the proposed development in context with the approved schemes at Nos 58 and 54. This view illustrates that the proposed height has been focused within the middle of the site and that massing has been reduced through a variety of design measures (height, projections and recessions). From this view, Officers consider that the proposed height and massing does not appear out of context and does not dominate the visual appearance of the street scene. The second submitted street scene drawing illustrates a similar view but with the extensive existing mature trees and landscaping more accurately depicted. It is evident that from this drawing that the considerable landscaped screening will only permit glimpses into the site and therefore the building.

Building heights to the middle and rear of the site rise by a storey, which can be accommodated due to the falling topography. Whilst the overall height would measure above the front building, this additional height would not be perceptible from the front of the site or street scene due to the siting of these elements further back within the site. The proposed massing and height would be similar to the built form approved within the adjacent sites at Nos. 58 and 54. The massing of the middle and rear parts has been broken up by the use of a staggered footprint, projections, recessions and the continuation of the pitched hipped roof. Officers consider that the additional height can be accommodated successfully within the site to the lower topography and the significant separation distances from the street at the front of the site. It is also considered that the mature and considerable landscaping at the back of the site will help integrate the proposed built form.

However, the Conservation Officer finds the overall scale, density, massing, height and layout to be inappropriate and oversized and would cause harm to the character and appearance of the conservation area, regardless of the recent approvals.

The comments above are noted, however, Officers consider that the proposed built form to be of an appropriate scale and massing and do not have a dominating impact on the existing retained frontage and within the wider conservation area due to the fact that the large majority of the built form would not be readily visible. For these reasons, Officers consider that the proposed development would have no harm on the setting of the Grade II Listed building, East Weald, located on the opposite side of The Bishops Avenue, nor to the setting of the conservation area when considered in context.

Design and external appearance

In order to preserve the existing street scene, a traditional 'Arts and Crafts' style design has been incorporated onto the front elevation which allows the building to successfully integrate within the context of the street scene. A red brick blend is proposed as the primary building material which is predominate within the street. The use of stone, white timber windows and clay roof tiles are all considered appropriate.

With the proposed middle and rear sections, a more contemporary style is proposed, with a slight variation of finishing materials. This approach is considered to be acceptable as

these elements cannot be publicly perceived.

Overall, the materials are considered to represent an appropriate general approach for development in this part of The Bishops Avenue.

Provision of accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

All of the proposed flats would considerably exceed the minimum space standards. The results of the submitted daylight and sunlight report found that 97% of the tested rooms were compliant with BRE guidelines. The remaining rooms are located in the corners of the site or have balconies positioned above the windows which restricts the ability to receive daylight. Officers are satisfied that the proposed units would received good levels of light.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. Amenity space is provided through a combination of private and communal space. Proposed units sited to the rear of the front building, the middle and rear sections are provided with private terraces and balconies. In addition, there are a number of communal facilities available at lower ground level and there is also the communal external areas.

Overall, it is considered that the proposals would provide an acceptable level of amenity for future residents.

Provision of affordable housing

Given that the development is for 109 residential units, the proposal would require provision of affordable housing under policy DM10 of the of the Development Management Policies 2012. Policy DM10 states that 'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'

The proposal does not provide any affordable housing units on site and as such the applicant has provided a viability report by DS2 which has been independently reviewed by Gerald Eve. Officers accept that in this instance it would not be appropriate to seek on-site provision of affordable housing and a financial contribution in Lieu would be more appropriate. Following the review by Gerald Eve, a contribution of £1,100,000 has been proposed and accepted by the applicant.

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

The acceptance of an off-site contribution for affordable housing has been accepted on a number of other schemes such as Buxmead and No.54 The Bishops Avenue.

Impact on the amenities of neighbouring properties

Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). In addition, Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Any development adjacent to residential units should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed. Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Privacy, Overlooking and Outlook

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

In terms of neighbouring properties, the closest residential properties are Oak Lodge (No. 54) to the north and Al-Murtaza (No.58) to the south. The rear boundaries of properties along Winnington Road also back onto the western edge of the application site. Construction works are currently underway to No.58 for the development of a care home and the permission granted at No.54 is also noted. As such, the proposal's impact will also be assessed against the consented schemes.

The proposed horizontal elements at the front and rear of the rear would extend out to the side boundaries where at its closest point (the southern element of front building), the distance would measure approx. 4m to the boundary and between 7-12m to the neighbouring facing elevation. At this proposed side elevation, there is limited fenestration and while there is a gap in the boundary landscaping, it is important to note that there are no facing windows at the first-floor level of No. 58. Therefore, Officers are satisfied that there will be no harmful over-looking at the closest section of the sites.

At the other gable ends, the separation distance is 10m or more to the neighbouring boundaries and in excess of 18m to any facing elevation. There is also existing screening along the remaining parts of the boundaries and therefore, with compliant SPD distances, Officers are satisfied that the wider horizontal elements will not result in harmful impacts of overlooking to the neighbouring properties or consented schemes. Within the proposed middle element, this is set into the site much further with distances of in excess of 25m. Therefore, there is no considered overlooking.

At the rear of the site, any facing windows towards the rear gardens of the properties along Winnington Road would measure in excess of 10m to the western boundary. This is considered to be acceptable.

Daylight and Sunlight

An assessment on daylight and sunlight on neighbouring buildings has been submitted in

support of the application. The report conducted an analysis on the following properties:

- 54 The Bishops Avenue (consented scheme 19/5453/FUL); and
- 58 The Bishops Avenue (consented scheme 19/3449/FUL).

54 The Bishops Avenue

For daylight, the report analyses Average Daylight Factor (ADF), Vertical Sky Component (VSC) and Daylight Distribution (DD).

The ADF results confirm that the existing readings, not accounting for the proposed development, return results in several locations are below the BRE recommended value. As such, by including the proposed development, these same windows continue to be below the BRE recommended values.

The VSC set of results found that 66 out of 75 windows tested would comply with, or be equivalent to, the BRE criteria. 7 out of the 9 windows that fail to meet the BRE recommendation would achieve a proposed value between 15.51% and 23.78% VSC. BRE guidelines advise that adverse effects would occur if the proposed value was less than 27%. In justifying their impact values, 7 of these rooms are studys, bedrooms and kitchens and are not considered as important in daylight terms. 2 of the 9 windows are located between projecting wings which inevitably reduces the daylight availability. 1 impacted living room on the first floor has multiple windows to that room and so the reduction is not considered harmful.

In terms of Daylight Distribution (DD) within the habitable rooms directly facing the proposal, the results confirm that 31 out of 36 rooms would remain BRE compliant, or in any case equivalent to the BRE recommendation. 2 of the identified rooms are bedrooms on the lower ground floor but their values are only just below the BRE recommendation value. In comparing all the daylight results, it is considered that level of daylight to impacts rooms would not be harmful and in this occasion, is considered to be acceptable.

For sunlight, the results found that all the windows which face within 90 degrees would retain both annual and winter sunlight availability in accordance with the BRE guidelines with only two exceptions. These two rooms represent a kitchen at ground floor and bedroom at first floor. As has been identified above, these affected windows are located between two projecting wings which reduces sunlight availability.

Taking into account the results and factors mentioned above, it is considered that the consented development at no.54 would not experience harmful loss of daylight or sunlight as a result of the proposed development.

58 The Bishops Avenue

The ADF results confirm that 8 out of 14 rooms would remain BRE complaint. 5 out of the 6 exceptions would have the proposed ADF readings that are only 0.95 - 0.96 from the existing value. These are located at first floor level and as such, these very minor reductions are not considered to be perceptible. The remaining affected room is Suite R2 located at ground floor level with a proposed value at 0.71 the existing value.

The VSC results confirm that with the exception of three windows, all others would receive good daylight levels. The exceptions would be windows W7, W8 and W9 on the ground floor. The proposed readings would range between 21.66% and 25.61% VSC which

compared to the BRE recommended level of 27%, is not significantly below.

The DD results confirm that all rooms would meet the BRE criteria.

In relation to sunlight, the results found that all the windows that face within 90° of south would retain both annual and winter sunlight availability in accordance with the BRE guidelines.

Taking into account the results and factors mentioned above, it is considered that the consented development at no.58 would not experience harmful loss of daylight or sunlight as a result of the proposed development.

Transport, highways and parking

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

Residential car parking

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

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

Based on the above requirements, the proposed development has a parking provision range between 93 and 155.5 spaces. The application site is located within a PTAL rating of 1b (low). The proposed development comprises of 143 car spaces which are predominately provided within the basement level. The Council's Highways Officer is accepting of the parking provision subject to the submission of a full residential travel plan with robust measures to encourage sustainable travel. This will be secured by a S106 obligation.

8no. disabled spaces are proposed but Highways recommend that a minimum of 11no. spaces are provided to meet the London Plan requirements. A parking management plan setting out how the proposed spaces will be allocated and managed will be requested by condition.

Trip Generation

The proposed development will generate a total of 79 two-way person trips in the AM peak, inclusive of 34 two-way car trips and 36 two-way trips made by public transport. During the PM peak the Site is estimated to generate a total of 63 two-way person trips, including 27 two-way car trips and 29 two-way trips made by public transport. The Highways Officer comments that this level of trip generation is not anticipated to have a detrimental or noticeable impact on the local highway or public transport networks.

The site will generate additional pedestrian trips which will increase the demand to cross resulting in additional conflicts between pedestrian and vehicles. However, as part of the permission of No. 58 The Bishops Avenues, a new pedestrian refuse was secured and is to be installed in the immediate area and therefore this will help improve the crossing facilities in this area.

Servicing

Servicing will be undertaken within the Site. There will be opportunities for vehicles to load / unload adjacent to the building in the large forecourt in front of the building. Waste will be stored at ground floor level in a dedicated storage area. Site Management personnel/staff will transport waste to the curtilage of the Site where waste collection operatives will be able to collect refuse within a short distance of the vehicle waiting on the adjacent highway. This is in accordance with waste collection for neighbouring properties. Highways accepts the proposed servicing arrangements.

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

Trees, landscaping and biodiversity

Trees

The application is supported by an Arboricultural Impact Assessment Report and separate Method Statement which has been reviewed by the Council's Arboricultural Officer.

The application requires the removal of 36 trees across the site. The Arboricultural Officer comments that most of the trees are ornamental conifers planted in the centre of the site around 40 years ago. They add little to the character of oak and hornbeam woodland of The Bishops Avenue. The remaining trees subject to details can be retained with the correct special measures. Further details and protection measures have been provided in relation to existing trees on either side of the application site (Nos 58 and 54 The Bishops Avenue).

London Plan policy G7 states that wherever possible, existing trees of value should be retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Where the value of these trees cannot be replanted within the site, Officers have requested that the outstanding amount be secured for new planting within the surrounding area.

Landscape

A concept landscape plan has been provided within the application and was revised during the application in response to comments from the Council's Arboricultural Officer.

The proposal seeks to provide a series of landscape areas around the proposed development comprising of courtyards, footpaths and wildlife ponds.

London Plan policy G5 expects major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The policy expects Boroughs to identify an appropriate amount of urban greening but in the interim recommends a target score of 0.4 for predominately residential developments. The applicant has provided an early stage assessment which finds that the proposal can achieve a score of 0.63. Officers are therefore satisfied that the proposal meets the required policy requirements for urban greening.

Officers are satisfied that principle of the proposed landscaping is acceptable and further detailed plans and details will be secured via condition.

Ecology

The application is supported by an Ecological Impact Assessment which comprises of a desk study and surveys of the existing buildings on site.

The report surveyed the main house, garage and summer house for evidence of bats. No bats, their droppings or feeding remains were recorded during the building inspections. Potential roost features were identified in some of the trees along the eastern and southern site boundaries. However, these trees are to be retained within the proposal.

Officers are satisfied that the information submitted is in line with NPPF policies for achieving a net gain in biodiversity and provides a series of measures and means to conserve and enhance biodiversity. The report advises of a number of recommendations in relation to further work and mitigation and will be secured through appropriate conditions.

Other material issues

Energy and Sustainability

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

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

London Plan Policy SI 2 'Minimising Carbon Dioxide Emissions' requires major developments to achieve zero. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. A minimum on-site reduction of at least 35% beyond Building Regulations 2013 is required with any shortfall being provided through a cash in lieu contribution or an alternative off-site location.

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

An Energy & Sustainability Statement has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 61.4% CO2 reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. This has been calculated as a payment of £132,359.

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The site is located within Flood Zone 1 which is classed as low risk. The application is accompanied by a Flood Risk Assessment and SUDS report. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

Other Important Planning Decisions to Note

There have been a number of applications within zone 4 which are important in the context of this application. These are:

F/04159/11 – Leo Baeck House, 65-67 The Bishops Avenue, London, N2 0BG

Conversion and alterations (including demolition of rear extension) of Leo Baeck House to create 3 residential units. Demolition of Balint and Osmond House. Retention of the Coach House, three storey extension to the rear of the coach house and conversion to provide 3 residential units. Erection of two new four storey buildings in place of Balint and Osmond House with additional accommodation in the basement to create 14 residential units. Associated landscaping, entrance gates and parking facilities and basement parking. Erection of summer house and two concierge buildings

19/3449/FUL - Al-Murtaza 58 The Bishops Avenue London N2 0BE

Partial demolition of the existing building (use class C3) and construction of a part 4 storey

(3 above ground), part 2 storey building with accommodation in the roof space and basement car parking, to provide an elderly care home (use class C2) with up to 96 units and associated communal areas, amenity space, refuse/ recycling storage and cycle storage. Provision of 32 no. off-street parking spaces within the basement, accessed via car lifts, and six further spaces above ground

19/5453/FUL - Oak Lodge 54 The Bishops Avenue London N2 0BE

Conversion and alterations (including demolition of rear modern extension) of Oak Lodge to create 2no residential units. Erection of three storey above ground building (Block A) to create 7no residential units. Erection of part four, part five storey above ground building (Block B) to create 12no residential units. Erection of part three, part four storey above ground rear extension to Oak Lodge (Block C) to create 9no residential units. Overall provision of 30no self-contained units. Excavation to form lower ground and basement levels below north wing, south east block and south west block. Lower ground level to include lower floor of ground floor duplexes in each block and ancillary leisure facilities with access from a single storey pavilion in the central courtyard. Basement to include ancillary cycle parking, motorcycle parking and car parking (x49 spaces), refuse store, plant and storage rooms. Erection of detached operations building and circular ramp with access to basement. Associated landscaping including formation of central courtyard, tree removals, replacement tree planting, soft landscaping and formation of secondary access to The Bishops Avenue and associated works

In each of these applications, the sites contained a vacant / derelict building and were considered to cause harm to the character and appearance of the conservation area. Permission was granted on a case by case basis which justified that the proposed benefits of the redevelopment, would outweigh the harm to the designated and non-designated assets. It was considered that intervention was required to rejuvenate this part of The Bishops Avenue and that the approved developments listed above brought enhancements the character and appearance of the conservation area.

This application is submitted on the same basis of this trend and decisions made within this part of Zone 4 of the conservation area.

6. The Planning Balance

In accordance with the NPPF, the harm identified to the significance of the non-designated heritage asset should be weighed against the public benefits of the proposal and also having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, when considering the impact of a proposed development on the significance of a designated heritage asset, such as the conservation area, great weight should be given to the asset's conservation.

The significance of Zone 4 of the conservation area has been the provision of large mansion style houses, set within large generous plots. However, the evident issue which can be easily observed when visiting this part of the street, is that many of these properties are vacant and derelict and have been for a significant period of time. There is no longer a demand for properties of this scale and the likely scenario therefore without appropriate intervention, is that the properties will remain unoccupied further harming the significance of the heritage asset.

The harm identified as a result of the proposal is:

- Loss of a building listed on the Council's Local List. However, this as the evidence provided demonstrates that the original building was replaced by the existing in the 1960s, which brings into question the very validity of the listing. The reference to the site within the conservation area and local list is outdated and is not one of the original properties built within the street;
- Provision of a new flatted development in land-use terms in an area historically defined by mansion style houses on very large plots; and
- Increased built footprint and massing on the site, in comparison to the single family dwellings that historically sat within their larger site curtilage.

In the terms of the NPPF, this would represent 'less than substantial harm' (albeit at the lower end of 'less than substantial') to the significance of the designated heritage aspect through the total loss of the non-designated heritage asset. As stated above, special attention should be given to the desirability of preserving or enhancing the character and appearance of that area. In line with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal.

The proposed benefits of the scheme are:

- Redevelopment of a vacant and deteriorating site;
- Provision of a high quality built development which is considered to improve the visual appearance of the site, the street scene and the conservation area;
- Provision of 109no. residential homes towards the Borough's housing targets;
- Increased security within the street due to site being occupied by residents;
- Scheme will provide economic benefits in terms of jobs, income from CIL, S106 obligations for financial contributions and skills and employment and council tax income. Specifically, it is expected that the proposal would yield £5.35m from S.106 & Affordable Housing contributions (£1.2m) New Homes Bonus of £1.25m and CIL (£2.8m). Council Tax payable is estimated to be £348,000 per annum. In addition, the building works will create 265 jobs over 2 years and ongoing 50 jobs after the development has been completed.

On balance, Officers give significant weight towards the current state and decline of this area of The Bishops Avenue and consider that intervention is required to ensure the street is revitalised. The proposed development is considered to be of a high-quality scheme in architectural terms. Whilst a modest level of harm has been identified, Officers having taken a balanced judgement, considering that the proposed benefits would outweigh the loss of the locally listed building (particularly given the context of the listing) and that the proposal would only lead to less than substantial harm to the character and significance of Zone 4 of The Bishops Avenue.

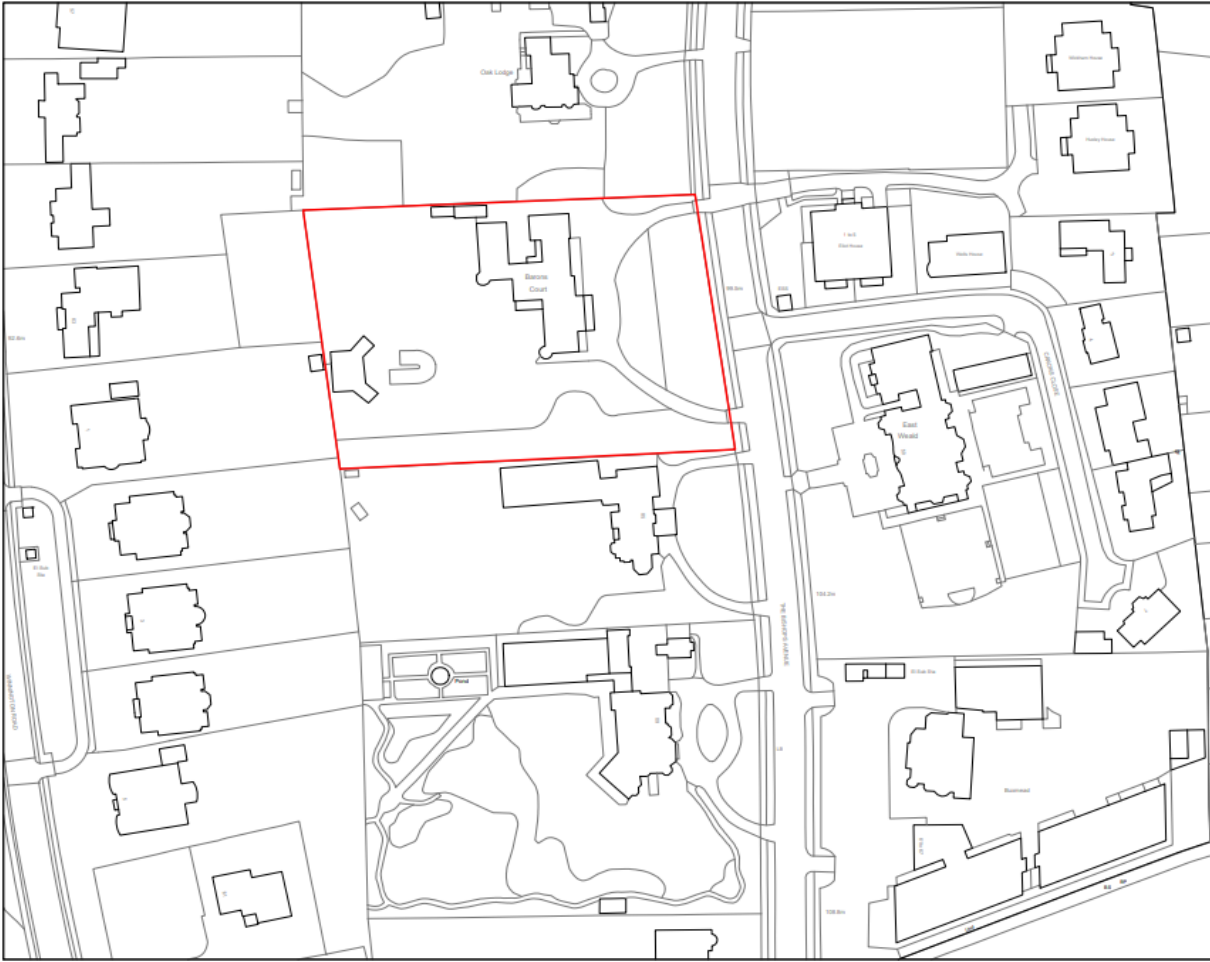
Having taken into account all of the material considerations, Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard, it is considered that there is no substantial harm to the preservation of the conservation area as a result of the proposal and is therefore acceptable having regard to the provisions of Barnet policy DM06 and Section 16 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

7. 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.

8. Conclusion

Having taken all material considerations into account, it is considered that there is level of harm due to the loss of the existing locally listed building and impact on the conservation area by virtue of the built form and land-use. However, the proposed development would be of a high quality and would contribute to the improvement of the visual appearance of the site which has been vacant and deteriorating for a considerable number of years. No detrimental harm has been identified in terms of neighbouring amenity and highways. Therefore, on balance of the consideration of all relevant matters, this application is therefore recommended for approval following the completion of a legal agreement and suitable conditions.



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Location	Land Fronting St Andrew's Road And Portsdown Avenue Golders Green London NW11 0PJ		AGENDA ITEM 7
Reference:	20/5616/FUL	Received: 23rd November 2020	
		Accepted: 23rd November 2020	
Ward:	Golders Green	Expiry 18th January 2021	
Case Officer:	Sinead Normoyle		
Applicant:	N/A		
Proposal:	Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding		

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. A contribution of £75,000 towards tennis courts in Princes Park and Lyttleton Playing Fields

A contribution of £2,022.00 towards amendments to the Traffic Management Order

A monitoring fee of £2,625

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:

Design and Access Statement - PAC Design
Planning Statement - Centro Planning Consultancy
Transport Statement - Transport Planning Associates
Sustainability Statement - Centro Planning Consultancy
Ecological Assessment (with update letter) - MLM Group
Sports report - Sport, Leisure and Culture Consultancy (SLC)
Arboricultural Report - Marcus Foster
Legal Opinion - William Hicks Q.C.
Site location Plan SPG/P31/01
Tree survey 20th November 2020
Bat survey 18 January 2021
SPG/P31/01
SPG/P31/02
SPG/P31/03
SPG/P31/04
SPG/P31/05
SPG/P31/06
SPG/P31/07
SPG/P31/08
SPG/P31/10
SPG/P31/11
SPG/P31/13
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SPG/P31/26
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SPG/P31/40
SPG/P31/50
SPG/P31/51
SPG/P31/52
SPG/P31/53

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).

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

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

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

and DM17 of the Development Management Policies DPD (adopted September 2012).

- 5
- a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
 - c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 6
- a) Before the development hereby permitted is first occupied, details of privacy screens to be installed along proposed houses 7 and 8 shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 7
- Prior to the commencement of development, a method statement for the removal, treatment and control of wall cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. Wall cotoneaster is an invasive species and listed on Schedule 9 of the Wildlife and Countryside Act, It is present on site and should be removed from site and disposed of as controlled waste.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

8 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

- 9 The tennis club and associated club house hereby permitted shall not be open to members of the public before 8am or after 10pm on weekdays and Saturdays or before 8am or after 9pm on Sundays and Bank and Public Holidays.

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

- 10 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 2016).

- 11 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).

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

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

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

- 13 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 the London Plan 2021.

- 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 16 long stay and 8 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 bicycles in connection with the approved development.

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

- 16 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).

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

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

- 18 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no. SPG/P31/11 before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the

Sustainable Design and Construction SPD (Adopted October 2016).

- 19 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 20 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing no. 7 and 9 Portsdown Avenue and no. 8 and 10 St Andrews Road.

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).

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

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

- 22 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. These details shall include landscaping for both the residential and tennis club.

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

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

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

- 23 a) Prior to the occupation of any part of the hereby approved development, details of a Landscape Management Plan for all landscaped areas within the Tennis Club area only, as hereby approved, for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 24 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

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

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

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

- 26 The completed schedule of site supervision and monitoring of the arboricultural protection measures shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016).

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04

of the Development Management Policies DPD (adopted September 2012)

29 Within 6 months of the sale of two the houses, the following information relating to the tennis club shall be submitted to and approved by the Local Planning Authority.

i) Details of marketing, including price, of the tennis courts including MUGA and club house

ii) Details of the proposed MUGA, reinstatement of retained courts and clubhouse to include a timetable for their provision

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

Reason: To ensure that the development provides a suitable and viable community facility in accordance with Policy DM13 of the Adopted Barnet Development management Policies DPD (2012).

30 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 the London Plan 2021 and the Sustainable Design and Construction SPD 2016.

31 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and 12 proposed off-street parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking space 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 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.

32 The site clearance and any mitigation measures in relation to ecology shall be implemented in full in accordance with details in the hereby approved document titled "Ecological Appraisal Report" by MLM Group.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management

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

- 33 The street trees to be retained as indicated on the hereby approved documentation shall not be damaged or removed prior to, during or after construction, unless otherwise agreed with the Council's Street Trees department.

Reason: To mitigate against the loss of trees of special amenity value on site in accordance with Policy CS of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 and of the Development Management Policies DPD (adopted September 2012).

- 34 Prior to occupation of the development the applicant must submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access and implement the highway works before the development is occupied. The proposed access design details, construction and location will be reviewed by the Highways Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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

- 35 Notwithstanding the details shown on plans otherwise hereby approved and prior to the installation of any new lighting, a detailed external lighting scheme including siting of lighting columns and a site plan with lux lines shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To safeguard the visual amenities of the locality and prevent disturbance to existing and future occupants thereof are not adversely affected by the development in accordance with Policies DM01 and DM04 of the Development Management Policies (2012).

- 36 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

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

- 37 Before the development hereby permitted is first occupied, confirmation that the development achieves Secure by Design Accreditation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained thereafter in accordance with the agreed details.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

RECOMMENDATION III:

That if an agreement has not been completed by 10/09/2021 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 20/5616/FUL under delegated powers for the following reasons:

- 1.The proposed development does not include a formal undertaking to meet the costs of improvements and new facilities at identified tennis facilities. In the absence of this, the proposal would result in the loss of a tennis club and community facility contrary to London Plan (2021) Policy S4, Policy CS10 of the Local Plan Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).
- 2.The proposed development does not provide a legal agreement to mitigate the traffic and highway impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).

Informative(s):

- 1 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would Property and infrastructure Capita Blackburn Business Centre, CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU Tel +44 (0)1254 273000 Fax +44 (0)1254 273559 www.capita.co.uk/property Capita Property and Infrastructure Ltd Registered office: 71 Victoria Street, Westminster, London SW1H 0XA. Registered in England and Wales No. 2018542. Part of Capita plc. www.capita.co.uk usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).

If demolition is delayed for more than one-year after the date of the bat survey (January 2020), repeat bat surveys should be undertaken.

- 2 In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendation made in Section 8 of the MLM Groups Ecological Assessment Report, is implemented in full. This included the installing a minimum of three integrated or wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site. We also recommend the inclusion of bird nesting provision in the form of bird boxes within mature trees and on buildings; and where new planting is to be included, native species should be selected.
- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 5 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

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.

- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse

collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 8 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of works on the public highways.

- 9 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access 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.

The applicant is advised that the permitted maximum width of a residential crossover is 4.2 metres. Information on how to apply for a crossover could be obtained from London Borough of Barnet, Crossover 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.

- 10 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public

highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 11 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein
- 12 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises approximately 3860 sqm of tennis courts with one small club building, located between St Andrews Road and Portsdown Avenue. The tennis club is a privately-owned tennis club.

There are changes in ground levels in the site with the ground levels declining from east to west along St Andrews Road and inclining from the centre of the site towards the south (towards St Andrews Road).

Surrounding properties are suburban in character in both streets, with a mix of detached and semi-detached houses along with two short terraces towards the junction of St Andrews Road with Templar Avenue.

While the Club grounds are predominantly in tennis courts, there is an area of lawn towards its south-eastern corner, with an attractive stand of trees adjacent to the Portsdown Avenue frontage.

While the more immediate surroundings of the site are defined by the generally large although closely set houses which results in the suburban character of the area, Portsdown Avenue becomes more urban in character towards its eastern end where it continues eastwards beyond its junction with Templar Avenue to join Finchley Road.

There are a range of local shops and services on Finchley Road itself, all within a short walk from the Tennis Club site.

The site does not lie within a Conservation Area nor are the surrounding buildings Locally or Statutory Listed.

2. Site History

Reference: 19/5661/FUL

Address: Templars Lawn Tennis Club, St Andrews Road, London, NW11 0PJ

Decision: Refused

Decision Date: 16 December 2019

Description: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area), and new clubhouse, with installation of wheelchair access.

Refused under delegated authority.

1. The proposed development would result in the loss of tennis courts and a community sports facility, in an area of deficient public open space where an identified need has been highlighted, contrary to London Plan (2016) Policy 3.19 and Policy CS7 and CS10 of the Local Plan Core Strategy (adopted September 2012), policy DM13 and DM15 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).

Reference: 18/4546/FUL

Address: Land Fronting St Andrew's Road And Portsdown Avenue (Templars Lawn Tennis Club), London, NW11

Description: Erection of 8no two storey single family dwellinghouses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage and refuse and recycling storage. Retention of 3no existing tennis courts, (1no of which to be upgraded to a Multi-Use Games Area) with installation of wheelchair access. Refurbishment of the clubhouse including replacement roof, replacement windows with double glazing and new external cladding.

Decision Date: 23.11.2018

Decision: Refused at Finchley & Golders Green Area Planning Committee for two reasons:

1. The proposed development would result in the loss of a tennis club and community sports facility, in an area of deficient public open space, contrary to London Plan (2016) policies 3.19 and 7.18, policy CS7 and CS10 of the Local Plan Core Strategy (adopted September 2012), policy DM13 and DM15 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).

2. The proposed development by reason of the design of the proposed houses, would be detrimental to the character and appearance of the streetscene in St Andrews Road and Portsdown Avenue, contrary to policies CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012 and the Adopted Residential Design Guidance 2016.

This refusal was supported by The Planning Inspectorate (PINS) and was originally dismissed on both grounds, Appeal Ref: APP/N5090/W/19/3220897, dated 4 July 2019. However, the applicant challenged the appeal decision on the grounds of:

1. Errors of law as to development plan policies;
2. Errors of law as to the NPPF; and
3. Inadequate reasons as to character and appearance

During the process of the challenge, all parties agreed that the only error involved reference to Policy 7.18 of the London Plan (2016). Subsequently a Consent Order, Ref: CO/3207/2019 was approved allowing the appeal decision to be quashed and remitted back to PINS for redetermination.

The remitted appeal was dismissed on 12 November 2020. However, the Inspector dismissed the appeal only on the basis of the second reason for refusal ie design of the new houses.

Reference: C01446F

Address: Templars Lawn Tennis Club, Portsdown Avenue, London, NW11

Decision: Approved subject to conditions

Decision Date: 13.07.1988

Description: Single storey clubhouse and landscaped area

3. Proposal

Erection of 8no. two-storey dwelling houses with rooms in the roofspace. Associated alterations to hard and soft landscaping with associated vehicular access. Provision of amenity space, parking, bicycle storage, and refuse and recycling storage. Retention of 3no. existing tennis courts (1no. of which to be upgraded to a Multi-Use Area) with installation of wheelchair access. Refurbishment of the clubhouse to include replacement roof, replacement windows with double glazing and new external cladding.

4. Public Consultation

Consultation letters were sent to 260 neighbouring properties.

150 responses have been received, comprising 117 letters of objection, 33 letters of support.

The objections received can be summarised as follows:

- Courts are a valuable asset and the heart of Temple Fortune;

- Loss of important community facility and recreational tennis club in an area of deficient public open space;
- tennis courts should be a protected site;
- loss of community use;
- Only sporting area in the vicinity;
- demand for tennis facilities;
- club been in place for over 100 years and the original founder had put laws in place for it to remain a tennis club;
- involves loss of two courts and open space which is unacceptable as no plan to re-provide leisure space anywhere in the borough.
- Alterations to one court into a MUGA would not negate the harm caused by the loss of this space;
- concerns that any new sports facility would be inadequately managed e.g. unreasonable charges, membership conditions, in order to demonstrate that it is has no/little value;
- What allowances made to make a S106 agreement with contributions;
- No marketing evidence provided to demonstrate that the existing use and provision was unviable and not convinced the site was ever advertised to maintain the existing sports facilities on the open market;
- MUGA does not justify loss of facilities;
- proposal considered to be in direct contrast to Barnet's Playing Pitch Strategy;
- contrary to Development Management Policy DM13 relating to community and educational uses - no exceptional circumstances;
- other tennis clubs in the vicinity which are thriving
- Developer closed the tennis court during the pandemic,
- Covid has show residents need green space more than ever,
- The developer tried to bride the residents with tennis rackets,
- Out of character and will change the character of the area
- detrimental to character and appearance of street scene;
- Overdevelopment/ Overcrowding/ Over-intensification;
- council must ensure that no more units/dwellings are allowed on site;
- site has historical and distinctive local character been in situ for almost 100 years;
- Existing tranquillity attracted residents and families providing healthy and natural environment;
- yet another green space lost in Golders Green and another over-development of the local area;
- Design completely out of keeping with the character and appearance of the area - would be at odds with surrounding street scene;
- 'houses' already look like flats and will most certainly be converted into flats in the future.
- tennis courts represent sole green belt area in the whole of the Temple Fortune area. Proposal would destroy this valuable asset.
- leisure facilities such as tennis club add to the amenity of the area;
- Loss of Outlook;
- Oppressive & overbearing;
- Overshadowing;
- create noise and congestion
- Pollution due to increased traffic and building works;
- Loss of daylight/ sunlight to neighbouring houses;
- No daylight & sunlight assessment provided;
- Alter quality of life of neighbours;
- Removing the courts will result in both public and residential loss of view and of space - a huge, adverse impact on residential amenity of the neighbourhood;
- Air pollution;
- Not a sustainable development;

- granting permission for a few homes significantly and demonstrably outweigh the socio-economic, health and environmental costs to the community;
- building on this space would remove a known landmark;
- increase in traffic and congestion
- Loss of parking, which already restricted;
- Loss of residents parking bays;
- Portsdown/Templars Avenue junction is already dangerous as a result of parked cars blocking sightlines - more cars would mean more accidents
- same as to the previous 2019 scheme which was refused;
- The new application does not alter the concerns of the previous refusals or appeals;
- this is just the first step and eventually all the land will be developed into housing;
- devalue property
- Loss of Trees/ green open space;
- Loss of light and overshadowing;
- development by 'stealth' - what guarantees are given that no further subdivisions will be allowed;
- insufficient amenity areas within the local vicinity;
- The present site is green belt development;
- First phase to converting to flats/ HMOs;
- Developers intention is to redevelop the other side of the tennis club;
- No affordable housing - only for private gain;
- Loss of nature conservation/ wildlife;
- Club internationally run badly to discourage new membership;
- No provision for supporting infrastructure in the area e.g. water, drainage, sewage, waste water - which is already stretched;
- Imperative that the development is limited to 8 houses if approved;
- Loss of tennis club would "be deprivation of a social amenity and result in players having to drive to a new location creating pollution, parking facilities";
- no ecological survey although mature trees to be removed;

The supporting statements received can be summarised as follows:

- Good for the community,
- Retains the tennis court,
- In keeping with the surround area,
- Need for bigger family homes,
- Currently looks run down,

Sport England's Objection:

Sport England - Non-Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are:

- o Protect - To protect the right opportunities in the right places;
- o Enhance - To enhance opportunities through better use of existing provision; and
- o Provide - To provide new opportunities to meet the needs of current and future generations.

The Proposal and Assessment against Sport England's Objectives and the NPPF

The revised application appears to have the same impact on sport, namely tennis, as that proposed by the scheme submitted in 2019. Sport England's objected to that application and recommended as follows:

"The application proposes a new tennis club house, the conversion of an existing tennis court to a Multi-Use Games Area (MUGA) and the erection of dwellings that would result in the loss of two tennis courts.

Although an updated tennis pavilion/clubhouse is welcomed the reduction of three tennis courts would result in the tennis offer at the site significantly reduced. Sport England does note that, in theory, the proposed MUGA would still allow tennis to be played however tennis users would have to compete with other sports which would erode the principle sport of this site. In this respect, the LTA have indicated that experience shows that once tennis courts are converted to MUGA's they are not often used for tennis.

The submitted document does indicate a lack of use of the site however this alone does not mean a site, or part of a site, is surplus as there are range of reasons a facility might not be used, for example access arrangements, costs, lack of investment condition, local perception etc. The Council's Playing Pitch Strategy (PPS) suggests that there is a need for all the courts at the site as an action within the strategy is to protect the site as a sports facility within the Local Plan. It appears, therefore, that despite the current reduction in play/use of the tennis courts there is a need to protect the courts to address long-term demands.

In light of the above, the PPS indicates that there is a long-term need for tennis in this location consequently they should not be lost/reduced."

Although the Council are currently refreshing the PPS, the PPS referred to above is still relevant. The site is clearly not surplus but is required to be protected in its entirety so it can accommodate robust strategically identified current and future borough tennis needs. Sport England considers that the PPS should be given considerable weight given the requirements of the NPPF, especially paragraph 97, that only accepts loss of sport facilities where this an identified surplus, that the facilities are replaced or the development is for another sports facility the benefits of which outweigh the loss. None of this criteria appears to be met by the application.

Conclusion

In light of the above, Sport England considers that the application conflicts with its Objective to Protect and the NPPF therefore objects to the application. As noted previously, the applicant should consider retaining the courts on the site or provide replacements in the locality to ensure the needs identified in the PPS are accommodated.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date(s) and the publication of any agenda(s) and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice."

Agents Response to Sports England's Comments:

"In reply to the Sport England response:

1. *The matter of the principle of the development has already been found acceptable by the Secretary of State for Central Government (via the Planning Inspector's decision) in November 2020. This consultation response cannot override this, and Sport England's 'protection' policy is effectively the same as Paragraph 97 of the NPPF. We also question whether Sport England is aware of Central Government's recent planning decision, given it is public body directly accountable to Central Government.*

In any event:

2. *Sport England's role in this context is non-statutory, given that the Development Management Order 2015 excludes tennis courts from the definition of 'playing field'. The NPPG advises that "Where there is no requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to loss of, or loss of use for sport, of any major sports facility ..." (emphasis added). Clearly the Government had regional/national facilities in mind when drafting this guidance, not small private tennis facilities. Therefore, with respect, we question Sport England's 'eligibility' to put forward a consultation response in this context, and hence it must significantly erode the weight that can be attached to their comments.*

3. *The Sport England officer has not made any reference to, or even challenged, the findings of the Sports Report from SLC which explains in detail the financial reasons why the whole site cannot be brought back into use for tennis. We therefore question whether the Sport England officer has referred to all of the relevant information. Even if they have, they haven't provided any explanation as to why they disagree with the findings of the SLC report (which was clearly pivotal in the Planning Inspector's very recent determination).*

4. *Much is made of the conclusion in the Barnet Playing Pitch Strategy ('PPS') Stage D that all existing tennis courts need to be retained. However it isn't clear whether the Sport England officer has been provided with Stage C of this report which contains much of the essential data, missing from the Stage D report (we note that the Stage C report remains unavailable from the Council website). The SLC Report explains in detail why the conclusions in Stage D are inconsistent with the findings in Stage C (see Section 2.4 of the SLC Report) - in summary, Stage C points towards a clear overprovision of tennis facilities in this part of Barnet, not an undersupply.*

5. *The response refers to the MUGA conversion reducing that court's use for tennis. There is no evidence in their response to underpin that assertion, but even if correct, the Sport England officer hasn't balanced this against the benefit of this court being able to deliver a much greater range of sport, thereby helping to increase participation in sport overall.*

6. *The Sport England officer has made no reference to, and thus appear to be unaware of, the Applicant's offer of a £75,000 contribution towards improving two existing courts at either Princes Park or Lyttleton Playing Fields (which are in such a poor condition as to be unusable for tennis). This must again undermine Sport England's overall position, and particularly given they refer to "replacements in the local area" as being one suitable remedy."*

In the remitted appeal, the Inspector concluded:

"14. Whilst adopted policies seek to protect community facilities, there is also policy support for multi-use facilities to extend participation across a broad range of groups. The

development of the MUGA, inclusion of wheelchair access and commitment to capital investment of £75,000 in local courts, included in the Unilateral Undertaking, would comply with policies.

15. For these reasons, I conclude on this main issue that the proposal would be in accordance with adopted policy 3.19 of the London Plan (2021) and policies S5 of the ItP Plan, policies CS7 and CS10 of the Council's Core Strategy (2012) and DM13 and DM15 of the Development Management Policies DPD (2012) and the Planning Obligations DPD which seek to extend the range of facilities and increase participation. Furthermore, the proposals would be in accordance with the wellbeing provisions of the Framework."

Greenspaces - Councils greenspace team have assessed the proposals and are satisfied that the previous agreement of £75,000 towards tennis in Princes Park and Lyttleton Playing Fields would mitigate the loss of facilities in this area.

Metropolitan Police Designing Out Crime team - no objection but request a condition to ensure the development meets Secured by Design accreditation

Highways - comments incorporated in the appraisal

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

D6 - Housing Quality and Standards

D7 - Accessible Housing
H2 - Small Sites
H12 - Housing Size mix
SI 2 Minimising Greenhouse Gas Emissions
T6.1 - Residential Car Parking
S5 - Sports and Recreation Facilities
G4 - open Space

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, DM08, DM09, DM13, DM15, DM17.

Barnet's Local Plan (Reg 18) 2020

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

Planning Obligations SPD 2013

5.2 Main issues for consideration

The main issues for consideration in this case are:

- loss/partial loss of playing facilities and tennis courts
- Principle of development and Impact on the character of the area
- Impact on neighbour amenity
- Provision of adequate accommodation for future occupiers
- Highway issues

- Trees and Ecology

5.3 Assessment of proposals

Partial Loss of Tennis Club

The NPPF emphasises the importance of social and recreational facilities, and states that Local Planning Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs" (para 92). The NPPF seeks to protect existing sports and recreational buildings from being built on unless "an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements" (para. 97). Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements".

The Council policy DM13 seeks to protect community uses. The policy details that the loss of a community facility will only be acceptable where:

- i. "New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use."

Policy DM15 is also considered to be relevant in relation to the protection of open spaces, and it states:

"i. Open space will be protected from development. In exceptional circumstances loss of open space will be permitted where the following can be satisfied:

- a. The development proposal is a small scale ancillary use which supports the use of the open space or
- b. Equivalent or better quality open space provision can be made.

Any exception will need to ensure that it does not create further public open space deficiency and has no significant impact on biodiversity."

The Council has adopted a Playing Pitch Strategy which assesses quality and quantity of all outdoor sporting facilities in the borough including tennis. The document emphasises the need for protection of and investment in tennis. There is a focus on Council stock of tennis courts and the role of the private sector is identified.

"The highest current and latent demand for tennis has been identified in catchments surrounding existing courts is around Victoria Park, Princes Park, Hendon Park, Childs Hill Park and Basing Hill Park."

The proposal would include the retention of the three courts. The two most westerly synthetic tennis courts and floodlighting would be upgraded and resurfaced. The hard court would be upgraded to a MUGA (multi use games area), allowing tennis, 5-a-side football, basketball and netball with the requisite equipment, and replacement fencing.

The clubhouse would be replaced with a larger single storey building set under a pitched roof. This would provide an indoor studio, male and female changing rooms / toilets, and bar/lounge area. Onsite energy generation is proposed (PV and/or air source heat pump) as a means of reducing the running costs of the sports facility. It would be fully wheelchair accessible, with wheelchair WC and changing facilities.

The proposal involves the loss of two tennis courts and the open area to the south to accommodate the residential units. The proposal would seek to make improvements to two of the existing tennis courts and deliver one as a Multi-Use Games Area (MUGA), in addition to a new and enlarged clubhouse. The proposal would also make the facilities available to the general public.

In dismissing the remitted appeal, the Inspector said in relation to the loss of the courts:

"14. Whilst adopted policies seek to protect community facilities, there is also policy support for multi-use facilities to extend participation across a broad range of groups. The development of the MUGA, inclusion of wheelchair access and commitment to capital investment of £75,000 in local courts, included in the Unilateral Undertaking, would comply with policies.

15. For these reasons, I conclude on this main issue that the proposal would be in accordance with adopted policy 3.19 of the London Plan (2016) and policies S5 of the ItP Plan, policies CS7 and CS10 of the Council's Core Strategy (2012) and DM13 and DM15 of the Development Management Policies DPD (2012) and the Planning Obligations DPD which seek to extend the range of facilities and increase participation. Furthermore, the proposals would be in accordance with the wellbeing provisions of the Framework."

Principle of development and Impact on the character of the area

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 principle of residential use would reflect the surrounding uses and there is no objection in this regard.

On 12th November 2020 appeal reference number Appeal Ref: APP/N5090/W/19/3220897, the Planning Inspector ruled that the principle of developing the site for eight family homes and a new sports facility was acceptable in planning terms. The appeal was dismissed as the inspector concluded that the proposal would adversely impact on the character and appearance of the area.

The previous application 18/4546/FUL (Appeal Ref: APP/N5090/W/19/3220897) involved houses of a modern design which the appointed inspector noted were "contemporary in nature, with prominent front gables, irregular fenestration layouts and roof profiles that do not balance the semi-detached pairs, which creates an imbalance when seen in the context of the traditional lines and design of surrounding dwellings."

The current proposal features the same design as a subsequent planning application 19/5661/FUL where Council assessed that the external appearance of the proposed homes was acceptable.

The design is more traditional in appearance with a more regular fenestration and detailing which is far more in keeping with the established character of the area. The roof forms and eaves also respect the existing established pattern of development in the area.

The new club facilities although enlarged remains subordinate to the site and would encourage alternative uses to the overall benefit of the site. The single storey building would be finished in clay pitch roof and timber cladding which would sit comfortably within the site.

The proposal is therefore considered to be acceptable on grounds of design and appearance.

New dwellings on St Andrew's Road

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan 2021).

Along the St Andrews Road, proposed dwelling no.5 would have a front gable wing which would match the front line of no.8 St Andrews Road. The proposed buildings along this road would generally follow the existing building line.

Proposed dwelling no.5 would have a depth of 12.1m, and would be set 1.6m from the boundary with no.8 St Andrews Road (retaining a gap of 3.3m between the side elevations). At the rear, the proposed building would not extend beyond the ground floor rear projection of no. 8 St Andrews, however the building would extend 2.1m beyond the rear elevation at first floor level. The adjoining dwelling no.6 to the front would be stepped back 0.9m and would have the same width as no.5 at 6.47m, with a total depth of 12.45m.

Proposed dwellings no.6 and no.7 would protrude further into the garden by approximately 0.9m beyond the rear elevation of dwelling no.5. Proposed dwelling no.8 would have a shorter depth of 10.35m and would be wider than the other 3 dwellings on this section of the site, having a width of 8.45m. No.7 would have a width of 7.2m and depth of 12.68m. Unit no.8 would maintain a gap of 3m to the boundary with the MUGA.

There would be a gap of 1.9m between the pairs of semis.

The proposed buildings would match the ridge and eaves height of the terrace to the east (no.2-8 St Andrews Road).

New dwellings on Portsdown Avenue

Proposed dwelling no.1- 4 would have a recessed front building line, set back by 0.9m from the front elevation of existing properties 5 and 7. The proposed buildings along this road would have a maximum depth of 13.2m and are more consistent in the plot widths. Proposed units 1 and 4 would be set 0.9m from the boundary with the tennis courts and no.7 Portsdown Avenue respectively; proposed unit 4 would retain a gap of 2.1m between the side elevation of no.7. Unit 4 would project 3m beyond the first-floor rear elevation of no. 7 Portsdown Avenue.

There would be a gap of 1.5m between proposed nos.2 and 3.

The proposed dwellings would match the eaves height of no.5-7 Portsdown Mews, although the ridge height would be 0.5m lower than the ridge height of the immediately neighbouring buildings.

The design of these dwellings includes front gables and side dormers on the outer side dwellings, and side gables between the semis. Units 1 and 2 are mirrors of Units 3 and 4.

The scale of the proposed dwellings is two storeys to eaves, with eaves and ridge levels to match those of adjacent buildings. There are dormer windows to front, side and rear, a common feature in the area. Similar to many of the existing dwellings in the vicinity, elements of the Arts and Crafts style have been incorporated within the proposed elevations, such as canopies, projecting bays, lead clad dormers, window proportions and detailing, within a broadly symmetrical arrangement. The use of materials: brick to the ground floor and painted render at first floor, and clay tiled roofs, again reflects the surrounding houses.

The design, height and bulk of the proposed dwelling remain unchanged from that which was previously considered and found acceptable under planning application 19/5661/FUL.

Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. The proposed dwellings would have the most impact on each other in terms of overlooking due to the "back garden to back garden" arrangement. It is not considered that the new dwellings, would give rise to further levels of overlooking than in a typical suburban setting.

The built form and building lines remain unchanged from that which was previously considered and found acceptable under planning application 19/5661/FUL and therefore it

is not considered that the current scheme would result in any adverse impact to the neighbouring properties.

It is not considered that the new club and facilities proposed would have a further impact on the amenity of neighbouring occupiers, particularly adjacent to no. 9 Portsdown Avenue and no.10 St Andrews Road. The footprint of the proposed club would not change in regards to the relationship to these existing residential properties as the 'enlarged' section would be set at a right angle into the site. There are no windows facing either residential property.

A conditions regarding the hours of use has been added to protect the residential amenity of neighbouring properties.

Overall, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential occupiers.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space).

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2021. Double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan 2021 for a 4-bedroom 8 person unit over three storeys is 130sqm. The eight units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for double rooms (respectively).

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from suitable outlook and light; the units are all dual aspect.

In respect to mutual overlooking between the proposed units, the units would all be set at least 11m from the rear gardens of the parallel future units (the standard is 10.5m) and at least 23.4m between rear windows of the proposed units (the standard is 21m. It is therefore considered that there would not be unacceptable levels of overlooking between future units.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. For houses, amenity space should be provided in the form of individual rear gardens. All the gardens for the new dwellings would meet this standard and thus provide sufficient amenity space for the future occupiers of the units. The depth of the garden of proposed unit 8 is relatively modest due to the siting of the retained tennis courts.

Environmental Health officers had commented on the previous proposal and considered that whilst some of the tennis courts would be removed for the development to provide private residential gardens, there was no significant source of contamination in the

immediate vicinity. Conditions relating to contamination and potential noise issues generated from fixed mechanical plant associated with the tennis club, users of the site, traffic and kitchen extraction equipment will be added to the consent.

In summary, the proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

Impact on Trees and Ecology

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.

The Council's Trees team were consulted the proposal requires the removal of all trees within the site. The quality, value and life expectancy does vary, and the majority have been rated as poor. The proposed tree replacement plan dwg no T005 is acceptable for the landscape around the proposed houses. The new trees will, once established off set loss of trees removed to accommodate this development.

Councils Ecology team have been consulted and have assessed the Preliminary Bat Roost Assessment (MLM Group Bat inspection letter (66201927-MLM-ZZ-XX-RP-J-0002, January 2020).

The report states that 'The buildings were all deemed to be of negligible roosting potential' Therefore, further bat presence/absence surveys on the buildings are not required. Ecology have no objection subject to conditions.

In conclusion, on balance, the proposal is considered to be acceptable on tree and ecological grounds.

Impact on Highways

The highways officer comments that the two roads fronting the application site are St Andrew's Road and Portsdown Avenue. Both are residential roads and in a CPZ that operates from Mon-Fri, 11-12noon. The PTAL rating of the site is 2(poor) which indicates a low level of public transport accessibility.

The development comprises 8 X 4bed dwellings (4 facing St Andrew Road and 4 facing Portsdown Avenue) and 192 sqm of D2 use. For the proposed 8x4bed unit a total of 16 spaces is required. The applicant proposes 12 car parking spaces which results in a shortfall of 4 car spaces. No parking provision is proposed for the 192 sqm of D2 use which is acceptable as the courts and club house are likely to be used by local residents, who would probably walk, cycle or use public transport.

It is noted that the parking beat survey undertaken by the applicant suggest that a spare capacity of 7 vehicles at night (10pm) 4 on-street spaces if a 90% parking stress threshold is applied. This suggests that there will be some spaces available on street to cope with any potential displacement but only just. Given that the site is in a CPZ, Highways will request that the applicant enters into a s106 agreement with the Council to deny occupants of the development the right to purchase CPZ permit as a deterrent.

16 cycle parking spaces are proposed for the 8x4bed dwellings which is acceptable as it meets London Plan requirements. 4 cycle parking spaces are proposed based a 20% cycle mode share for with a maximum of 18 maximum users. It is anticipated that some spectators may accompany users and that there could be an overlap period between arrivals and departures and so Highways would recommend that 8 cycle parking spaces are provided. Long stay cycle parking should be provided in a secure, covered, sheltered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. Short stay parking should be provided in a covered, secure, sheltered and lockable. Details of cycle parking are therefore requested.

Servicing is likely to take place on-street as existing and the TA indicates that the bins will be brought to the kerbside on collection days. Highways would therefore raise no issue regarding with servicing arrangements. New crossovers are proposed as part of the development and the applicant will be required to obtain a s184/278 agreement for any works on the public highway, including the creation of new access and any accompanying changes to the CPZ layout in the vicinity of the site.

Trip generation analysis show that the proposed development is expected to generate 3 vehicle trips during the AM peak (8-9am) and PM peak (5-6pm) respectively. While the existing use expected to generate 3 vehicle trips during the AM peak (8-9am) and 8 two way trips in the PM peak (5-6pm) respectively. Overall, that the proposed development will result in a reduction in daily vehicle trips from 81 to 40 compared with the existing. Trip generation is not expected to be an issue.

Given the residential nature of the road, construction of development will a need to be managed carefully to reduce its impact on neighbouring properties. A construction management and logistics plan condition is therefore recommended.

Highways would raise no objection to the proposal subject to the applicant agreeing to enter into a s106 agreement with the council to deny occupants of the development the right to purchase CPZ permits together with conditions/informatives.

Refuse Collection and Servicing:

Servicing for the tennis courts will continue as per the existing on-street refuse collection arrangements.

It is proposed that the provision for the storage of domestic waste be provided on Portsdown Avenue and St Andrews Road and bins will be brought to the kerbside on refuse collection days.

Highways officers advise the applicant that the refuse bin shall brought within 10 metres of the public highway on the day of collection; an informative would be added to this effect

It is therefore considered that the proposal would be acceptable on Highways grounds subject to conditions.

Accessibility and Sustainability

The application scheme is required by Policy S1 of the London Plan to meet Building Regulation requirement M4(2).

In terms of water consumption, a condition will be 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 the London Plan 2021.

The submission also confirms that all the proposed dwellings would be designed to incorporate CO2 emission reduction. The proposed development therefore would meet the necessary requirements of the London Plan, subject to the conditions.

5.4 Response to Public Consultation

The planning related comments received have been addressed in the report above. The following are provided in response to other comments received:

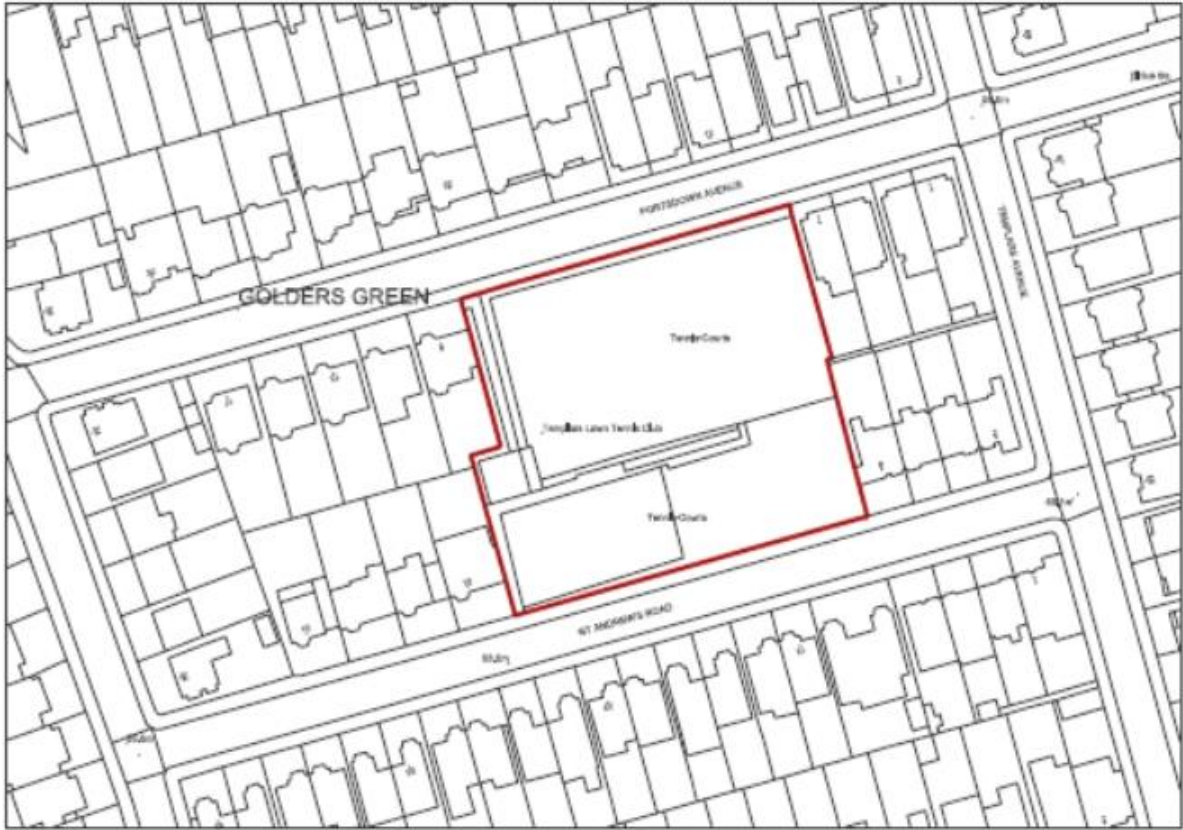
- The gifting of the tennis rackets is not believed to be a bribe and is not a relevant planning consideration
- The site is a tennis facility, however not designated as Green Belt.
- The proposal is considered to be a minor development and therefore it does not meet the requirement to provide affordable housing;
- The site is not defined as an area of special nature conservation;

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

Therefore taking all matters into consideration and for the reasons highlighted above, the application is recommended for Approval.



Location 9 Corringway London NW11 7ED

Reference: 21/0200/HSE

Received: 14th January 2021

Accepted: 18th January 2021

Ward: Garden Suburb

Expiry 15th March 2021

AGENDA ITEM 8

Case Officer: Alissa Fawcett

Applicant: Lynn and Bryan Marcus

Proposal:

Internal and external alterations including new raised rear door and windows with associated access steps, new boiler flue, new internal staircase with partition walls to access proposed loft conversion. New hard landscaping. (AMENDED DESCRIPTION and 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:

- 511 PLOS: Site Location Plan
- 511 EX01: Existing Site Plan
- 511 EX02: Existing Ground Floor Plan
- 511 EX03: Existing First Floor Plan
- 511 EX04: Existing Attic Floor Plan
- 511 EX05: Existing Roof Plan
- 511 EX06: Existing Front Elevation511
- 511 EX07: Existing Side Elevation
- 511 EX08: Existing Section AA
- 511 EX09: Existing Section BB

511 EX10: Existing Section CC
511 LBB01-DEM Rev. A: Ground Floor Demolition Plan
511 LLB02-DEM Rev. A: First Floor Demolition Plan
511 PL00 Rev E: Proposed Site Plan
511 PL01 Rev D: Proposed Ground Floor Plan
511 PL02 Rev C: Proposed First Floor Plan
511 PL03 Rev C: Proposed Loft Plan
511 PL04 Rev A: Proposed Rear Elevation
511 PL05: Photo Sheet
511 PL08: Proposed Roof Plan
511 PL09: Upgrading of Existing Roof Detail
Design and Access Statement
Heritage Statement Rev. A
Letter from Structural Engineer
X01 - 9 CORRINGTONWAY NW11 7ED

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 windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 5 a) Prior to installation details of the following alterations hereby approved have been submitted to and approved in writing by the Local Planning Authority;

- i) new fenestration including section at 1:10 to show thickness of double glazing if proposed
- ii) manufactureres specification of new boiler flue

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

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

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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of Corringway, within Area 5 of the Hampstead Garden Suburb Conservation Area and ward. The application property is a two-storey, mid-terrace residential dwelling house which has been designated as a Grade

II listed dwelling house.

The Conservation Area Character Appraisal notes:

"Corringway is a cul-de-sac with a block of flats at its head. The immediate impression is pleasingly green. Privet hedges dominate, though some are laurel, while shrub frontages and low wooden gates have been generally retained. Attractive shrubs and trees in beds now line the road and there are no hardstandings to diminish front gardens. Burglar alarms, clamping warning notices, CCTV cameras and views of the phone mast over the roofscape detracts from the appearance of the close. "

2. Site History

Nil.

3. Proposal

This application seeks consent for internal and external alterations including new raised rear door and windows with associated access steps, new boiler flue, new internal staircase with partition walls to access proposed loft conversion. External landscaping.

The originally proposed new shed and air conditioning unit have been removed from the final scheme.

The internal details will be discussed in more detail in the accompanying Listed Building Consent application, reference 21/0201/LBC.

4. Public Consultation

Site notice: 18/01/2021

Press notice: 21/01/2021

8 consultation letters were sent to neighbouring properties.

13 letters of objection have been received, including a petition of 11 signatures

The majority of the objections relate to concerns regarding the shed and / or air conditioning which have been removed from the final scheme.

The views of objectors can be summarised as follows;

- Noise disturbance
- Air pollution
- Eye-sore
- Potential danger to wildlife
- Impact of installation works on drains
- Size of shed
- Loss of light from shed
- Impact on trees from siting of shed

Other concerns

- Impact of internal works on structure of neighbouring properties

Internal / other consultations:

LAMAS: Updated Heritage Statement to address NPPF acceptable.

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

The Mayor's London Plan 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

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.

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, DM06.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance (2010)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the individual Listed building, street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition

and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.3 Assessment of proposals

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. The National Planning Policy Framework sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It also sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Having regard to the above therefore, no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application seeks consent for internal and external alterations to the host Grade II listed dwelling house.

It was previously proposed to include garden shed and air conditioning unit enclosure to the rear of the application site. However, these elements have been removed from the final scheme.

As detailed above, the proposed internal works will be discussed in detail in the accompanying Listed Building Consent application under planning reference 21/0201/LBC.

Impact on the character of the Listed Building and wider Conservation Area

External works

The works proposed to the exterior of the listed dwelling house are confined to the rear elevation, other than the removal of soil vent pipe on the front elevation which is supported.

A new rear door and adjacent side windows are proposed, in a design to better match the existing windows, the details and profile are considered to be acceptable and better

enhance the appearance of the rear elevation.

It is also proposed to provide a new boiler flue, there is no objection to the principle of this addition and the details are required through condition.

On the rear roof slope it is proposed to install new 'In-tile' ventilators to serve the new converted attic space. Acceptable details of the ventilators have been submitted with the application.

The proposals also include landscaping to the front and rear gardens including new Indian Sandstone paved patio to the rear and terrace to the front, screened behind the existing hedging. This is considered to be acceptable

As such the proposals are not considered to harm the character and appearance of the host Grade II Statutory listed building or the significance of this part of the Hampstead Garden Suburb Conservation Area.

Impact on the amenity of neighbouring occupiers

The external proposals, as amended to remove the contentious shed and air conditioning unit are not considered to detrimentally impact on the amenity of neighbouring occupiers. Other than provision of new Indian Sandstone paving the other alterations are to the rear external envelope of the host property.

Impact on trees

It is only the hard landscaping proposals that have the potential to have an impact on trees in and around the application site, as no extensions to the property are proposed. All new hardstanding is shown to be sited away from trees and therefore the proposed development is not considered to have a detrimental impact on the health of nearby trees.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. As detailed above the air conditioning unit and shed have been removed from the final scheme.

In regard to the comments made relating structural issues resulting from the proposed internal works these are not material planning considerations and would be addressed through applications made to building control who ensure that works are carried out to the appropriate standards.

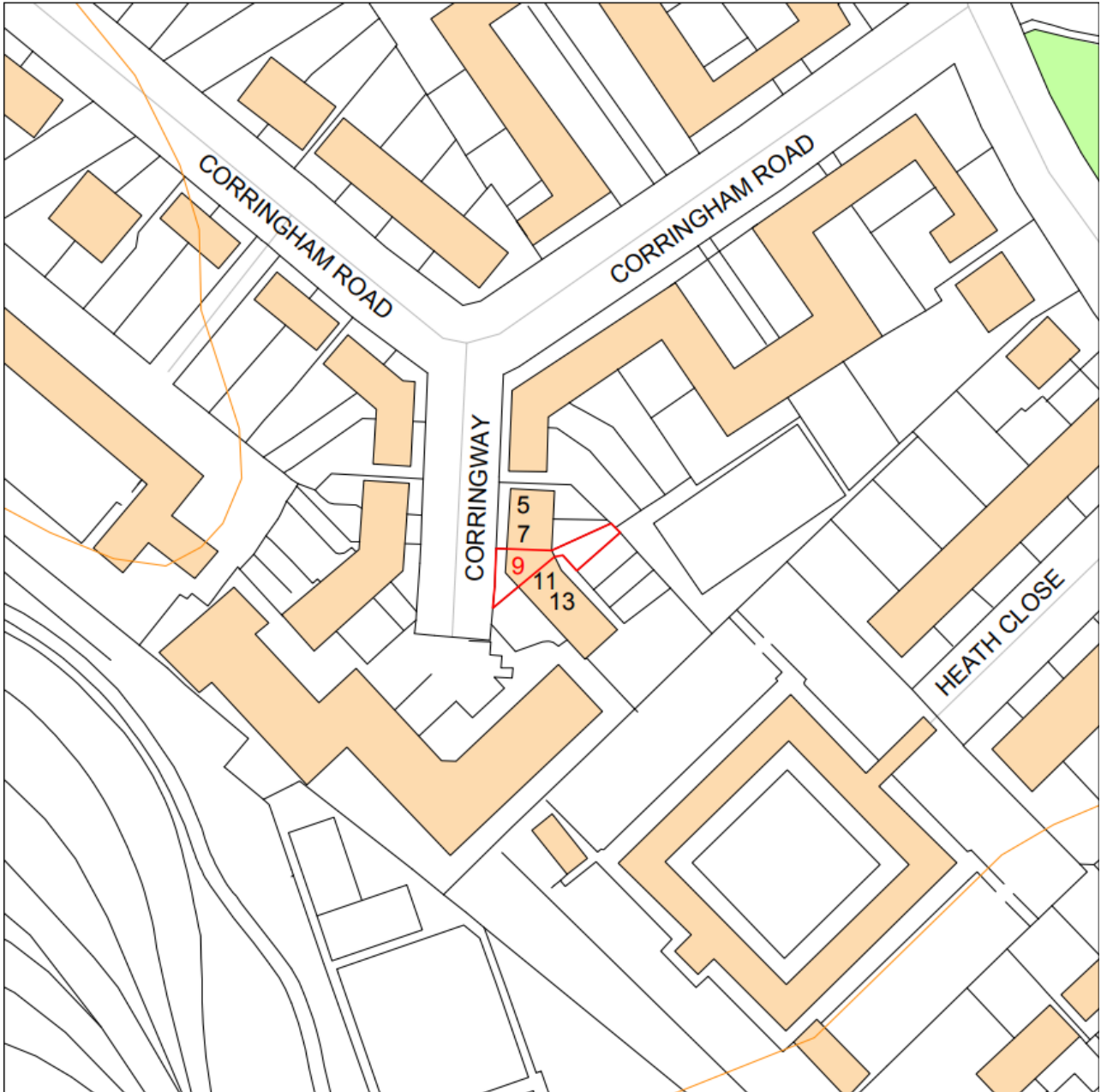
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed alterations, as amended would not detrimentally impact on the qualities of statutory listed application property, or group of which it forms part, as well as protecting the character of this part of

the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.



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Location 9 Corringway London NW11 7ED

Reference: 21/0201/LBC

Received: 14th January 2021

AGENDA ITEM 9

Accepted: 18th January 2021

Ward: Garden Suburb

Expiry 15th March 2021

Case Officer: Alissa Fawcett

Applicant: Lynn and Bryan Marcus

Proposal: Internal and external alterations including, partial removal of partitions to ground floor, new raised floor to rear of kitchen with raised rear door and windows and associated access steps, new boiler flue, new in-tile ventilators, removal of ceiling above first floor bedroom, new internal staircase with partition walls to access proposed loft conversion. New hard landscaping (LISTED BUILDING CONSENT) (AMENDED DESCRIPTION and 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:

- 511 PLOS: Site Location Plan
- 511 EX01: Existing Site Plan
- 511 EX02: Existing Ground Floor Plan
- 511 EX03: Existing First Floor Plan
- 511 EX04: Existing Attic Floor Plan
- 511 EX05: Existing Roof Plan
- 511 EX06: Existing Front Elevation

511 EX07: Existing Side Elevation
511 EX08: Existing Section AA
511 EX09: Existing Section BB
511 EX10: Existing Section CC
511 LBB01-DEM Rev. A: Ground Floor Demolition Plan
511 LLB02-DEM Rev. A: First Floor Demolition Plan
511 PL00 Rev E: Proposed Site Plan
511 PL01 Rev D: Proposed Ground Floor Plan
511 PL02 Rev C: Proposed First Floor Plan
511 PL03 Rev C: Proposed Loft Plan
511 PL04 Rev A: Proposed Rear Elevation
511 PL05: Photo Sheet
511 PL08: Proposed Roof Plan
511 PL09: Upgrading of Existing Roof Detail
Design and Access Statement
Heritage Statement Rev. A
Letter from Structural Engineer
X01 - 9 CORRINGWAY NW11 7ED

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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 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 windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 5 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s)

attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 6 a) Prior to installation details of the following alterations hereby approved have been submitted to and approved in writing by the Local Planning Authority;
- i) new fenestration including section at 1:10 to show thickness of double glazing if proposed
 - ii) manufactureres specification of new boiler flue
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455

1066). See <http://www.hgstrust.org/> for more information.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of Corringway, within Area 5 of the Hampstead Garden Suburb Conservation Area and ward. The application property is a two-storey, mid-terrace residential dwelling house which has been designated as a Grade II listed dwelling house.

The Conservation Area Character Appraisal notes:

"Corringway is a cul-de-sac with a block of flats at its head. The immediate impression is pleasingly green. Privet hedges dominate, though some are laurel, while shrub frontages and low wooden gates have been generally retained. Attractive shrubs and trees in beds now line the road and there are no hardstandings to diminish front gardens. Burglar alarms, clamping warning notices, CCTV cameras and views of the phone mast over the roofscape detracts from the appearance of the close. "

2. Site History

Nil.

3. Proposal

This application seeks consent for internal and external alterations including new raised rear door and windows with associated access steps, new boiler flue, new internal staircase with partition walls to access proposed loft conversion. External landscaping. Externally, the originally proposed new shed and air conditioning unit have been removed from the final scheme.

Internally, the originally proposed thermal board insulation has been omitted from the ground and first floors and it is no longer proposed to remove part of the first floor ceiling to create a double-height, void area between this floor and the converted attic space.

4. Public Consultation

Site notice: 18/01/2021

Press notice: 21/01/2021

There is no neighbour consultation for a listed building application.

Internal / other consultations:

LAMAS: Updated Heritage Statement to address NPPF acceptable.

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 updated in 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

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.

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, DM06.

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.

ul Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance (2010)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an

integral part of the whole concept.

5.3 Assessment of proposals

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. The National Planning Policy Framework sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Having regard to the above therefore, no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application seeks consent for internal and external alterations to the host Grade II listed dwelling house.

Externally, it was previously proposed to include a garden shed and air conditioning unit enclosure to the rear of the application site. However, these elements have been removed from the final scheme.

Impact on the character of the Listed Building and wider Conservation Area

External works

The works proposed to the exterior of the listed dwelling house are confined to the rear elevation, other than the removal of soil vent pipe on the front elevation which is supported.

A new rear door and adjacent side windows are proposed, in a design to better match the existing windows, the details and profile are considered to be acceptable and better enhance the appearance of the rear elevation.

It is also proposed to provide a new boiler flue, there is no objection to the principle of this addition and the details are required through condition.

On the rear roof slope it is proposed to install new 'In-tile' ventilators to serve the new converted attic space. Acceptable details of the ventilators have been submitted with the application.

The proposals also include landscaping to the front and rear gardens including new Indian Sandstone paved patio to the rear and terrace to the front, screened behind the existing hedging. This is considered to be acceptable

The proposals are not considered to harm the character and appearance of the host

Grade II Statutory listed building or the significance of this part of the Hampstead Garden Suburb Conservation Area.

Internal works

Ground Floor

At ground floor the originally proposed thermal board and acoustic insulation has been omitted from the final scheme, other than provision of acoustic insulation to the converted WC.

The works proposed at ground floor include the creation of new WC in place of the existing meter cupboard. The cupboard is currently accessed from inside the living room. The existing door opening would be closed, and a new sliding door provided giving access from the hall area. There is no objection to this proposal which does not see any alteration to the plan form of rooms.

Within the living room it is proposed to reinstate the fireplace, this proposal is supported as will better reveal the original design of the listed dwelling house.

The existing fitted cupboards at entrance to the dining room would be altered to provide a coat cupboard and a new bench area, with new partially glazed door and screen between the living and dining rooms at this position. There is no objection to these proposals.

The existing wall which separates the dining room from the kitchen is proposed to be removed and the pillar rebuilt. To create a larger area, in this instance the proposal was considered to be acceptable as the kitchen area was significantly smaller than most found in these listed cottages. A new suspended floor is proposed within the kitchen area to meet the existing floor level of the dining room.

First Floor

The proposals at first floor have been amended to show the omission of the originally proposed void between first floor and loft area and thermal board insulation to the external walls.

At first floor it is proposed to relocate the position of the existing bathroom within the bedroom. The existing bathroom will be reduced in size and used as a study. There is no objection to this proposal.

It is also proposed to create a stair access into the attic area in order to facilitate its conversion. The new stair would take some of the space of the existing landing cupboard and bathroom, proposed to become a reduced size study. It would continue up from the existing staircase between ground and first floor level. The proposed conversion of attic and creation of new stair access is considered to be acceptable. Other listed dwelling houses have successfully implemented similar permissions without harming the special character and significance of the property.

Within Bedroom 2 it is proposed to reinstate the fireplace and installed fitted cupboards; there is no objection to these proposals.

Loft Floor

The proposals within the converted attic area have been amended to show the omission of the ordinarily proposed void between first floor and loft area.

At this level it was considered to be acceptable to include insulation as it is more commonly included within the loft area when undertaking its conversion and is not considered to detrimentally impact upon the proportions of the room.

The other proposals including creation of new bedroom, bathrooms and under eaves storage are considered to be acceptable and will not harm the significance of the host Statutory Listed Building.

Impact on the amenity of neighbouring occupiers

The external proposals, as amended to remove the contentious shed and air conditioning unit are not considered to detrimentally impact on the amenity of neighbouring occupiers. Other than provision of new Indian Sandstone paving the other alterations are to the rear external envelope of the host property.

Impact on trees

It is only the hard landscaping proposals that have the potential to have an impact on trees in and around the application site, as no extensions to the property are proposed. All new hardstanding is shown to be sited away from trees and therefore the proposed development is not considered to have a detrimental impact on the health of nearby trees.

5.4 Response to Public Consultation

No comments received.

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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposed alterations, as amended would not detrimentally impact on the qualities of statutory listed application property, or group of which it forms part, as well as protecting the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.

