

**MEETING**

**PLANNING COMMITTEE A**

**DATE AND TIME**

**TUESDAY 15TH MARCH, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**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

Richard Cornelius  
Danny Rich

Tim Roberts  
Gill Sargeant

Elliot Simberg

**Substitute Members**

Paul Edwards  
Thomas Smith  
Eva Greenspan

Kath McGuirk  
Reuben Thompstone

Mark Shooter  
Zakia Zubairi

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 10 March 2022 at 10AM. Requests must be submitted to [planning.committees@barnet.gov.uk](mailto:planning.committees@barnet.gov.uk)

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: Pakeezah Rahman 020 8359 6452  
[planning.committees@barnet.gov.uk](mailto:planning.committees@barnet.gov.uk)

Media Relations Contact: Tristan Garrick 020 8359 2454 [Tristan.Garrick@Barnet.gov.uk](mailto:Tristan.Garrick@Barnet.gov.uk)

**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 12
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.	Yew Tree Court Bridge Lane London NW11 0RA 21/5116/OUT	13 - 30
7.	1 Ravenscroft Park Barnet EN5 4ND 21/2106/FUL	31 - 40
8.	60 Hervey Close London N3 2HJ 21/6321/HSE	41 - 56
9.	11 Summit Close London N14 7NR 21/3569/FUL	57 - 72
10.	16 Danescroft Gardens London NW4 2ND 22/0067/HSE	73 - 82
11.	King George Playing Field Barnet Lane Barnet EN5 2DN 21/2543/FUL	83 - 108
12.	Shell Petrol Filling Station Northway Circus London NW7 3ET 21/5761/FUL	109 - 130
13.	2 Hollyview Close London NW4 3SZ 21/2828/FUL	131 - 152
14.	Any item(s) that the Chairman decides are urgent	

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## **Decisions of the Planning Committee A**

2 February 2022

Members Present:-

**AGENDA ITEM 1**

Councillor Wendy Prentice (Chairman)  
Councillor Helene Richman (Vice-Chairman)

Councillor Richard Cornelius      Councillor Gill Sargeant  
Councillor Danny Rich              Councillor Elliot Simberg  
Councillor Zakia Zubairi

Also in attendance

Apologies for Absence

Councillor Tim Roberts

### **1. MINUTES OF THE LAST MEETING**

**RESOLVED** that the minutes of the meeting held on 8 December 2021 be agreed as a correct record.

### **2. ABSENCE OF MEMBERS**

Apologies were received from Councillor Tim Roberts who was substituted by Councillor Zakia Zubairi.

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

None.

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

None.

### **5. ADDENDUM (IF APPLICABLE)**

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

**6. 32 ROWSLEY AVENUE, NW4 1AJ 21/1049/HSE (HENDON)**

The committee received the report.

A verbal representation was made by two objectors and also made by the agent on behalf of the applicant.

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

The Committee voted on the Officer recommendation to approve the application and votes were recorded as:

**For 0**  
**Against 7**  
**Abstain 0**

RESOLVED that the application was not approved.

Cllr Cornelius moved a motion for referral which was duly seconded and the reasons for refusal were the cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by reason of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016).”

The Chairman moved to vote on the recommendation to refuse the application.

Votes were recorded as follows

**For 7**  
**Against 0**  
**Abstain 0**

RESOLVED that the application be REFUSED for the reasons above.

**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/ 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).**

**7. 32 ROWSLEY AVENUE, NW4 1AJ 21/1431/HSE (HENDON)**

The Committee received the report.

A verbal representation was made by two objectors and also made by the agent on behalf of the applicant.

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

Following discussions, the Committee voted on the Officer recommendation to approve the application and votes were recorded as:

Members voted on the reasons for refusal:

**For 0**  
**Against 7**  
**Abstain 0**

Cllr Cornelius moved a motion for referral which was duly seconded and the reasons for refusal were the cumulative impact of the proposed formation of a crown roof to the existing ground floor rear extension, by reason of its height, siting, and excessive rearward projection, would give rise to an unacceptable loss of outlook and overbearing sense of enclosure to the rear habitable rooms and garden of No 30 Rowsley Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D6 of the London Plan (2016), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guide SPD (2016).

The Chairman moved to vote on the recommendation to refuse the application.

Votes were recorded as follows

For 7  
Against 0  
Abstain 0

RESOLVED that the application be REFUSED for the reasons above.

**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/ 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. BRUMMEL HOUSE, 68 THE RIDGEWAY, NW11 21/5377/S73 (CHILDS HILL)**

The Committee received the report.

A verbal representation was made by an objector and the agent on behalf of the applicant.

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

Following discussions, the Committee unanimously agreed to add a condition to the application, as follows:

Before the development hereby permitted is first occupied, the first floor bay window

adjacent to the boundary with 70 The Ridgeway shall be glazed so that the bottom half of all panes (ie all glazing below the lower edge of the glazing in the original bay window, as shown on the existing rear elevation drawing) is glazed with obscure glass and the windows shall be permanently retained as such thereafter.

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)

The Committee voted on the Officer recommendation to approve the application, including the addition outlined above and votes were recorded as:

**For 5**  
**Against 2**  
**Abstain 0**

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

**9. LAND AT 49 & 51 BERESFORD AVENUE, N20 0AD 21/5999/RMA (BRUNSWICK)**

A deferral on the application was requested by Councillor Lisa Rutter. The Committee voted on this decision:

**For: 4**  
**Against: 0**  
**Abstain: 3**

**RESOLVED not to defer the decision.**

The Committee received the report which was presented.

A verbal representation was made by two objectors.

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

Following discussions, the Committee voted on the Officer recommendation to approve the application and votes were recorded as:

**For 4**  
**Against 2**  
**Abstain 1**



**It was RESOLVED to approve the application subject to the conditions detailed in the report, the addendum 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/ 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. 18 COTSWOLD GARDENS, NW2 1QU 21/5994/FUL (GOLDERS GREEN)**

The Committee received the report.

A verbal representation was made by an objector and the applicant.

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

Following discussions, the Committee voted on the Officer recommendation to approve the application and votes were recorded as:

**For 5  
Against 2  
Abstain 0**

**It was RESOLVED to approve the application subject to the conditions detailed in the report, the addendum 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/ as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).**

**11. 90 THE RIDGEWAY, NW11 9RU 21/5834/FUL (CHILDS HILL)**

The Committee received the report.

A verbal representation was made by the agent on behalf of the applicant.

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

Following discussions, the Committee voted on the Officer recommendation to approve the application:

**For 4  
Against 0  
Abstain 3**

**It was RESOLVED to approve the application, subject to the conditions detailed in the report, the addendum AND the Committee grants delegated authority to the**

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

**12. 60 WEST HENDON BROADWAY, NW9 7AE 21/1522/FUL (WEST HENDON)**

The Committee received the report.

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

Following discussions, the Committee voted on the Officer recommendation to approve the application:

The Committee voted on the Officer recommendation to approve the application, subject to S106 as set out in the report and votes were recorded as:

**For 4**

**Against 3**

**Abstain 0**

**RESOLVED that the application be approved, subject to the reasons detailed in the report, the addendum 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 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).**

**13. 131 FRIERN BARNET ROAD, N11 3DY 21/0891/FUL (COPPETTS)**

The Committee received the report.

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

The Committee voted on the Officer recommendation to approve the application and votes were recorded as:

**For 4**

**Against 0**

**Abstain 3**

**RESOLVED that the application be approved, subject to the reasons detailed in the report, the addendum 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 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).

**14. 19 HALE LANE, NW7 3NU 20/4814/FUL (HALE)**

The Committee received the report.

A verbal representation was made by the agent on behalf of the applicant.

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

The Committee voted on the Officer recommendation to approve the application and votes were recorded as:

**For 7**

**Against 0**

**Abstain 0**

**RESOLVED** unanimously that the application be approved subject to the reasons detailed in the report, the addendum 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 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).

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

None.

The meeting finished at 9.45 pm

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**Location** Yew Tree Court Bridge Lane London NW11 0RA

**Reference:** 21/5116/OUT Received: 22nd September 2021  
Accepted: 22nd September 2021

Ward: Golders Green Expiry 17th November 2021

**Case Officer:** Sinead Normoyle

Applicant: Robert STEIN

Proposal: Construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts

AGENDA ITEM 6

### **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:

LOCATION PLAN LOC-01  
EXISTING PLANS NUMBERED 18004 E-100A; E-101 TO E-103; E-200; E-201  
PROPOSED PLANS NUMBERED 18004 P-100B; P-101; P-102. P-103. P-104; P-200; P-201  
DESIGN AND ACCESS STATEMENT  
PARKING STRESS SURVEY  
SuDS PRO FORMA  
CONTEXT PHOTOGRAPHS

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 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

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

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

x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

6 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

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

8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the

development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

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

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

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

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

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

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

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

- 11 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).

- 12 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 13 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 Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2012 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 16 a) 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.

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

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

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

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

- 3 The 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.

- 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](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

Please visit

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the north-eastern side of Bridge Lane and lies on the outskirts of the Temple Fortune Town Centre. The existing building is a large 'U' shaped, three storey building which comprises of 33 self-contained residential units. There is a communal landscaped area within the front court.

Bridge Lane is mixed in character as the south-eastern end of the street is sited within the town centre and comprises a mix of residential and commercial units. Further, north-west, the street is residential in character, consisting of two storey, detached and semi-detached properties.

The site is not within a conservation area, nor is it a listed building. The site is located in a Controlled Parking Zone.

## **2. Site History**

Reference: F/00654/09

Address: Yew Tree Court, Bridge Lane, London, NW11 0RA

Decision: Approved subject to conditions

Decision Date: 20 April 2009

Description: Alterations to block of flats entrances to provide ramped access for disabled use.

Reference: 18/8115/ENQ

Address: Yew Tree Court, Bridge Lane, London, NW11 0RA

Issue Date: 23 March 2018

Description: Construction of an additional floor on top of the existing three storey building at Yew Tree Court. The proposal is to add 11 no 2 and 3 bedroom flats to the existing 33 two and three bedroom flats in the block.

## **3. Proposal**

Construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts

## **4. Public Consultation**

Consultation letters were sent to 209 neighbouring properties.

- 25 Objections letters were received.

The objections are summarised as follows:

- o The proposed additional floor would result in an increased height and due to the proximity to the Hayes Crescent houses, would result in both in severe overshadowing and overlooking.
- o View impact from Hayes Crescent House.
- o Light
- o Overdevelopment.
- o Too many people.
- o Privacy.
- o The dwelling mix is not needed in the suburban location.
- o Pedestrian concerns at a dangerous junction
- o Traffic
- o Parking
- o Concern regarding the car lift
- o Fire
- o Out of character
- o Tree
- o Overdevelopment
- o Pollution
- o Construction disturbance
- o Devalue properties in the area

Internal Consultees

- Highways have no objection to the subject application subject to conditions.
- Environmental Health have no objection to the subject application subject to conditions.

## **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 20th July 2021. 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

### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

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, DM17.

### 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.

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of Development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether satisfactory accommodation is proposed for future residents
- Highways and parking.

## **5.3 Assessment of proposals**

### **Principle of Development**

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. Proposals involving the redevelopment of sites in residential localities are required to reflect the character of the street in which the site is located and the scale and proportion of the houses.

It is considered that an additional floor to be added to the existing building subject to an appropriate design and assessment of the potential impact on neighbouring properties would be acceptable in principle.

The acceptability of the proposed design of the scheme is intrinsically linked to the principle of development. The building is a flatted development as such it would not go against the established character of the host site and surrounding area.

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

The existing building is of architectural merit and as such the design needs to be of a high quality and respect its scale, design and architectural detailing.

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).

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

It is proposed to build an additional floor on top of the existing flat roof of the building which will measure 1,297m<sup>2</sup>. The new application proposes a new gross internal floor area of 818m<sup>2</sup> to facilitate no. 9 self-contained flats.

The existing building is arranged in three sections in an approximate U shape around a communal garden. To the rear of the blocks is a service road and access for fire escape, refuse collection etc.

The flats are clustered around communal staircases, with one flat to each side of a stair. The new flats proposed for the flat roof space are laid out in a similar fashion, opening onto the same communal stairs, a passenger lift will also be introduced.

The proposal features a mansard roof which sits behind the existing parapet. The existing buildings have a brick parapet at roof level topped with a stone coping. This feature will be retained, and a new tile clad traditional mansard roof with white painted sash windows clad in lead will be added.

The proposed scale of the development is generally in line with that of the existing development within the surrounding area. The proposed design and scale is considered subordinate and retains the existing parapets which are an integral feature to the existing design.

Overall, the character, appearance and architectural detailing of the existing building would be preserved and it is considered the proposed design would integrate successfully within the street scene and surrounding area.

#### 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. The proposal must not harm the residential amenities of neighbouring occupiers. This includes ensuring adequate light, outlook, privacy and avoiding a sense of overbearing appearance or enclosure to neighbours. This is a requirement of Policy DM01.

The building is predominately surrounded by residential properties. To the north, there are two storey semi-detached properties whose rear gardens back onto the site. To the east, are the rear elevations of the Parade/Mansion blocks which comprises of commercial/retail units on the ground floor and residential flats above. There are a number of ground floor single storey projections which are associated with the commercial/retail units. Adjacent to the site to the north-west is a single storey synagogue.

In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The subject proposal measures approximately 21m between the rear windows of the dwellings to the north and flats to the east. There would be approximately 10m distance between the rear gardens of Hayes Crescent to the north. The proposal is not considered to result in any significant impacts in terms of direct overlooking.

A number of objections have been submitted from the residents of Hayes Crescent with regards to privacy and overlooking. However, given the existing building and the distance between the proposed additional floor and the rear garden of Hayes Crescent it is not considered the proposal would result in a detrimental impact in terms of overlooking. While additional windows would increase the perceived impact of overlooking, it is considered that the additional floor is set back from the front and rear elevations which helps mitigate this perceived impact. The set back also reduces any overbearing impact the additional floor would have on the surrounding properties.

#### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development 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.

The London Plan (2021) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. The London Plan states 2xbedroom 4 person units should measure a minimum of 70m<sup>2</sup>.

The proposal features 9 self-contained units.

- 7 x 2-bedroom 4 person

- 2 x 2-bedroom 4 person (including a study)

Total of 36 persons

The proposed flats meet the recommended guidelines for minimum space standards.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide.

The design and access statement indicates that the rooms on the floor plans labelled as "study" would/could be used as a bedroom, however this would not be allowed as 18a does not meet the minimum space standard measuring 5.4m.

The rest of the units would comply with the above standards.

The new London Plan requires a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area which is met.

#### Room stacking/siting

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

The stacking arrangement is considered acceptable.

#### Light/Outlook

All flats will be dual aspect, with living rooms and main bedrooms generally facing onto the communal garden with a south west orientation.

Provision of adequate outdoor amenity space for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats this is 5m<sup>2</sup> of space per habitable room. The existing flats have 143 habitable rooms and the proposed an additional 38. The minimum external amenity requirement would be 905 square metres.

The existing large communal south facing garden measures 1,600 square metres. As such, there would be enough outdoor amenity space for both existing and proposed residents.

#### Highways and parking

The site lies within a PTAL 2 zone, which means that there is poor public transport accessibility to and from the site. The required off-street car parking provision for a proposal such as this, should be between 9-13.5 spaces, in line with requirements set out on Policy DM17 of the Barnet Local Plan.

A car parking survey was carried out on the Tuesday 24th and Wednesday 26th of April 2018 at 02:30.

#### Summary of results:

The survey results show the percentage parking stress observed within the 200m survey area surrounding the site location for the 268 spaces that can be used for overnight residential parking as outlined above. Graph 3.1 shows the parking stress results of these spaces. The parking stress for Tuesday, 24th April is 71% thus indicating that 29% (76 spaces) were not occupied at the time the survey was conducted. The parking stress level for Thursday, 26th April is 69%, thus indicating that 31% of spaces were unoccupied, leaving 80 spaces available for parking.

Car ownership levels in the area were also assessed by the applicant. It is estimated that approximately 6 additional vehicles would be required to park on -street as a result of the proposed development. The car parking demand of 6 vehicles arising from the proposed flats is likely to slightly increase the existing parking stress on average by 1-2% from 69% to 70%. An average of 80 spaces are expected to remain unoccupied following the completion of the proposed development within 200m of the site.

Therefore, the proposed car free development is not expected to have a significantly detrimental impact on the surrounding public highway. The highway officer therefore has no objection to the proposed on highways grounds.

Cycle parking needs to be provided in accordance with the requirement of the London Plan cycle parking standards. For the proposed development, a minimum of 18 cycle parking spaces are needed (this means 2x spaces per dwelling). No cycle parking is shown on the site layout plan. Cycle parking should be provided in a secure, covered, lockable and enclosed compound. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a planning condition.

Highways officer would raise no objection to the proposal subject to conditions.

#### Waste

The refuse collection arrangement is proposed to remain as existing, collected from the rear of the building via Bridge Way. This is deemed acceptable on highways grounds.

#### **5.4 Accessibility and Sustainability**

In respect of carbon dioxide emission reduction, the scheme should have been designed to achieve a 36.3% CO<sub>2</sub> reduction over Part L of the 2012 building regulations. This level of reduction is to comply with the requirements of the London Plan and the 2016 Housing SPG's requirements and a condition would be attached to any permission to ensure compliance with this Policy.

In terms of water consumption, a condition would be attached to any permission 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.

The addition of a lift would serve the existing residents as well as residents of the new

flats.

## 5.4 Response to Public Consultation

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

## 6. Equality and Diversity Issues

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

## 7. Conclusion

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



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**Location** 1 Ravenscroft Park Barnet EN5 4ND

**Reference:** 21/2106/FUL

Received: 14th April 2021

Accepted: 7th May 2021

**Ward:** High Barnet

Expiry 2nd July 2021

AGENDA ITEM 7

**Case Officer:** Zakera Matin

**Applicant:** Mr Glenn Barnett

**Proposal:** Second floor rear extension. Second floor rear dormer window.

### **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:

3031/1A

3031/2A

3031/3e

3031/4e

Site Location Plan

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

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

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

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

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

- 4 No development shall take place until details of the proposed windows in 1:20 scale have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

#### **OFFICER'S ASSESSMENT**



The application is referred to committee because of number of objections received.

### **1. Site Description**

The application site is occupied by a two storey end of terrace property located on the north side of Ravenscroft Park. The property has been subdivided into two flats, the proposal involves extensions to the upper floor flat.

The property features part single and part two storey rear projection. There is an existing first floor rear dormer.

Neighbouring attached property sited to the west in relation to the subject property. It features two storey rear projection and a rear dormer.

The site is within the Wood Street conservation area and the site is covered by Article 4 direction, however the building is not listed.

### **2. Site History**

Reference: N04729E

Proposal: Single-storey rear extension (Ground floor Flat)

Decision: Refused

Date: 20.01.1982

### **3. Proposal**

The application seeks permission for second floor rear extension. Second floor rear dormer window.

The extension would be sited on top of the rear of first floor and replace the existing roof at the rear. It would feature a hipped roof and would have a total height of 3.5m from the existing first floor eaves line at the rear and would measure 5m deep and 4.3m wide. The rear dormer would measure 1.4m by 1.6m. Side dormer window would measure 1.5m by 2.2m. A small side dormer window would measure 1.2m by 0.7m.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties.

5 comments have been received as below:

- Probable impact on conservation area.

- Overlooking of Grimsdyke House.

- Overlooking of nos 1 and 2 The Avenue

- Conservation Area Advisory Committee commented that, the rooflights in the turret are not acceptable in the Conservation Area and the new, wider dormer is top heavy compared to the windows below.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published in July 2021. 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.

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

### Barnet's Local Plan (2012)

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

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

### Barnet's Draft Local Plan

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is

in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

-Wood Street Conservation Area Character Appraisal July 2007 identifies the site as falling within Area 4 – Ravenscroft Park - of the conservation area which is described as having a very cohesive character with large, late Victorian substantial villas.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposal would preserve or enhance the character and appearance of the conservation area;

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

### **5.3 Assessment of proposals**

The proposal has been amended to remove the Juliette balcony from the side elevation, remove rooflights. Height of the proposed roof has been reduced. Existing rear dormer would remain same.

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

The proposal has been amended to make it acceptable.

NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. It further states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, Core Policy CS05 and London Plan 2021.

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

DM06 states that, Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet. Paragraph 7.2.2 mentions that, if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserve nor enhance the character or appearance of that area. Proposals will need to consider the council's Conservation Area character appraisals and suite of Supplementary Planning Documents.

Paragraph 14.24 of the SPD states that, two storey rear extensions need to ensure they do not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension,
- unacceptable sense of enclosure to house and garden,
- overbearing impact,
- harm to the character or appearance of the property and area.

The extension would be sited on top of the rear of first floor and replace the existing roof at the rear. It would feature a hipped roof and would have total height of 3.5m from the existing first floor eaves line at the rear and would measure 5m deep and 4.3m wide. The rear dormer would measure 1.4m by 1.6m. Side dormer window would measure 1.5m by 2.2. A small side dormer window would measure 1.2 by 0.7m.

The proposed roof height would match the height of the existing rear dormer. The eaves height would be slightly below the existing eaves height at the rear thus maintaining a subserviency to the main house. It would appear as an infill extension from the side and rear elevation.

The proposed second floor rear extension would be similar to the extension of attached property and would not project beyond the extended rear wall of the attached property and the existing rear building line of the first floor rear of the subject property. It would feature a hipped roof. The height of the proposed roof would be similar to the attached neighbouring property.

Because of the acceptable scale and design of the extension, is considered to preserve the character and appearance of the property and the conservation area.

The proposal has been amended to remove the Juliette balcony from the side elevation, remove front rooflights and reduce roof height. The amended scheme is considered to be more sympathetic to the conservation area.

The proposed rear and side dormers would be visually contained in the rear roofslope and would be a proportionate addition.

It is noted that, neighbouring terraced properties towards the west side of the road have been extensively extended. In this context, the proposed extension is not considered to have detrimental impact on the character of the area conservation area.

### **Impact on the amenities of neighbouring occupiers:**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and the London Plan 2021) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed second floor rear extension would not project from the existing rear wall of the first floor and would not project from the extended rear wall of the attached property. It would be sited to the east of the attached property. Because of acceptable depth and height, it is not considered to have any detrimental impact on the amenity of the attached property in terms of daylight, overbearing or overlooking impact.

The proposal has been amended to remove the Juliette balcony from the side elevation. The proposed side window in the second floor would be similar to the existing first floor side window.

It is noted that, there are existing flank wall windows at first floor level facing east. Grimsdyke House is sited 22m away from the side dormer window and no.1 The Avenue High Barnet is sited 20 away from the rear dormer. In this context the proposed side windows would not cause any additional overlooking impact for the neighbours to the east side, 1 The Avenue High Barnet and Grimsdyke House. Furthermore they would provide

only an oblique view towards those properties.

The proposed rear dormer would be sited to the rear roofslope, similar to the existing rear dormer at the rear and not considered to have any additional detrimental impact on the amenities of neighbouring properties at the rear, 1 The Avenue High Barnet which is sited 20m away.

It is not considered that the amended proposal would have any detrimental impact on the neighbours amenity in terms of privacy or overlooking impact.

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

Addressed in the report.

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

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

#### **7. Conclusion**

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



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**Location** 60 Hervey Close London N3 2HJ

**Reference:** 21/6321/HSE

Received: 2nd December 2021

AGENDA ITEM 8

Accepted: 2nd December 2021

**Ward:** West Finchley

Expiry 27th January 2022

**Case Officer:** Tania Sa Cordeiro

**Applicant:** Build Aid LTD

**Proposal:**

First floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch. Reduction of first floor rear extension. (Amended plans - dormer)

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Drg.no. KK-09 rev. A-Rev1(Proposed Site Plan)  
Drg.no. KK-06 rev. A (Location Plan and Site Plan)  
The above plans were received on the 02/12/21.

Drg.no. KK-07B rev. B4 (Existing Plans & Elevations)  
Drg.no. KK08-B5 rev. A-Rev. 5 (Proposed Plans & Elevations)  
Drg.no. KK-07B rev. A (Permitted Development Calculations)  
The above plans were received on the 31/01/22.

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

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

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

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

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

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

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

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

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

negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The premises shall be used as a single family dwelling house and for no other purpose (including any other purpose in any other Class of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to any Class in any statutory instrument revoking and re-enacting that Order with or without modification).

## **OFFICER'S ASSESSMENT**

This application has been "called in" by Councillor Rich who wishes the matter to be considered by the Planning Committee for the following reasons:

" over development of the site and the impact number of varying applications is having on local residents " .

### **1. Site Description**

The application site is a two-storey end terrace dwellinghouse located at 60 Hervey Close. The property is located within the West Finchley ward of Barnet and benefits from off-street parking facilities to the front of the dwelling and amenity space to the rear.

The surrounding area is predominately residential and upon review, it is apparent that many of the properties within the street have benefitted from some form of extension over the years.

The application site is not located within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: 20/5614/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 18 December 2020

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights. Erection of a rear outbuilding including garage with 1no car parking space. New front hardstanding

Reference: 20/5620/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2020

Description: Single storey rear extension measuring 6.00 metres in depth from the original rear wall with an eaves height of 3.00 metres and a maximum height of 3.00 metres

Reference: 21/0149/PNH

Address: 60 Hervey Close, London, N3 2HJ

Decision: Prior Approval Required and Approved

Decision Date: 12 February 2021

Description: Single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.

Reference: 21/0789/192

Address: 60 Hervey Close, London, N3 2HJ

Decision: Lawful

Decision Date: 15 March 2021

Description: Single storey rear extension

Reference: 21/0835/HSE

Address: 60 Hervey Close, London, N3 2HJ

Decision: Refused

Decision Date: 16 April 2021

Description: Two storey side and rear extension. Roof extension involving hip to gable, rear dormer window and 4no rear and 4no front facing rooflights. New front porch

Reasons for refusal:

1. The proposed extensions would by reason of their size, siting, bulk and design, result in a disproportionate and incongruous form of development, resulting in an overdevelopment of the site, appearing bulky, prominent and out of scale with the host dwellinghouse, which would be detrimental to the character and appearance of the host property and the surrounding area contrary to policy D3 of the London Plan (2021), policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012, policy DM01 of the Barnet Local Plan (Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.

2. The proposed development would, by reason of its cumulative size, depth, siting and design, be overbearing and visually obtrusive, detrimental to the residential and visual amenities of the occupiers of No. 62 Hervey Close contrary to policy D3 of the London Plan (2021), policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012, policy DM01 of the Barnet Local Plan (Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.

Reference: 21/6146/HSE

Address: 60 Hervey Close, London, N3 2HJ

Decision: Withdrawn

Decision Date: 2 December 2021

Description: First floor side and part single, part two storey rear extensions with 3no skylights to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side window. New front porch

### **3. Proposal**

The application seeks approval for a first floor side and part single, part two storey rear extensions with 1no skylight to flat roof of single storey rear extension. Associated alterations and extension to roof including 1no. front facing and 1no. rear facing rooflights and side, front and rear windows. New front porch

At ground floor the proposed rear extension will measure approximately 3 metres in depth,

9.7 metres in width and 3.1 metres in height.

At first floor level, the proposed rear extension will measure approximately 3 metres in depth, 4.8 metres in width, with an eaves height of 5.8 metres and a maximum height of 7.8 metres.

The proposed first floor side extension will measure approximately 3.5 metres in width, 10.5 metres in depth (to include the first floor rear extension), with an eaves height of 5.9 metres and a maximum height of 9.3 metres when viewed in the front elevation.

The proposed front porch will measure approximately 1 metre in depth, 2.4 metres in width, with an eaves height of 3.3 metres and a maximum height of 4.2 metres.

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

Prior to the number of objections received, Cllr Rich called this in to committee on the grounds of over development of the site and the impact of the number of applications on local residents.

Consultation letters were sent to 13 neighbouring properties. 13 responses were received from 10 neighbouring properties, comprising 10 separate letters of objection. The objections can be summarised as follows:

- The property was originally built as 3-4 bed family homes, this development will change it to 8 bedroom multiple occupancy
- It will be turned into flats
- My view will be a massive two-storey rear extension
- Side windows would cause overlooking and a loss of privacy
- A fence has been erected which is out of character with other fences
- Over developed outbuilding and reduced garden size
- This application will lead the way for other conversions
- Doubled square footage
- Kitchens are going to be installed
- Separate gas metres are being installed
- Flats will overwrite the character of the area which is family homes
- 7th application this year
- Overdevelopment of the property and excessive coverage of the site
- Development is out of keeping with local context and surrounding neighbourhood
- Extensions are too dominant and not subordinate to the original house
- The side extension retains the gable-faced roof overlooking Clagmar Gardens, previously judged by the Planning Officer to be 'harmful to the character of the surrounding area'
- The first floor extension at the rear would still cover more than half the width of the extended dwelling
- If the Council approves this application, on top of the various other extensions and new structures already under construction at the property, it would be granting permission for the construction of a mega-house, more than double the size of the original dwelling and the other homes in the locality
- Previous approvals are not shown on the plans
- Increase in bedrooms will raise the amount of car parking, refuse bins needed
- Increased pressure on parking
- Extensions will be detrimental to the character and appearance of the area.
- 7 applications is far too many

- No.64 did not receive a letter from the owner nor Barnet Council about the works
- Style and appearance no longer reflects surroundings
- Works have been disruptive and no notice given to neighbours
- The sequencing in the planning process has been strange (we are commenting on work that has already begun)
- There is significant difference in size, mass or obtrusive appearance between this application and Ref: 21/0835/HSE
- Outbuilding not being built in accordance with approved plans
- Planting has been removed
- Clear glass windows facing my property
- The 6m extension has been built
- If all extensions are built out, our garden will be enclosed by a concrete boarder
- Overlapping of applications is leading to confusion and uncertainty for neighbours

In addition a Planning Analysis was sent in by an objector, on the 19 January, setting out in detail the reasons for the objection. Reasons for the concerns/objections have been summarised below. In addition, calculation with regards to the loft conversion have been provided by a concerned neighbour. These have been fully taken into account and an assessment of these figures has been done by the LPA.

- The partial implementation of works consented under multiple previous applications must be represented in the 'existing' drawings submitted as part of the current application so that determination of the current proposals can be fully assessed.
- Investigate the CIL liability further with the appropriate officials at Barnet Council.
- Insufficient External Amenity Space
- Ensure that any further consent granted for works to the property does not inadvertently allow use of national and local plan policies granted to private dwellings in order to enable a future change of use.
- Condition should be imposed precluding subdivision or multiple occupation of the property in the future.
- Condition should also be placed on granting of any new consent precluding combination of its implementation together with the implemented consents for the outbuilding and the 6metre deep rear extension.
- Rear dormer not built to plans.
- Loft conversion exceeds the permitted allowance of 50cubic metres.
- Concerns with regards to overdevelopment of the site and design of the extensions.

## **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 amended on 20 July 2021. 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

### Barnet's Local Plan (2012)

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

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

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

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### Preliminary Matters

It should be noted that the property already benefits from a number of approved permitted development extensions. As per lawful development certificates 20/5614/192 and 21/0789/192, the property can implement a roof extension involving a hip to gable and rear dormer window, a rear outbuilding and a 6m single storey rear extension. At the time of submission of this current application, the roof extension was substantially complete, and is therefore shown on the existing plans and elevations.

Site photos submitted with this application demonstrate that 1 no side wall of the 6m single storey rear extension has been erected. Given that this does not demonstrate substantial completion of the 6m single storey rear extension, nor does it show clear intent to build this extension, this extension is not taken into account in the assessment of this application. As it is not substantially complete, it cannot be deemed to be an existing structure therefore cannot be shown on the existing plans. It should be noted that the applicant would need to substantially complete the 6m extension for it to be considered as lawful. Building a 6m extension together with a first floor extension in one operation would deem the ground floor element unlawful.

It is also noted that works have commenced for the rear garden outbuilding. As this



element is not considered as substantially complete, it is not shown on the existing and proposed plans

Notwithstanding the above, subsequent to further concerns raised by neighbours, a sit visit was undertaken and it was noted that all previously consented works to the property were put on hold, that includes the loft conversion, the rear outbuilding and the rear extension.

Following concerns raised with regards to the lawful status of the roof extensions, 2no. officers, which included an enforcement officer and a senior planning officer visited the site on the 14 February 2022. With the help of measurements taken on site and by counting the number of tiles and breeze blocks on neighbouring properties from adjacent streets, a measurement of 50.2cubic meters was arrived at. Whilst, it is 0.2m over what is considered to be lawful, it is the opinion of the officers that this marginal increase should not impede the decision making process for the current proposal. The additional 0.2m is considered marginal and not considered to detract further from the character of the area than that which was deemed lawful.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1 and D4 (both of the London Plan 2021).

#### *First floor side extension*

Barnet's Residential Design Guidance (2016) states that side extensions to existing buildings can be unacceptably prominent features in the street scene. Para 14.15 states that side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene.

Paragraph 14.16 of Barnet's Residential Design Guidance also states that pitched roofs help extensions fit in with the street. Pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and should be set down at least 0.5 metre from the ridge of the main roof

The proposed first floor side extension will sit on top of an existing ground floor side extension. The first floor side extension will be set behind the front wall of the property by approximately 1 metre and will be less than half the width of the main property. In addition, a gable roof is proposed to match the main roof form and will be set below the main roof by approx. 0.5 metres. It is considered that the first floor side extension has been designed in accordance with Barnet's Residential Design Guidance, to ensure a subordinate and proportionate addition to the property.

The first floor side extension is considered to be acceptable in terms of design and will not harm the character and appearance of the property or surrounding street scene.

#### *Part single part two-storey rear extension*

Barnet's Residential Design Guidance SPD (2016) stipulates that a depth of 3 metres is considered acceptable for a single storey rear extension on a terrace property. The ground floor rear extension proposes a depth of 3 metres and is therefore in keeping with these guidelines and is considered to be acceptable in terms of size and scale. It is noted that the property has the fall back position of the 6m single storey rear extension, therefore a 3m rear projection is considered to be acceptable.

Barnet's RDG states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours.

The proposed first floor rear extension will join with the first floor side extension and will project 3m in depth. A pitch roof is proposed which will allow the first floor extension to relate well to the rest of the property. Furthermore, the first floor rear extension will be less than half the width of the rear elevation.

The application site is located on a corner plot on the junction of Hervey Close and Claigmar Gardens, and, as such, is located more prominently within the streetscene. It is considered that the modest depth of the first floor, which is consistent in terms of depth with the ground floor extension, ensures the impact of the extension on the appearance of the street scene is minimal. Further, the extension has been designed so that it is set down from the main roof of the house. The extension would be very similar in terms of design to that of the two-storey side/rear extension in place at no.1 Cadogan Gardens, which also sits prominently within the street scene of Claigmar Gardens as the other corner property. Given this example, it is not considered that the proposed development would be out of character with the surrounding area, and such extensions on corner plots are evident.

Whilst the first floor side/rear extension would be visible, it is not considered to be harmful to the street scene or character of the area.

#### *New front porch*

Front porches should be designed to ensure that the character and appearance of the property and street scene is not harmed.

The front porch extension will join with the front wall of the existing side extension, creating a pitched roof to join these two elements.

Due to the porches design, size, height and sitting it is considered that the development would not cause harm to the character and appearance of the existing building, the street scene and the wider locality. The porch will be subordinate in scale when compared with the main dwelling and doesn't appear as a bulky or prominent feature. Properties along Hervey Close also benefit from porch extensions, with each being a different design and size. Therefore, this development is not found to harm the appearance of the street scene and local area. Furthermore, the side extension would then benefit from a pitched roof, which is considered to be an improvement in terms of design.

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

It is important that any scheme addresses the relevant development plan policies (for

example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

#### *First floor side extension*

As this property is a corner property, due to its sitting, the proposed side extension will not harm the amenities of neighbouring properties. The front wall of no.2 and no.4 Claimar Gardens, which sits on the opposite side of the road, is located approximately 21 metres from the flank wall of the proposed first floor side extension. Due to the distance between the properties, this element will not harm the visual amenities or lead to a loss of light for neighbouring occupiers. Further, due to this distance, it is not necessary for the first floor side window or roof level window to be obscure glazed. Table 2.4 of Barnet's Sustainable Design and Construction SPD states that a minimum distance of 21m is required between residential properties with facing windows to habitable rooms to avoid overlooking.

The side extension will not be visible from the adjoining neighbour at no.62 Hervey Close. As such, this element will not harm their residential amenities.

#### *Part single part two-storey rear extension*

Barnet's Residential Design Guidance outlines that a depth of 3 metres is normally considered acceptable for a single storey rear extension on a terrace dwelling to ensure the proposal would not unduly harm the amenity of adjoining properties by way loss of light, outlook or increased sense of enclosure. The proposed ground floor extension will extend 3 metres past the rear wall of no.62 Hervey Close which adjoins the application site. Given that the proposal complies with the SPD guidance, it is not found that the proposal would result in an unacceptable level of harm to the amenity of neighbouring occupiers at no.62. In addition, as stated above the property has the fallback position of the 6m single storey rear extension, therefore a 3m rear projection is considered to be acceptable.

The proposed first floor rear extension will project 3m in depth and will be located approx. 4.5 metres from the boundary with no.62 Hervey Close. It is considered that there is sufficient distance between the first floor extension and the neighbouring property to ensure this element of the development will not lead to a detrimental loss of light or outlook for neighbouring occupiers of no.62.

#### *New front porch*

Due to the size, sitting and design of the proposed porch, it is not considered that this element will harm the amenities of neighbouring sites.

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

'The property was originally built as 3-4 bed family homes, this development will change it to 8 bedroom multiple occupancy,' 'It will be turned into flats.'

- This application is solely for extensions to the single family dwellinghouse. A conversion into flats or use as a HMO would require planning permission.

'My view will be a massive two-storey rear extension'

- It is not considered that the extensions, when viewed side on, will detrimentally harm the visual amenities of neighbouring sites.

'Side windows would cause overlooking and a loss of privacy'

- There will be a distance of at least 21m between the side extension windows and the front windows of no.2 and no.4 Claiemar Gardens. Due to this distance, it is not necessary for the first floor side window to be obscure glazed. Table 2.4 of Barnet's Sustainable Design and Construction SPD states that a minimum distance of 21m is required between residential properties with facing windows to habitable rooms to avoid overlooking.

'A fence has been erected which is out of character with other fences'

- Permitted development allows households to erect 2m side boundary fences without planning permission.
- This application does not include the erection of a fence.

'Over developed outbuilding and reduced garden size'

- The property can use their permitted development rights to erect a rear outbuilding. This element does not require planning permission. A lawful development certificate has been granted for a rear outbuilding at this site.

'This application will lead the way for other conversions'

- This application is not for a conversion

'Doubled square footage,' ' Separate gas metres are being installed,' 'Flats will overwrite the character of the area which is family homes'

- The extensions within this application do not double the square footage of the property.

'Kitchens are going to be installed'

- This application is for extensions to a single family dwelling. Conversion into flats would require planning permission.

'7th application this year,' '7 applications is far too many'

- Previous applications have been for lawful development certificates and prior approval. 2no householder applications have been submitted, one refused, and one withdrawn. The applicant is entitled to submit planning applications and applications for lawful development. The LPA cannot refuse to accept these application.

'Overdevelopment of the property and excessive coverage of the site'

- The extensions proposed within this application are considered to be subordinate additions and would not represent an over development of the property.

'Development is out of keeping with local context and surrounding neighbourhood,' 'Extensions are too dominant and not subordinate to the original house'

- The roof extension, already erected, is permitted development and a number of other properties in the vicinity have completed similar works
- The first floor side extension and part single part two storey rear extension are considered to be subordinate additions to the main property, complying with Barnet's Residential Design Guidance.

'The side extension retains the gable-faced roof overlooking Claiemar Gardens, previously judged by the Planning Officer to be 'harmful to the character of the surrounding area'

- The previous application included works to the roof as these had not been erected through permitted development prior to application 21/0835/HSE. In this current application, the roof extension involving a hip to gable has already been erected and is lawful. Given its presence as an existing structure, and therefore now part of the character

of the property, the gable ended roof of the first floor side extension is considered to be acceptable in terms of appearance and design.

'The first floor extension at the rear would still cover more than half the width of the extended dwelling.'

- The first floor extension was amended during the process to be less than half the width of the rear elevation.

'If the Council approves this application, on top of the various other extensions and new structures already under construction at the property, it would be granting permission for the construction of a mega-house, more than double the size of the original dwelling and the other homes in the locality'

- The current application is for extensions to a single family dwelling. Other extensions at the property have been approved through permitted development. The applicant would need to build in accordance with an approved set of plans in full, failing which the applicant will need to provide evidence that the extensions adhere to permitted development.

'Previous approvals are not shown on the plans'

- Discussed in 'Preliminary Matters' section

'Increase in bedrooms will raise the amount of car parking, refuse bins needed,' 'Increased pressure on parking'

- No changes to the parking and refuse situation are proposed within this application.

'Extensions will be detrimental to the character and appearance of the area.'

- The proposed extensions within this application are considered to be in keeping with Barnet's Residential Design Guidance and are therefore considered acceptable in terms of character and appearance. A full assessment of these elements can be found in the main body of the report.

No.64 did not receive a letter from the owner nor Barnet Council about the works

- It is required for the LPA to consult immediate adjoining neighbours or adjacent properties.

'Style and appearance no longer reflects surroundings'

- Works have been carried out under permitted development.

'Works have been disruptive and no notice given to neighbours'

- Works already undertaken have been for permitted development. It is not a requirement for the LPA to consult neighbours for lawful development certificates.

'The sequencing in the planning process has been strange (we are commenting on work that has already begun)'

- Works already undertaken have been for permitted development. It is not a requirement for the LPA to consult neighbours for lawful development certificates.

'There is no significant difference in size, mass or obtrusive appearance between this application and Ref: 21/0835/HSE'

- This application does not include a 6m rear extension or the roof extensions. Further, the first floor extension has been significantly reduced.

'Outbuilding not being built in accordance with approved plans'

- The outbuilding does not form part of this application

'Planting has been removed'

- Planning permission is not required to remove planting

'The 6m extension has been built'

- The 6m rear extension has not been substantially complete to be deemed as a lawful structure

'If all extensions are built out, our garden will be enclosed by a concrete boarder'

- The applicant would need to build in accordance with one set of approved plans. This application is for a 3m ground floor extension which is not considered to have a harmful impact on neighbouring amenity. The outbuilding is subject to permitted development.

'Overlapping of applications is leading to confusion and uncertainty for neighbours'

- The applicant has used permitted development to undertake some works which do not require planning consent. The applicant would need to build in accordance with approved plans within this application if they choose to implement it.

'The partial implementation of works consented under multiple previous applications must be represented in the 'existing' drawings submitted as part of the current application so that determination of the current proposals can be fully assessed'

- Given that the rear extension and the outbuilding are not substantially complete, it cannot be deemed to be an existing structure therefore cannot be shown on the existing plans. This concern has been addressed in detail within the body on the report (preliminary matters) above.

'Investigate the CIL liability further with the appropriate officials at Barnet Council'

- The Authority has its own CIL team that will pick up any inaccuracies with the CIL payments. Notwithstanding this, this concern is not a planning consideration.

'Insufficient External Amenity Space'

- The proposal is for extension to an existing dwelling which has the benefit of permitted development rights. Therefore, the applicant to allowed to erect and outbuilding, a single storey side extension and a 6m single storey extension under class A of permitted development without the need to take into consideration amenity space for the occupiers. In this case the applicant is seeking consent for a 3m rear extension and it is considered that the property will have sufficient amenity space retained post construction.

'Condition should be imposed precluding subdivision or multiple occupation of the property in the future. Condition should also be placed on granting of any new consent precluding combination of its implementation together with the implemented consents for the outbuilding and the 6metre deep rear extension'

- A planning application would be required to subdivide the property or to use it as multiple occupation. Therefore, it is not necessary to attach conditions based on assumptions. Furthermore, as stated in the body of the report above the property benefits from permitted development rights and therefore entitled to carry out works to the property as long as it adheres to the conditions set out within the 'Permitted Development' legislation. Any other elements that falls outside the scope of Permitted Development will require planning permission.

'Rear dormer not built to plan'

- Concerns were taken onboard and amended plans were secured which reflects what is on site, subsequently a neighbour consultation was carried out.

'Loft conversion exceeds the permitted allowance of 50cubic metres'

-Following concerns raised with regards to the lawful status of the roof extensions, 2no. officers, which included an enforcement officer and a senior planning officer visited the site on the 14 February 2022. With the help of measurements taken on site and by counting the number of tiles and breeze blocks on neighbouring properties from adjacent streets, a measurement of 50.2cubic meters was arrived at. Whilst, it is 0.2m over what is considered to be acceptable, it is the opinion of the officers that this marginal increase should not impede the decision making process for the current proposal.

'Concerns with regards to overdevelopment of the site and design of the extensions'

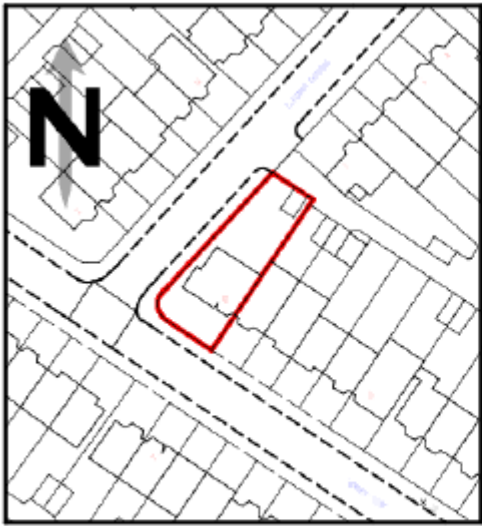
-These concerns have been mainly addressed in the body of the report. It is common practice to ensure uniformity in character and therefore precedence forms an important element in an officers report. However, ultimately every application is assessed on its own merits and could vary in appearance and character providing it does not impact the character and appearance of the property and street to an unacceptable level.

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

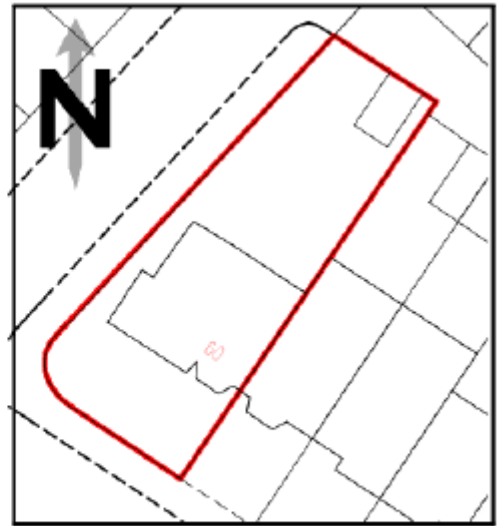
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

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



LOCATION PLAN 1.1250



SITE PLAN 1.1500



**Location** 11 Summit Close London N14 7NR

**Reference:** 21/3569/FUL

Received: 29th June 2021

Accepted: 29th June 2021

**Ward:** Brunswick Park

Expiry 24th August 2021

AGENDA ITEM 9

**Case Officer:** Zakera Matin

**Applicant:** Mr Kurt Hidayet

**Proposal:** Erection of a two-storey dwelling to the rear of No.11 Summit Close.  
Associated refuse/recycling and off-street parking

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Existing Plans

SUMc11\_EX 99 A  
SUMc11\_EX 001 B  
SUMc11\_EX 002 B  
SUMc11\_EX 100 B  
SUMc11\_EX 200 A  
SUMc11\_EX 201 B  
SUMc11\_EX 202 A  
SUMc11\_EX 203 A  
SUMc11\_EX 300 A

SUMc11\_EX 303 A  
SUMc11\_EX 400 A

#### Proposed Plans

SUMc11\_PL 000 A  
SUMc11\_PL 001 B  
SUMc11\_PL 002 A  
SUMc11\_PL 99 A  
SUMc11\_PL 100 B  
SUMc11\_PL 101 A  
SUMc11\_PL 200 B  
SUMc11\_PL 201 B  
SUMc11\_PL 202 B  
SUMc11\_PL 203 B  
SUMc11\_PL 300 C  
SUMc11\_PL 301 D  
SUMc11\_PL 302 C  
SUMc11\_PL 303 C  
SUMc11\_PL 400 A  
SUMc11\_PL \_INF 900 B  
SUMc11\_PL \_INF 901 B

Cover letter dated 29 June 2021

Planning Statement dated 10th June 2021

Arboricultural Report 171020-PD-11b

Air Assessment prepared by RPS.

Design and Access Statement prepared by Douglas and King Architects Part 1 and Part 2.

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) The development shall be implemented in accordance with the materials as approved under this planning application with the materials as submitted with the Design and Access Statement and as detailed on the approved plans. Any variation to these details will need to be approved in writing by the Local Planning Authority.

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 GG1, D1, D5,D6, D8 of the London Plan 2021.

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

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

- 5
- a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 6
- Prior to occupation of the development the proposed parking spaces within the parking area as shown on Drawings. 000A and 900B submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that 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
- a) Before the development hereby permitted is first occupied cycle parking spaces

and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 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 at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) shall meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) shall meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. 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 London Plan policy D7 (Accessible Housing).

- 9 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 10 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 before the development hereby permitted is further commenced.
- 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 April 2013).

- 11 a) No further development shall take place until details of the location, extent and depth of all excavations for services as well as upgrades (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) and London Plan 2021.

- 12 a) The proposed development shall not commence until the details of the AMS have been carried out in full with trees to be removed and the tree protection fencing erected in accordance with approved plans within the AMS including 171020-P-10a, 171020-P-11b and 171020-P-12b.

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).

- 13 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,and E 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 TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 15 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 Tree and shrub species selected for landscaping/replacement planting provide long



term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

## **OFFICER'S ASSESSMENT**

The application is forwarded to committee due to number of objections received.

### **1. Site Description**

The application site is located at the rear of 11 Summit Close which is a two-storey detached property located at the southern end of Summit Close within the Brunswick Park Ward. Summit Close is dominated by single family dwellings, with semi-detached properties to the northern and middle section of the street and larger detached properties at the southern end. The detached properties are orientated around the cul-de-sac section of Summit Close, with each of these dwellings benefiting from generous plot sizes.

The site has planning permission for a two storey dwelling following permission 17/7118/FUL. This permission has been partially implemented but a contractor was appointed who made significant modifications to the layout and scale of the building without understanding the implications of deviating from the approved documents. This application has been submitted following Enforcement investigations. This application seeks to regularise the deviations from the approved scheme.

The application site is not located within a conservation area and is neither a statutory or locally listed building. No TPO trees are located within its curtilage although there is a TPO tree proximally located to the rear of the application site within the curtilage of no.35 Mandeville Road.

### **2. Site History**

Reference: 17/7118/FUL

Address: 11 Summit Close, London, N14 7NR

Decision: Approved following legal agreement

Decision Date: 9 February 2018

Description: Erection of a part one storey, part two-storey dwelling house (comprising of lower ground and ground floor level) following demolition of the existing garage. Associated parking, refuse and cycle storage

Reference: 19/4590/CON

Address: 11 Summit Close, London, N14 7NR

Decision: Approved

Decision Date: 22 November 2019

Description: Submission of details of conditions 4 (Refuse collection) 6 (Demolition and Construction Management and Logistics Plan) 8 (Landscaping) 9 (Service excavations) 10 (Levels) 11 (External materials) 12 (Enclosure/boundary treatment) pursuant to planning permission 17/7118/FUL dated 09/02/18

Reference: 20/3666/CON

Address: 11 Summit Close, London, N14 7NR

Decision: Approved

Decision Date: 21 August 2020

Description: Submission of details of condition 11 (Materials) pursuant to planning permission 17/7118/FUL dated 09/02/18

### **3. Proposal**

It is noted that the site has begun construction to implement the scheme approved under planning permission 17/7118/FUL involving the Erection of a part one storey, part two-storey dwelling house (comprising of lower ground and ground floor level) following demolition of the existing garage. Associated parking, refuse and cycle storage.

The proposal under this application seeks to regularise the deviations made to the approved scheme 17/7118/FUL. The lower ground and ground floor slabs have been built but not set at the correct levels and the building is located in a slightly different location on the site in plan. A proposed flat roof, previously with a shallow pitch, sets the roof level at a similar height to the ridge of the previously approved scheme. The upper volume has been shifted to be more central on the site, moving the volume away from the boundaries and creating a similar impact on neighbouring amenity.

The building footprint is 172sqm with 65sqm of private sunken amenity space. The dwelling will provide a GIA of 231sqm with a dedicated refuse and bike store. 2 car parking spaces are proposed on site.

### **4. Public Consultation**

Consultation letters were sent to 44 neighbouring properties and 22 letters of objection have been received. These objections can be summarised as follows:

- Impact character and appearance of area
- Out of character with the area
- Boundary treatment
- Increased overlooking and distance to neighbour boundaries
- Loss of privacy
- Increase in traffic

### **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 20th July 2021. 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 Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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

### 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, CS10, CS11,

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

The Council's approach to development 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.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Quality of amenity for the future occupier
- Impact on highways
- Refuse

### 5.3 Assessment of proposals

#### Principle

This application seeks planning permission for a new two-storey dwelling (over lower ground and ground floor levels) within the back garden of no.11 Summit Close. The development proposed would constitute a form of back land development that would result in the loss of a portion of private residential garden. This form of development often raises a number of fundamental character and amenity concerns, particularly around discordant development patterns, overdevelopment of a site and the loss of residential gardens. Policy DM01, Core Strategy 5 and the Residential Design Guidance SPD (2016) all reinforce the intrinsic importance of gardens to local character. DM01 states that 'Development that impacts the character created by gardens can include large extensions and infill development. Development which is considered to be detrimental to local character will be refused.'

The principle of backland development at this site is considered to be acceptable following the granting of planning permission 17/7118/FUL for Erection of a part one storey, part two-storey dwelling house (comprising of lower ground and ground floor level) following demolition of the existing garage.

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

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Planning permission 17/7118/FUL approved a dwelling with a basement size of 16.04m x 8.5m. The proposed basement size is 18.74m x 10m. At ground floor level, the approved scheme measured 7.14m x 13.5m, with the proposed scheme measuring 7.14m x 11.765m. This shows the basement area will be enlarged but the ground floor element will be reduced. This will reduce the overall visual bulk of the proposal when viewed from the surrounding area. The garage adjoined onto the west flank wall of 11 Summit Close would be demolished to allow for a vehicular pathway down to lower ground level to the rear of the property, where 2- parking spaces would be provided.

A proposed flat roof, previously with a shallow pitch, sets the roof level at a similar height to the ridge of the previously approved scheme. The upper volume has been shifted to be more central on the site, moving the volume away from the boundaries and creating a similar impact on neighbouring amenity.

The proposed development would constitute a form of back land development that would result in the loss of a portion of private residential garden. However, in the context of the garden being unusually large for its location, there is appreciable space for both dwellings. The proposal involves the vertical stacking of regular forms askew across lower ground and ground floor levels, thereby introducing striking new forms of development within the context of a strongly coherent, traditional mid-19th century suburban part of the borough in terms of detail, scale and layout. The form and layout combined with the use of contemporary materials is unprecedented at odds with the existing street pattern, layout of surrounding plots and design of nearby houses. However, in this instance, a more contemporary form of development is a welcomed opportunity, particularly given a large and irregular back land site layout, far removed from the traditional pattern and layout of development on Summit Close.

The massing of the proposed development does not raise concerns with regards to its articulation. Primary and secondary masses are proportional to one another resulting in visual balance. The proposed development would be set far back from the 11 Summit Close and would not be perceived from the public realm. A timber clad, low-level form of development above natural ground level would result in a visually inconspicuous form of development, more so than the earlier version approved.

The applicant has taken on board comments from the Design Officer by introducing dark timber cladding on the external surfaces of the ground floor element with a cream/yellow brick at lower ground floor level which provides a visually interesting and attractive contrast. The façade's louvres provide an interesting detailing which lift the overall aesthetic. The applicant has also integrated a combination of fenestration solutions with floor to ceiling openings, sliding doors and corner windows.

The design officer has reviewed the proposal and it is now considered to be acceptable. Based on the above, it is considered that the design, scale and siting of the proposed detached dwelling would have an acceptable impact on the established pattern of development and character and appearance of the area, and given the distances afforded from adjacent dwellings, would not result in a cramped form of development. Moreover, it is not considered that its development would set an undesirable design precedent which if replicated would be detrimental to the visual appearance of the wider street scene. Consequently, it is considered that the proposed development is in compliance with Policy DM01 and is therefore recommended for approval on character and appearance grounds.

#### Impact on the living conditions of neighbouring residents

The proposed dwelling is similar in its footprint to the approved dwelling and therefore the introduction of a dwelling on this site would not be considered overbearing on neighbouring properties. The reduction in bulk at ground floor level is welcomed as this will reduce and visual impacts when compared to the approved scheme.

Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking.

The applicant has provided detailed analysis of overlooking distances to neighbouring properties within the design and access statement. The proposal would have the following distances to neighbouring properties:

- 11 Summit Close - over 21m
- 65-61 Lincoln Avenue - over 35m
- 33-35 Mandeville Road - 35m

The existing south fence will be replaced by a 2.2m fence which will ensure there is no overlooking to neighbouring amenity areas. Given the north-south orientation of the application site and distance from adjacent properties and gardens, it is not expected that the proposed development would result in the loss of outlook and natural light / sunlight. Furthermore, considering the subterranean nature of the lower ground floor, it is not deemed that its use would have a detrimental impact on neighbouring residential amenity.

Overall, it is considered that the proposal would not result in a dominant form of development when viewed from neighbouring properties, having an acceptable impact on the neighbouring amenities.

#### Quality of amenity for the future occupier

The proposed dwelling would have 231.2sqm of internal habitable floorspace, which significantly exceeds the requirements of the Council's adopted Sustainable Design and Construction SPD (2016) and the Mayor's London Plan (2021) Housing Standards.

The plot is substantially large and would provide adequate outdoor amenity space for both proposed dwellings to comply with the minimum standards in the Council's adopted Sustainable Design and Construction SPD (2016).

Floor to ceiling height:

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

The proposed dwelling meets the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that the proposed dwelling would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the external amenity space requirements for houses. Both the proposed and existing dwellings would meet the external amenity space requirements as demonstrated below:

The building footprint is 172sqm with 65sqm of private sunken amenity space. The dwelling will provide a GIA of 231sqm with a dedicated refuse and bike store.

It is considered that the amenity space remaining for use by the original property at no.11 Summit Close would exceed the minimum space standards and the 10.5m distance

between rear elevation and the rear boundary wall as recommended within the Residential Design Guidance SPD (2016). The usability and quality of the remaining space is deemed acceptable, and given the single storey nature of the proposed dwelling and the sloping site topography, it is not expected that overlooking would result

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity for future occupier grounds.

### Impact on Highways

The application proposes 2.no on-site parking spaces accessed via a narrow access lane along the western edge of the application site. DM17 states that for houses with 4.no or more bedrooms, 1.5 to 2 parking spaces are required. Consequently, it is considered that the 2.no spaces proposed would be acceptable on highways grounds. The applicant has provided plans to show the parking spaces and provided a swept path analysis plan. The highways officer has reviewed the proposal and has no objections.

A wooden shed is proposed in line with the approved scheme, and this would provide storage for 4 bicycles. A condition will be attached to ensure bike storage is provided.

A dedicated bin and recycling store is provided, and these details are acceptable. A condition will be added to ensure compliance.

## **5.4 Response to Public Consultation**

- Impact character and appearance of area : see character section, design officer has no objection. The bulk of the ground floor is reduced from the approved scheme.
- Out of character with the area: see character section
- Boundary treatment: a new southern fence will be erected
- Increased overlooking and distance to neighbour boundaries: see amenity section.

All properties over 21m away.

- Loss of privacy: see amenity section
- Increase in traffic: 2 spaces as per the approved scheme.

## **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. Legal Agreement**

It is noted that the previous application 17/7118/FUL was approved subject to legal agreement restricting implementation of extent permission together with the approved scheme under 17/0123/HSE for "Single storey rear extension" and 17/1722/HSE for "Part single, part two storey front, side and rear extensions following demolition of existing garage. New raised patio area with associated access. Creation of lower ground floor."

However, both the extent permission has now expired and therefore those extent permission cannot be implemented.

Therefore no legal agreement is required to restrict the expired extent permissions under

17/0123/HSE and 17/1722/HSE.

## 8. Conclusion

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





<b>Location</b>	<b>16 Danescroft Gardens London NW4 2ND</b>		
<b>Reference:</b>	<b>22/0067/HSE</b>	Received:	AGENDA ITEM 10 7th January 2022
		Accepted:	10th January 2022
Ward:	Hendon	Expiry:	7th March 2022
<b>Case Officer:</b>	<b>Radhika Bedi</b>		
Applicant:	R Bloom		
Proposal:	Erection of acoustic boundary wall to replace existing boundary fence		

**OFFICER'S RECOMMENDATION**

Refuse

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

- 1 The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would result in a disproportionate and unsympathetic addition that would appear visually obtrusive and highly incongruous to the established pattern of development, to the detriment of the character and appearance of the host property and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016).

- 2 The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would appear as visually obtrusive in the outlook from habitable rooms and garden of the host property, appearing as overbearing and harmfully increasing the corresponding sense of enclosure, to the detriment of the residential amenities of future occupiers, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016).

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

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

#### Site Location Plan

Drg No GA 04 01-Rev A - Existing Front Elevation

Drg No GA 04 02-Rev A - Existing Rear Elevation

Drg No GA 04 03-Rev A - Existing Side Elevations

Drg No GA 01 01-Rev A - Existing Site Plan

Drg No GA 03 01-Rev A - Proposed Site Plan

Drg No GA 05 01-Rev D - Proposed Front Elevation

Drg No GA 05 02-Rev A - Proposed Rear Elevation

Drg No GA 05 03-Rev A - Proposed Side Elevations

Covering Letter

### **OFFICER'S ASSESSMENT**

The application has been called in by Councillor Shooter for the following reason:

*The application is perfectly in character with the surrounding area, and prevents overlooking from the school, and the wall will provide privacy for both the school and the applicant.*

## **1. Site Description**

The application site is a detached dwelling located on 16 Danescroft Gardens, the area is characterised by large detached dwellings with amenity space and off-street parking. The host property's amenity space is sited adjacent to the host dwelling rather than toward the rear of the property due to its particular siting immediately adjacent to the boundary with the Talmud Torah Tiferes Shlomo Boys School. The property is not listed and does not fall within a conservation area. There are no protected trees on site.

## **2. Relevant Site History**

Reference: 21/3799/HSE

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Refused

Decision Date: 21 December 2021

Description: Erection of acoustic boundary wall

Reasons for refusal:

1. The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would result in a disproportionate and unsympathetic addition that would appear visually obtrusive and highly incongruous to the established pattern of development, to the detriment of the character and appearance of the host property and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)

2. The proposed acoustic boundary wall, by reason of its scale, siting, design and excessive height, would appear as visually obtrusive in the outlook from habitable rooms and garden of the host property, appearing as overbearing and harmfully increasing the corresponding sense of enclosure, to the detriment of the residential amenities of future occupiers, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable Design and Construction SPD (2016)

Reference: H/02964/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 10 October 2012

Description: Variation of condition 1 (Plans numbers) for planning application H/00651/12 dated 16/05/12 for Erection of new two-storey single family dwelling, including rooms in

roofspace, following demolition of existing house. Amendments include extension to the proposed roof, lowering of flat roof and extra roof lights.

Reference: H/02085/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 July 2012

Description: Removal of condition 18 (Details of temporary Tree Protection) of planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roof space, following demolition of existing house.', , Amendments to include (To remove Trees T1-T3, as are inappropriate for their location and would not survive the development activities.

Reference: H/01171/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 13 August 2012

Description: Submission of details of Condition No.5 (Levels); No.6 (Materials); No.8 (Refuse); No.12 (Extraction & Ventilation equipment); No.14 (Hard and Soft Landscaping); and No.19 (Demolition & Construction Management Plan) pursuant to planning permission Ref: H/00651/12 dated: 16/5/12.

Reference: H/00651/12

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 16 May 2012

Description: Variation of condition 1 (Plan numbers) pursuant to planning permission H/03706/11 dated 04/11/11 for 'Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.' , , Amendments to include alterations and insertion of fenestration; increase in height of single storey element and single storey rear infill extension.

Reference: H/02755/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Withdrawn

Decision Date: 26 August 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/03706/11

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Approved subject to conditions

Decision Date: 4 November 2011

Description: Erection of new two-storey single family dwelling, including rooms in roofspace, following demolition of existing house.

Reference: H/00784/10

Address: 16 Danescroft Gardens, London, NW4 2ND

Decision: Refused

Decision Date: 25 May 2010

Description: Demolition of existing house and part-demolition of Synagogue followed by erection of 3no detached houses including new access road, parking and associated landscaping.

### **3. Proposal**

The application seeks planning permission for the erection of an acoustic boundary wall.

The proposed wall would span across the entire rear boundary of the site, with a maximum height of 7 metres, with a width of 36.6 metres. This lowers to 4.8 metres along the boundaries not adjacent to the school, further lowering to 2.6 metres.

### **4. Public Consultation**

Consultation letters were sent to 29no neighbouring properties. No comments have been received throughout the consultation period.

### **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 20th July 2021. 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.

##### 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.

## Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

## Supplementary Planning Documents

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

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

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

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### 5.3 Assessment of proposals

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

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS5 (both of the Barnet Local Plan) and D3 (of the London Plan).

Proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on residential amenity, highway safety and in particular the visual character of the surrounding area. Domestic means of enclosure are a prominent feature within residential streets. They define residential boundaries and contribute to the quality and character of the street scene. Any development proposal should as far as practicable retain as much as possible of existing characteristic boundary treatments and/or re-create the predominant type of boundary treatment.

The proposed acoustic boundary wall would represent a two-storey wall with a maximum height of 7 metres, spanning across the entire boundary adjacent to the school, reducing to 4.8 metres and then 2.6 metres along the remaining side elevations of the property.

It is noted that the previous application, which was refused, proposed a boundary with a maximum height of 9m and whilst the reductions have sought to address the previous objection, it is not considered that the current scheme has overcome the grounds for refusal. The acoustic wall now proposed is 2m lower than the previous proposal and includes several reductions in height, with the lowest point at a height of 2.6m. It is proposed to be painted white, which the applicants have specified is intended to mimic the façade of a building.

Nonetheless, officers consider that the boundary wall would still be highly visible from the street scene and would be domineering and visually obtrusive due to its proposed height, siting and design. At the highest point, the acoustic wall would match the height of the eaves of the property and would be at least 1.2m taller than the existing fence abutting the school. Compared to the existing front fence, the proposed acoustic wall would be at least 2.3m higher. No property in the area benefits from a similar proposal - even those which abut the school site - and would appear disproportionate and highly incongruous to the surrounding pattern of development.

For the reasons above, it is not considered that the scheme has overcome the previous reason for refusal and would therefore be contrary to the expectations of Policy DM01.

- Whether harm would be caused to the living conditions of occupiers of the host property;

Notwithstanding the intention to provide acoustic relief from the adjoining school, which would be beneficial for the occupiers of the property, officers consider that the proposed wall would significantly compromise the outlook from the habitable room at first floor level identified as Bedroom 3 in the plans approved under grant of consent H/02964/12 for the erection of the host property. It would also appear as significantly visually obtrusive in the outlook from the room identified as the kitchen (a habitable room with regard to the definition in the Glossary to the Sustainable Design and Construction SPD) and from within the rear garden - appearing objectively overbearing and markedly increasing the corresponding

sense of enclosure. It is not considered that the changes compared to the previous scheme, have overcome the second reason for refusal.

The supporting information indicates that glazed sections of the wall would be included in front of the windows including those of bedroom 3, however this would still amount in a closely sited enclosure to this room. Furthermore, the previous concern regarding the impact to the kitchen remains; the wall would result in an increased sense of enclosure.

All such factors would result in detrimental harm to the residential amenities of neighbouring occupiers, contrary to the expectations of Policy DM01 and DM02.

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

The proposal is not considered to have any impact on the living conditions of any neighbouring properties, as there are no immediate residential dwellings to the rear. Its narrow profile is not considered to give rise to any unacceptable detriment to the outlook from properties to either side and the existing mature trees would further mitigate that impact.

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

N/A

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

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

#### **7. Conclusion**

Having taken all material considerations into account, the proposed development is considered to be markedly detrimental to the character and appearance of the street scene and to the residential amenity of future occupiers. Therefore, the application is recommended for REFUSAL.

#### **8. Conditions should the application be allowed at appeal**

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

Site Location Plan

Drg No GA 04 01-Rev A - Existing Front Elevation

Drg No GA 04 02-Rev A - Existing Rear Elevation

Drg No GA 04 03-Rev A - Existing Side Elevations

Drg No GA 01 01-Rev A - Existing Site Plan

Drg No GA 03 01-Rev A - Proposed Site Plan



Drg No GA 05 01-Rev D - Proposed Front Elevation  
Drg No GA 05 02-Rev A - Proposed Rear Elevation  
Drg No GA 05 03-Rev A - Proposed Side Elevations  
Covering Letter

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

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

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

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

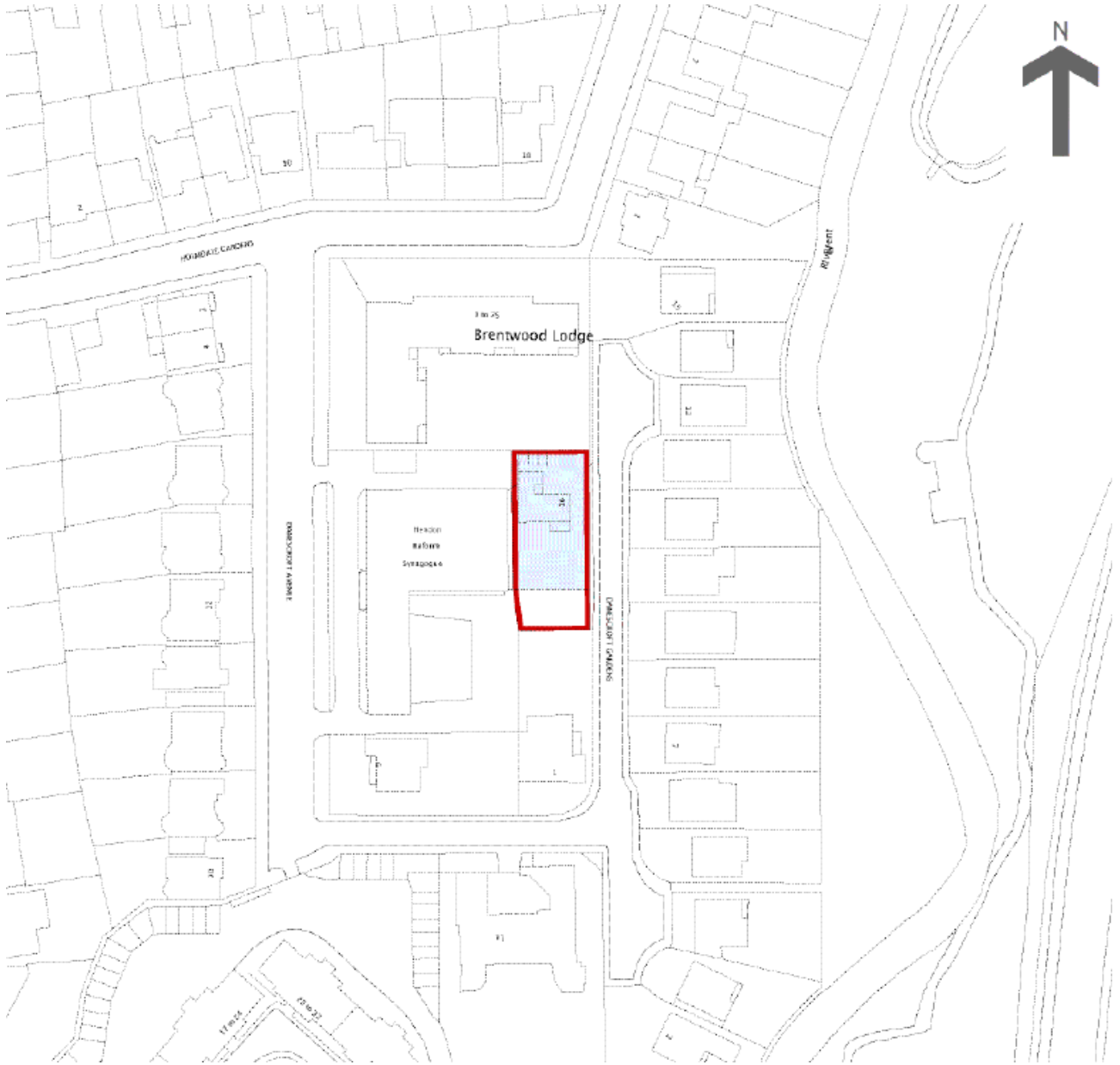
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

4. 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) and Policies D13 and D14 of the London Plan 2021.



**Location** King George Playing Field Barnet Lane Barnet EN5 2DN

**Reference:** 21/2543/FUL Received: 6th May 2021  
Accepted: 6th May 2021

Ward: Underhill Expiry 1st July 2021

**Case Officer:** Stephen Volley

Applicant: Mr Mort Reidy

Proposal: New Gaelic football clubhouse/changing rooms and associated car parking

AGENDA ITEM 11

### **OFFICER'S RECOMMENDATION**

Approve subject to s106 Agreement

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

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:
  1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
  2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority

(a) Travel Plan to meet the criteria of the current Transport for London travel plan guidance

(b) Monitoring of the agreement £5,000.00

## **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 This development must be commenced within three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans and documents unless otherwise agreed in writing by the Local Planning Authority

1101\_P01 Site Location.

1101\_P02\_Site layout Option 2 (as amended)

101\_P03 Landscaping.

1101-P04\_Proposed Floor Plans.

1101\_P05 Proposed Front and Rear Elevations.

1101-P06\_Proposed Side Elevations.

1101\_P07 Sections A A and B B.

1101\_P08 Site Elevations.

Flood Risk Assessment Report Rev A \_28.04.21\_Report.

Flood Risk Assessment Report Rev A \_28.04.21\_Appendices.

Alternative Sites Assessment Report Final Dated March 2021.

Justification and Needs Planning Report Dated Feb 2021.

St Kiernans GFC King George V Playing fields Transport Statement.

Additional Transport Statement dated 18th January 2022

J.B Architecture Design and Access Statement

Site Visit Photos Report Dated 18th May 2021.

Pitch Comparison Report Dated 09.11.21

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan

- 3 a) Prior to above ground works taking place details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with the approved drawings. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that 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.

- 5 Before the development hereby permitted is occupied an event management scheme and parking management plan shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and 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.

- 6 Before the development hereby permitted is occupied; details of cycle parking and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 Within 3 months of occupation a travel plan that meets the criteria of the current Transport for London travel plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and is ATTrBuTE compliant shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan should include the appointment of a Travel Plan Champion, SMART targets and a

clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3, and 5 in accordance with the targets set out in the Plan.

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

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

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.

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

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

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

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

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

(adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 10 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).

- 11 All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan.

- 12 Any trees, hedges 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 and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan.

- 13 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment Report RevA dated 28.04.21. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding on site and elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policies CSNPPF, CS5, and CS7 of the Core Strategy DPD (Adopted) September 2012; policy DM04 of the Development Management Policies DPD (Adopted) September 2012; and Policies SI 12 and SI13 of the London Plan (2021).

- 14 No development other than demolition, site clearance and temporary enabling works, shall commence until a Sustainable Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies SI 12 and SI13 of the London Plan (2021).

- 15 Prior to the first occupation of the development, hereby approved, details and specifications of all external lighting (including cowling) to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be permanently maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan.

- 16 Notwithstanding the provisions of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the clubhouse hereby permitted shall be erected without express planning permission first being obtained.

Reason: To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use.

- 17 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 18 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

### **RECOMMENDATION III:**

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:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 3rd June 2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s): The proposed development does not include a formal undertaking to meet the costs of Travel Plan Monitoring. The proposal would therefore not address the highway impacts of the development or encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

### **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 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public

highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

- 3 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)
  
- 4 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.  
The statement shall have regard to the most relevant and up to date guidance

including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
  
- 6 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
  - Flue(s) must be 1.5 m\* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. \*If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
  - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
  
- 8 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>.
  
- 9 There are public sewers crossing or close to your development. If you're planning

significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- 10 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.  
"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."  
Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day. Various trees, shrubs and hedging are protected as they are shown to be retained or planted as part of the landscaping condition of the planning permission granted for the development of the site. This landscaping condition specifies that any trees or shrubs removed, dying, becoming severely damaged or becoming diseased within five years of the completion of the development are to be replaced with trees or plants of appropriate size and species.
- 11 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
- 12 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The site, known as King George V Playing Fields, is located along the boundary with Barnet Lane within the Metropolitan Green Belt. There is an existing vehicular and pedestrian access onto an area of tarmac hardstanding for servicing and car parking. The surrounding area is generally characterised by other recreation and sports playing grounds. To the north of the site is the Barnet Table Tennis Centre, a single storey brick building with a pitched corrugated metal roof. Immediately to the south on the boundary with Barnet Lane is the Stables Horse Activity centre which is occupied by a group of single storey stables and outbuildings with pitched roofs. Beyond the south-east boundary is Herts golf course. Dollis Valley Estate (a two storey residential terrace housing development) is located to the north west of the site.

The Dollis Brook stream sits beyond the northern boundary running west to east. The area of the proposed buildings and car park is located in Flood Zone 1 as indicated by the Environment Agency. There is a low lying area between the proposed building and the Dollis Brook which falls into Flood Zones 2 and 3. Dollis Brook Nature reserve (SINC) adjoins the site.

The site lies in an area with a PTAL score of 0 (ie. no accessibility to public transport). However, the site is accessible by walking and cycling and it is mentioned in the submitted Transport Statement that the majority of the club members are from the immediate and wider local area of Barnet

There are no listed buildings on site and the site is not located within a Conservation Area.

A Master Plan for Barnet and King George V Playing Fields (Barnet Playing Fields) was approved by the Councils Environment Committee following its meeting of 12th March 2020. The plan was developed following engagement with existing users of the sites such as Barnet Table Tennis Centre and nearby organisations such as Hadley Wood Sports Trust, The Ark Academy and the Dollis Valley Partnership Board. It sets out an ambitious long-term vision for the site and its environs, recognising that the proposal needed to be at least cost neutral, with a mixture of fee paying activities and free activities. The master plan proposes a 'Gaelic football pitch, training area and pavilion' on the application site.

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

King George V Playing Fields Barnet Lane N20:

Reference: 19/8569/QCE

Address: Barnet Table Tennis Centre, Barnet Lane, Barnet, EN5 2DN

Description: New Gaelic Clubhouse Facility and associated parking for new gaelic football pitch and training ground. Existing sports fields and car parking

Decision: Pre-application advice issued

Decision Date: 25 February 2020

Reference: N00330C

Description: Extension to pavilion to provide changing and shower facilities.

Decision: Approved subject to conditions

Decision date: 28 June 1994

Reference N00330  
Description: Erection of Sports Pavilion  
Decision: Approved subject to conditions  
Decision Date: 07 December 1965

Land Adjacent King George V Playing Fields Barnet Lane Barnet Hertfordshire EN5 2MP:

Reference: N13425/02  
Description: Installation of 12.5m high ultra slimline monopole with associated equipment cabinet and ancillary equipment.  
Decision: Prior Approval required and approved  
Decision date: 18 December 2002

### **3. Proposal**

The proposal is for the erection of a new Clubhouse with ancillary facilities for the sports pitch. It has a footprint of approximately 523sqm with a height of 4.8 metres. The following facilities are proposed within the building:

- o Meeting room
- o Shower x4
- o Equipment Store
- o Store x2
- o Cleaners Cupboard
- o Changing rooms x4
- o Disabled toilet
- o Club Shop
- o Toilets x3
- o Office
- o Referee changing room
- o Plant room
- o Kitchen

A total number of 46 off-street car parking spaces including 4 spaces for disabled people will be formalised in the existing hardstanding area while the existing vehicular access off Barnet Lane is to be retained to facilitate entry and egress. A delivery/servicing area is envisaged adjacent to the building.

The applicant, St. Kiernan's GFC, is a community based volunteer club promoting Gaelic games, culture and lifelong participation, which have been active within the London Borough of Barnet since 1985.

### **4. Public Consultation**

Consultation letters were sent to 105 neighbouring properties, which has resulted in 96 responses. Of the 96 responses received, a total of 95 residents have made comments in support of the planning application. The Barnet Society made comments neither objecting to or supporting the 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 National Planning Policy Framework (NPPF) was published on 20th July 2021. 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.

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

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS10.

Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM13, DM15, DM16, DM17

### Barnet's Local Plan (Reg 22) 2021:

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents:

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

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

Other Material Considerations:

## Master Plan for Barnet and King George V Playing Fields

Barnet Council has produced an overall masterplan for the combined playing field area identifying the King George V Playing Fields as the site for the new Gaelic pitches and the GFC clubhouse. This was approved by the Councils Environment Committee following its meeting of 12th March 2020. The objectives of the plan and its relevance to this application are discussed in the main body of this report.

### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- o Whether the proposal constitutes inappropriate development in the green belt
- o Whether very special circumstances exist to outweigh the identified harm to the green belt.
- o Whether the proposal would be harmful to the character and appearance of the area
- o Whether the proposed development would compromise highway and pedestrian safety
- o Whether harm would be caused to the living conditions of neighbouring residents
- o Whether the proposal would be harmful to trees and biodiversity
- o Whether the proposal is at risk of flooding

### 5.3 Assessment of Proposal

Whether the proposal constitutes inappropriate development in the green belt:

Section 148 of the NPPF (2021) states that:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)



Policy G2 of the adopted London Plan (2021) stipulates that the Green Belt should be protected from inappropriate development:

- 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
- 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported

Policy DM15 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) states the the construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:

- a. Agriculture, horticulture and woodland;
- b. Nature conservation and wildlife use; or
- c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL.

The local policy outlined above, aligns with national policy within the National Planning Policy Framework (2021) which supports 'the continued protection of London's Green Belt' from inappropriate development.

The proposed development comprises three land uses within the Green belt; a new Clubhouse, playing fields and on site parking provision.

The proposal as submitted is in general conformity with the NPPF exceptions criteria (B & D) in that it seeks the provision of appropriate facilities for outdoor sport and outdoor recreation and replaces an existing building that has already been demolished. In assessing whether the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, a consideration of both visual and spatial aspects helps with the understanding of the impact upon openness that may arise from a proposed development. The fundamental aim is to prevent urban sprawl by keeping land permanently open and the essential characteristics of green belts are their openness and their permanence.

Visual Aspect:

The applicant advises that there was a previous building which occupied the site, and although now demolished, the footprint of the ground floor concrete slab/hard surfacing area is in situ covering an area of approximately 480m<sup>2</sup>. The building provided facilities (toilets and changing facilities) ancillary to the recreation space onsite, which accords to the NPPF.

This proposal seeks a replacement building with a floor area of approximately 523sqm, which equates to an increase of 43sqm. The floor area now being proposed follows pre application advice in 2020, which originally sought a floor area of 640sqm. The height of the building stands at 4.8 metres, which again follows pre application advice with the applicant originally seeking a ridge height of 7metres.

Although the height of the previous building is unknown the section drawing submitted in support of this application shows a similar height to the Barnet Table tennis centre located on the adjacent site. The reduction in floor area is larger than the previous building on site (by approximately 43sqm) but this is a marginal increase and is considered acceptable.

At present, the site has frontage onto Barnet Lane with deep and spacious areas of land, which affords views through the site and creates the sense of openness which it currently enjoys. The proposed development would maintain the existing view through the site and it is considered that views through the site and across the site would not be harmed.

The replacement building is not materially larger than the one it replaces. The scale, bulk and overall design approach of the building is consistent with its immediate neighbours and will preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

#### Spatial Aspect:

The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as openness has a spatial aspect as well as a visual aspect.

There are many facilities proposed in the new club house including 4 changing rooms with shower area and toilets, a meeting room, club shop, office kitchen, referee and first aid room, which are not considered essential for the successful operation of the Gaelic Football Pitch. Further, whilst some toilets, showers and changing area facilities are considered appropriate, the quantum of these facilities is significant when considered against the facilities provided in the previous building comprising toilets and changing facilities only.

The applicant has confirmed in writing (additional transport statement dated 18th January 2022) that the St Kiernans Gaelic Football Club have no plans to increase the number of existing users/members because there are only two Gaelic football pitches. It is suggested that the proposal solely seeks to provide essential facilities ancillary to the two Gaelic football pitches. However, Officers are the view that the quantum of the facilities proposed would result in a greater intensification of the use of the building when compared to the previous building, since demolished. For this reason alone, the proposal would be harmful to the green belt as it would fail to preserve its openness. This contravenes the purposes of including land in the green belt and constitutes inappropriate development.

Whether very special circumstances exist to outweigh the identified harm to the green belt:

Section 147 of the NPPF states that:

'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'

Section 148 of the NPPF (2021) states that:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Policy G2 of the adopted London Plan (2021) states that development proposals that would harm the Green Belt should be refused except where very special circumstances exist. Policy DM15 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) states the construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate.

The applicant considers the following matters to constitute very special circumstances in

this case:

- o Cultural significance, health and well-being benefits and insufficient provision elsewhere (sequential testing of alternative sites)
- o Requirement of Barnet Council to relocate St.Kiernan's Gaelic Football Club

Cultural significance, health and well-being benefits and insufficient provision elsewhere (sequential testing of alternative sites):

In justifying the cultural significance of the proposal, the applicant stipulates that it is "important in maintaining the cultural links to Irish culture and heritage and facility for the playing of Gaelic Football is currently not catered for within the Borough of Barnet. In London, Gaelic games are the principal component in the promotion of Irish culture and heritage. Developing and maintaining Irish culture enables both Irish emigrants and second/third generation Irish people to retain a connection with 'home' and celebrate a sense of Irish identity". The applicant also identifies the health and well-being benefits associated with team sports (in this instance Gaelic Football) and explains that the proposed building is very much ancillary to the existing sports pitch.

The applicant further advises that there is insufficient provision elsewhere within the Borough of Barnet for a Club House / Community Centre of this nature. The case for the applicant is set out in the 'Alternative Sites Assessments / Sequential Test Report (March 2021), which is supported by a Gaelic Football Pitch comparison Report (Nov 2021). The reports focus on the following 12 alternative sites found elsewhere within the Borough and explains the specific pitch / goal dimensions required for Gaelic Football.

- Site 1 - Montrose Recreation Ground, Edgware
- Site 2 - Barnet Cophall / Mill Hill Rugby Clubhouse, Champions Way, Mill Hill
- Site 3 - Hendon Rugby Club, Greenlands Lane, Hendon
- Site 4 - Buttonhole Lane and St. Vincent's Lane Mill Hill
- Site 5 - Copthall Playing Fields, Champions Way
- Site 6 - West Hendon Playing Fields, Edgware
- Site 7 - The Hive Playing fields, Camrose Avenue, Edgware
- Site 8 - Lyttleton Playing Fields, Kingsley Way, Hampstead
- Site 9 - Byng Road Playing Fields, Barnet
- Site 10 - Old Elizabethans Memorial Playing fields, Mays lane, Barnet
- Site 11 - Oakhill Park, Parkside gardens, East Barnet
- Site 12 - Rowley Lane Sports Ground, Rowley Lane, Barnet.

It is acknowledged in the report that sites 3, 5, 6, 7, 8, 9, 10 and 11 have provision for outdoor sports such as football, rugby, cricket, and tennis, however, as identified by the pitch / goal dimensions report these facilities do not provide the necessary dimensions for Gaelic football. Typically, Gaelic Football pitch dimensions fall between 130m and 145m long and 80m to 90m wide while the goalposts are placed 6.5 m (21 ft) apart and are at least 7 m (23 ft) tall, with a crossbar at a height of 2.5 m (8 ft 2 in). To this end, the identified sites cannot be used for Gaelic football purposes. For site 1 (Montrose Recreation Ground, Edgware) St Kiernan's had the use of this pitch until March 2017, but this has now been redeveloped as part of Barnet Council Silk Stream and Montrose Park Redevelopment, so this site is no longer an option to provide a replacement pitch, including ancillary facilities. For site 2 (Barnet Cophall / Mill Hill Rugby Clubhouse), St Kiernan's vacated this site in March 2017 as the Copthall Leisure Centre redevelopment works commenced. The new leisure centre is now located on the playing pitch which St Kiernan's used and as a result this site is not an option as an alternative location. Site 4

(Buttonhole Lane and St. Vincent's Lane Mill Hill) is a former sports pitches site situated in the north-west corner of the wider NIMR redevelopment site. Following access concerns with the adjoining owners, pitches were never provided so the site is not an option as an alternative location. Site 12 (Rowley Lane Sports Ground) has facilities for cricket, adult and junior football with grass pitches and synthetic pitches but this is privately owned with well established football facilities not suitable for Gaelic football.

Requirement of Barnet Council to relocate St.Kiernan's Gaelic Football Club:

In addition to the cultural significance, health and well-being benefits and insufficient provision referred to elsewhere, the applicant advances a further case for very special circumstances following the displacement of the club to allow for the comprehensive redevelopment of the Barnet Copthall Leisure Centre (application 17/1929/FUL) in 2017. Planning permission was granted on 30th March 2017 for the following:

The refurbishment of Silkstream Park and Montrose Playing Fields; the creation of new entrances; the installation of new footpaths and cycleways with 9 racks which would accommodate 18 bicycles; the installation of new hard paved public realm areas; the installation of new bridges and refurbishment of an existing bridge; the creation of a new pedestrian and cycle crossing of Montrose Avenue; the installation of new road surfaces and road design details on Montrose Avenue; the demolition of the existing pavilion building; the refurbishment of the existing tramshed building; the creation of new flood attenuation areas through amendments to levels and cut and fill operations; the installation of new playground facilities; the installation of new skateboarding facilities; the installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops; the provision of two no. 9 x 9 grass football pitches; the installation of occasional play equipment; new tree planting; new soft landscape planting.

The application was granted consent subject to the following condition (Condition 14):

In the event that the Gaelic Football Club and pitch displaced by the Copthall Leisure Centre redevelopment are unable to be accommodated within the National Institute of Medical Research or another robustly identified site, a Gaelic Football pitch, and ancillary facilities, that meets Sport England or National Governing body approval shall be made on Montrose Playing Fields in addition to the playing pitches indicated in the masterplan hereby permitted. In this event, before first use of the Gaelic Football playing pitch on the Montrose Playing Fields, a management plan should be submitted to the Local Planning Authority detailing the hours of use and activities associated with the Gaelic Football Club. Reason: To safeguard the character and visual amenities of the site and wider area in accordance with policies CS5 and CS7 of Core Strategy (Adopted) September 2012; policies DM01 and DM15 of Development Management Policies (Adopted) September 2012; and Policies 2.18 and 7.18 of the London Plan (2016).

In accordance with Condition 14, the pitch was displaced and provided on an interim basis by the Council at Montrose Playing Field. This approach was agreed by Sport England with a view to determining a long term solution which was later identified as King George Playing Field. Officers from Greenspaces and Leisure have been consulted on this application and fully support the use of the King George Playing Field as it accords with the aims and objectives of the approved Master Plan for Barnet and King George V Playing Fields (Barnet Playing Fields) approved by the Councils Environment Committee following its meeting of 12th March 2020.

Officer Assessment:

Neither the NPPF nor the development plan for Barnet provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

Officers do not dispute the applicants important point made in relation to the importance of cultural buildings and spaces and their role in maintaining cultural identity and a community cohesion. The proposal provides an important focal point to the wider Irish Community in London where they can meet for social events throughout the year and other sporting accolades, Irish dancing events and social events. Equally, Officers also acknowledge the importance of health and well being within the community and the need to provide high quality open spaces and opportunities for sport and physical activity. This is a key requirement of the NPPF (as highlighted in Paragraph 98) and adds significant weight to the applicants case. The Alternative Sites Assessments / Sequential Test carried out by the applicant is considered by Officers to be extensive and to follow the recommended guidelines for sequential testing of alternative sites. It is clearly apparent from the evidence provided that existing sites within the Borough do not provide a football pitch or the appropriate facilities necessary for Gaelic football. Site ownership and inadequate access have also been identified as significant constraints for utilising existing sporting facilities within the Borough. This evidence also adds significant weight to the applicants case for very special circumstances. Finally, the Council's commitment to provide a Gaelic football pitch, training area and pavilion following the displacement of the club in 2017 is compelling. Officers from Greenspaces and Leisure consider the King George V playing fields to be an appropriate solution in accordance with the objectives of a Master Plan for Barnet and King George V Playing Fields (Barnet Playing Fields) that was approved by the Councils Environment Committee in 2020.

This proposal is considered to be inappropriate in the Green Belt on spatial grounds only (i.e. that the quantum of the facilities proposed would result in an unacceptable intensification of the use of the site). As identified in the NPPF the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. Whilst certain weight can be afforded to the cultural and health benefits identified by the applicant these factors alone are not considered so special to constitute very special circumstances. However, when considered in combination with the findings of the applicants Alternative Sites Assessments / Sequential Test Report and the Councils commitment to providing a Gaelic football pitch, training area and pavilion through a plan led approach, officers are satisfied that the applicants circumstances in this case are genuinely 'very special' to warrant inappropriate development in the Green Belt.

#### 5.4 Whether the proposal would be harmful to the character and appearance of the area

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that

development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The surrounding area comprises large areas of green spaces such as the High Barnet Park, Barnet Playing Fields and Wyatts Farm Open Space to the north and east of the site. The site is bounded by Dollis Brook to the north which acts as a physical boundary with the Barnet Table Tennis Centre. The centre comprises a single storey brick building with a pitched corrugated metal roof. Immediately to the south on the boundary with Barnet Lane is the Stables Horse Activity centre which is a group of single storey stables and two storey outbuildings with pitched roofs. Additionally, there are some educational facilities to the southwest, such as the Manor Hill Greek School and the Totteridge Academy. On the south east boundary is Herts golf course. Dollis Valley Estate, which is a large housing development comprising two storey residential terrace housing, is located to the northwest of the site.

The applicant advises that there was a previous building which occupied the application site, and although now demolished, the L shaped footprint of the ground floor concrete slab/hard surfacing area is clearly evident covering an area of approximately 480m<sup>2</sup>.

The replacement building has been designed as a single storey structure with pitched roofing and is L shaped to respond both to the shape of the previous building and to the sites topography. The length on the elevation facing the pitches is 33.40 M, the length on the short L shape is 21.70M and the short wall length is 8.55 M. With a gross internal floor area of approximately 523sqm the building is not materially larger than the one it replaces and the proposed height of 4.8 metres at its highest part is comparable with the height of the neighbouring Barnet Table tennis building to the north and significantly lower than the two storey dwellinghouses opposite in Dollis Valley Estate. As such, the buildings height, scale and massing are considered appropriate within its immediate and wider setting. The architectural style of the building incorporates a number of contemporary elements such as a glazed rooflight, glazed roof and PV panels set on a flat roof but in the main its design is simple in form and detail with a basic pallet of brickwork, timber stained windows and doors being proposed under a slate roof. The buildings simplicity in form and detail and its response to the topography of the site will ensure that it blends in seamlessly within its surroundings without causing harm to the visual amenities of the area.

Overall, it is considered that the proposed design by virtue of its height, scale, bulk and architectural appearance would be an acceptable addition to the Greenbelt, in accordance with local and national planning policy.

#### 5.5 Whether the proposed development would compromise highway and pedestrian safety

Paragraph 111 of the National Planning Policy Framework (2021) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) 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 (Travel impact and parking standards) 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 DM17 and CS9 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.

The site is located on the eastern side of Barnet Lane, which connects with Mays Lane/Underhill, EN5 providing access to Barnet Hill (A1000) and joins Totteridge Village (A5109) heading south. It is occupied by a hardstanding area that was used to serve the previous clubhouse/changing rooms facility that was burnt down with the remainder of the building been demolished in 2015. The existing tarmac hard surfaced area (providing 54 car parking to the spaces) benefits from an existing vehicular access off Barnet Lane. There is also pedestrian access to the site off Barnet Lane, EN5.

Barnet Lane, in the vicinity of the site, is not subject to any formal parking controls or waiting restrictions. The Public Transport Accessibility Level (PTAL) for the site is assessed as 0 which means that the site has no accessibility.

Following consultation with Highways Officers, Drawing 1101/P/02 (Site Plan Option2) has been submitted to address initial concerns. A total number of 46 off-street car parking spaces including 4 spaces for disabled people will be formalised in the existing hardstanding area while the existing vehicular access off Barnet Lane is to be retained to facilitate entry and egress. A delivery/servicing area is envisaged adjacent to the building.

Additionally, the proposed development will provide 40 cycle parking spaces within the north west corner of the application site with a dedicated cycle lane linking up with a proposed cycle & pedestrian route proposed in the recently approved Master Plan for Barnet and King George V Playing Fields.

It is noted from the applicants' supporting documents that typically each team gets on average 20 players training. The two sessions on the Tuesday and Thursday have been staggered to reduce the impact of vehicles arriving and leaving at the same time, with a reduced amount of conflict between leaving and arriving which would be generated by two sessions run back-to-back. St Kiernans Gaelic Football Club have no plans to increase the number of existing users/members because there are only two gaelic football pitches.

#### Assessment of Vehicular Parking Provision:

There are no specific car parking standards for sports club facilities in the London Plan so each application is to be determined on its own merits.

The site lies in an area with a PTAL score of 0 (ie. no accessibility to public transport). However, the site is accessible by walking and cycling and it is mentioned in the submitted Transport Statement that the majority of the club members are from the immediate and wider local area of Barnet. The reduction in car parking provision from 54 to 46 spaces is considered by Highway officers to be unlikely to have a significant highways impact subject to a suit of conditions to monitor and control sustainable transport measures. The provision of 4 disabled parking spaces exceeds the requirements set out in Table 10.6 of the 2021 London Plan where 6% of the total parking provision for retail, recreation, hotel and leisure facilities should be allocated to people with impaired mobility. Hence, the disabled parking provision is acceptable on highway grounds.

#### Assessment of Vehicular Parking Layout:

The proposed off-street car parking spaces set at 90-degree angle achieve the required dimensions of 2.4-metre width by 4.8-metre length. The proposed disabled parking spaces comply with the minimum standards of 6-metre long by 3.6-metre wide with traffic zones to the front and to the side, and are located close to the main entrance to the building as required by the Highways Officer. The manoeuvring aisle provided to facilitate access and egress to and from the parking spaces exceeds the minimum 6-metre wide standard. As the existing vehicular access off Barnet Lane will continue to serve cars and delivery/servicing vehicles in the same way as the previous use of the site, a swept path analysis (demonstrating that the largest delivery and servicing lorry can safely enter the proposed offloading area, manoeuvre within the site and exit in forward gear) is not considered by Officers to be necessary in this case.

#### Cycle Parking and Storage:

The proposed cycle parking provision of 40 spaces is in excess of the requirements set out in the Table 10.2 of the 2021 London Plan Cycle Parking Standards. However, this is expected to encourage cycling as an alternative mode of transport to the private car and therefore is acceptable on highway grounds. The proposed link with the cycle & pedestrian route proposed in the recently approved Master Plan for Barnet and King George V Playing Fields will ensure safe access to and from the application site.

#### Electric Vehicle Charging Points (EVCPs):

The submitted plans in support of this planning application do not provide any details for active and passive electric vehicle charging points (EVCPs) for the proposed off-street parking spaces. As no specific standards for leisure use are identified in the Barnet local plan or in the recently adopted 2021 London Plan officers raise no objection.

#### Event Management & Parking Management Plan:

The applicant will need to provide further information on the number of the spectators to attend the football games at the weekends and whether the facilities will be made available for other community events unrelated to Gaelic football. An Event Management Plan including traffic management and safety measures can be secured by condition.

A parking management plan which sets how parking will be controlled, managed, allocated and enforced is requested. This can be secured by way of a condition.

#### Travel Plan:

The applicant will need to submit a Local Level Travel Plan including a confirmation statement that a minimum of £5,000 monitoring fee will be paid to the Council prior to commencement of the development. The submission of the travel plan is secured by a planning condition. The financial contribution will be secured via a S106 agreement.

#### Vehicular and pedestrian access arrangements:

The existing vehicular access off Barnet Lane which will continue to serve cars and delivery/servicing vehicles associated with the development is considered by Highway Officers to be in a poor state of repair. The applicant is therefore required to submit a separate application under S184 of the Highways Act 1980, to the Council's Highway



Development Control Team for highway works. A separate pedestrian access point is proposed along the site frontage which leads directly to the building entrance.

Vehicular access gates:

The proposed site plan shows a gated access with the gates set back more than 5m from the road and opening inwards, which is acceptable.

Refuse storage / collection:

The submitted information does not provide any details for the location of the bin stores in relation to the proposed development. It is anticipated that refuse storage will take place within the site so a designated refuse storage area is required and can be secured by condition. Such facilities are to be located within 10 metres from public highway with clear and levelled access for the refuse crews, otherwise a refuse collection area within proximity to the site's entrance where the bins will be taken to on collection days needs to be designated. If the Council's Waste Removal Vehicles are expected to travel over the private driveway to empty the bins, a Waiver of Liability and Indemnity Agreement will need to be signed with the applicant to indemnify the Council in case of any damage caused.

Construction Management and Logistics Plan (CMLP):

The scale of the construction works to deliver the proposed development will require the submission of a robust Construction Management and Logistics Plan (CMLP) to ensure that road safety will be maintained especially for vulnerable road users throughout the works, delivery and construction-related trips to and from the site will be reduced as much as possible to ease congestion on the surrounding roads and follow access routes that minimise disruption to local residents. The CMLP report will be requested by a way of a condition.

Recommendation:

Following receipt of Drawing 1101/P/02 (Site Plan Option2) to overcome initial concerns relating to on site parking and servicing, the Highway officer raises no objection to the proposal subject to a suite of planning conditions to ensure highway safety and the free flow of traffic in and around the application site.

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

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. This includes in

Paragraph 130 of the Framework that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach.

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

It is accepted that sport and recreation uses have the potential to cause noise and disturbance to neighbouring residents but the use of the application site for such purposes is well established following the approval of a sports pavilion in 1965. The immediate surrounding area is characterised by other recreation and sports playing grounds. To the north of the site is the Barnet Table Tennis Centre and to the south is the Stables Horse Activity centre. On the south east boundary is Herts golf course. Dollis Valley housing estate is located to the north west of the site on the opposite side of Barnet lane with the closest dwelling located approximately 150 metres from the application site.

For all the above reason the impact on the living conditions of neighbouring residents will not be compromised by this proposal.

Whether the proposal would be harmful to trees and biodiversity.

The proposed building is to be built on the existing foundations of the previously demolished building. Although the footprint equates to a marginal increase of 43sqm the proposal does not affect any trees, landscape features, biodiversity or protected habitats.

There is a risk that construction activities will harm trees and therefore officers raise no objection subject to condition requiring an arboricultural method statement and tree protection plan to be submit to and approved by the Council.

Whether the proposal is at risk of flooding:

Policy SI 12 of the London Plan states that development development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses

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 Dollis Brook stream sits beyond the northern boundary running west to east. The area of the proposed buildings and car park is located in Flood Zone 1 as indicated by the Environment Agency.

A Flood Risk Assessment has been carried out in support of the application and confirms that the site is located within Flood Zone 1 which is considered to be an area least susceptible to flooding. Nevertheless, there is a low lying area between the proposed building and the Dollis Brook which falls into Flood Zones 2 and 3. Dollis Brook Nature reserve (SINC) adjoins the site.

The Flood Risk Engineer has been consulted and raises no objection subject to a sustainable urban drainage strategy (SUDS) being secured by condition. This is in addition to the measures set out in the Flood Risk Assessment Report Rev A dated 28.04.21.

### 5.7 Response to Public Consultation

A total of 95 residents are in favour of the planning application with no letters of objection received. It is suggested that an identifiable need exists for Gaelic football within the local community and that the clubhouse will provide safe and secure facilities for its users with a



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**Location** Shell Petrol Filling Station Northway Circus London NW7 3ET

**Reference:** 21/5761/FUL Received: 29th October 2021  
Accepted: 29th October 2021

Ward: Hale Expiry 24th December 2021

**Case Officer:** Dominic Duffin

Applicant: N/A n/a

Proposal: Demolition of existing sales building, forecourt, canopy and car wash.  
Erection of a new sales building, forecourt and canopy, new underground fuel tanks, provision of car and cycle parking, provision of an EVC hub with associated canopies, seating and infrastructure, a new bin store and associated works

AGENDA ITEM 12

### **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:

10018876 LP 21 - LOCATION PLAN  
10018876 BP 21 - BLOCK PLAN  
10018876 ESL 21 - EXISTING SITE LAYOUT  
10018876 ESE 21- EXISTING SITE ELEVATIONS  
10018876 IESBL 21 - INTERNAL EXISTING SALES BUILDING LAYOUT

10018876 PSL 21 Rev B - PROPOSED SITE LAYOUT  
10018876 PSE 21 Rev B - PROPOSED SITE ELEVATIONS  
10018876 PSL 21 - INTERNAL PROPOSED SALES BUILDING LAYOUT

10018876 PSE 21 - PROPOSED SALES BUILDING ELEVATIONS  
10018876 PEA 21- PROPOSED EVC AREA ELEVATIONS & LAYOUT

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 10018876 PSL 21 REV B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6 and T6.1 of the London Plan 2021.

- 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.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- 8 Prior to the first occupation of the development, or commencement of any use, hereby approved, 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.

- 9 No works on the public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into an agreement with the Highways Authority under Section 184 of the Highways Act, for these works any and reinstatement of any consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy DM17.

- 10 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7am am or after 11 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in



accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and London Plan Policy D14.

- 13 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 boundary 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) and Policy D14 of the London Plan 2021.

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

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

and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021

15 Part 1

A site investigation shall be designed for the site using information obtained from the submitted desktop study and Conceptual Model -Environmental Assessment, 2018 60544843 / 10018876 by AECOM, dated December 2018. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

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

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

Part 2

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

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

16 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority of proposed security measures, including details of CCTV and its operation, and a PA system to increase the security of the proposed EVC Hub

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

Reason: To protect the amenity of the area and security of the site in accordance

with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

- 17 Details of all proposed lighting at the site, and measures to prevent light spillage into adjoining residential properties, shall be submitted to the Local Planning Authority, prior to occupation or commencement of any use. The scheme shall be implemented in accordance with the agreed details/measures and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D14 of the London Plan 2021

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

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

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the

collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

- 3 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

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

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

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels

and impacts that comply with the following standards, where appropriate:

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

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

- 5 The applicant is advised that an application under the Highways Act (1980) would need to be submitted for any works proposed on the public highway to facilitate the development on any scheme granted consent. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant should submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site comprises of an existing petrol filling station with car wash and sales building and canopy. Also included with the application site, is an area to the west of the petrol filling station, which consists of an area which is used to store vehicles for hire, various sizes of vans, and this area is sectioned off from the filling station by palisade fencing. The site is located northwest of the roundabout connecting Edgware Way (A41) with Barnet Way (A1).

Residential properties adjoin the site boundary to the northwest, on Ellesmere Avenue. A fast-food restaurant (KFC) adjoins the site to the southwest, beyond which lies the Barnet Way/Edgware Way Roundabout.

There is a screen of trees along the boundary with the adjoining residential properties on Ellesmere Avenue. The site has separate access and egress arrangement directly linking with the Barnet Way/Edgware Way Roundabout via Barnet Road to the east of the site and Ellesmere Avenue to the north.

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

Reference: 19/6114/FUL

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 13.08.2021

Description: Demolition of existing sales building and car wash, removal of existing canopy. Construction of new single storey sales building, new canopy, gated timber fenced compound area with bins, new pumps and pump islands. Installation of 2 No. 80,000 Litre Underground fuel tanks, new offset fills, vent stack and new car parking spaces.

Reference: W00875AJ/05

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 12.09.2005.

Description: Two underground storage tanks to be removed and replaced with one underground storage tank and associated works.

Reference: W00875AJ/04

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Approve subject to conditions

Decision Date: 08.07.2004

Description: Refurbishment of existing service station including demolition of existing shop and erection of new single storey sales building, relocation of air/water pump facilities and parking for 10 vehicles.

Reference: W00875AH/04

Address: Shell Mill Hill Northway Circus London NW7 3ET

Decision: Refused

Decision Date: 17.03.2004

Description: Refurbishment of existing service station including demolition of existing shop and erection of new single storey sales building, relocation of air/water-pump facilities and parking for 10 vehicles.

### **3. Proposal**

The application seeks planning permission for the demolition of the existing sales building, forecourt, canopy and car wash. Erection of a new sales building, forecourt and canopy, new underground fuel tanks, provision of car and cycle parking, provision of an EVC hub with associated canopies, seating and infrastructure, a new bin store and associated works.

The application follows the grant of planning for a similar application, approved under application 19/6114/FUL, for the following development;

"Demolition of existing sales building and car wash, removal of existing canopy. Construction of new single storey sales building, new canopy, gated timber fenced compound area with bins, new pumps and pump islands. Installation of 2 No. 80,000 Litre Underground fuel tanks, new offset fills, vent stack and new car parking spaces".

The report for this application expanded on the description of that proposed development thus;

*"The proposed scheme proposes a total of 13 parking bays, including one disabled bay and 7 staff spaces.*

The new sales building will be located towards the eastern boundary fronting on to the forecourt. The building will be single storey with a glazed frontage. The sales building would be to a height of 4.2m, and total depth 16m. As well as providing a retail sales area, the sales building will also provide customer toilet facilities and paying facilities for the fuel as well as an ATM. The proposed sales building will include a back of house area for stock and staff facilities.

Bin storage is shown on the plans east of the sales building enclosed with a new 2m high close boarded timber fence.

A delivery bay is proposed to the south of the retail shop and two new 80 ,000 litre underground tanks and a petrol interceptor are proposed.

The key difference with this application is the inclusion of an EVC hub with associated canopies, to provide an area to charge electric vehicles.

The proposed development scheme proposes a total of 11 parking bays, including one disabled bay, with cycle parking provided to the west of the ATM. The proposal includes the erection of a new sales building with a gross footprint of 263 sq m and a sales area of 120 sqm, the installation of four new pump islands in a four-square arrangement with eight vehicle refuelling points and passing space. Vehicular access will be maintained from Barnet Way with two vehicle egress points onto Ellesmere Avenue to the north of the site. The new sales building will be located towards the western boundary, fronting on to the forecourt.

The applicant advises that "a growing number of Shell forecourts in the UK are offering fast electric vehicle charging. This takes only around 30 minutes to fully charge and also provides electric car drivers with a shorter option to just top-up to get to their destination". It is stated that "the application proposal includes for the provision of six EV charging spaces in the form of a

new EVC 'hub' which will have the benefit of improving the energy transition within the North London area and will offer increased choice and improved customer experience across the wider site, meeting the needs of customers". The EV Hub would largely utilise the area currently used to store the hire vehicles, which has now been incorporated into the site.

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

Consultation letters were sent to 202 neighbouring properties. Seven responses have been received comprising of six objections (two objection letters from same person received).

The objections can be summarised as follows;

- Concern that Electrical sub stations create EMFs which have been shown to be bad for health. Increased noise and light pollution are likely. The present noise levels of forecourt loudspeakers together with floodlights which are used in the night, already make it difficult to sleep in the back bedroom which overlooks the garage.
- Having a substantial electrical hub and underground fuel in such close proximity to people's homes contravenes all environmental and health and safety protocol.
- Refuse collection - request that adequate large, public, lidded rubbish bins are provided.
- Concern about safety of pedestrians crossing the entryways to access the subway.
- This site is not suitable for a 24HR EVC service due to its proximity to a housing estate. There is a more suitable location; the Shell Petrol Station at Stirling Corner.
- Concern about more traffic, noise, safety hazards.



- Concern this use encourage anti-social behaviour at the site which will spill into residential areas.
- 

## Consultee Responses

### *Traffic and Development*

Proposed development as detailed on the submitted site layout plan is acceptable subject to conditions and informatives. Highways works need to be agreed under section S184 or S278 of the Highways Act (1980).

#### *TfL*

The footway and carriageway on the Northway Circus must not be blocked during the development.

TfL welcome the 6 cycle parking spaces in the form of 3 Sheffield stands proposed by the applicant.

Clarification is sought from the applicant that the on-site deliveries that are proposed will not block any entrance to the petrol station for other vehicle users.

TfL welcome the newly proposed pedestrian paths proposed by the applicant.

TfL welcome the proposed electrical vehicle charging spaces in line with London Plan Policy T6.G. This would also support Shell's drive and strategy to drive down carbon emissions under the Powering Progress programme.

### *Highways England*

offer no objection\*;

\*on the basis that we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2021, particularly paragraphs 110 and 111) in this location and its vicinity.

### *London Fire Brigade*

Have considered the proposed application and have no observations to record.

### *Environmental Health*

Potential impacts from noise can be suitably controlled by conditions, including acoustic fencing. Agree findings of submitted Noise Assessment by Venta Acoustics dated 20 October 2021, the noise from new plant have shown to have a low impact with suitable mitigation.

### *Environment Agency*

No objections to the application.

### *MET Police*

No objection to submitted scheme would recommend a PA system as part of any safety and security strategy of the site.

## 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.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS6,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04 DM17.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It

represents Barnet's draft 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of Development;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Highway and Pedestrian Safety;

### Principle of Development

The application follows the grant of consent for a redevelopment of the Petrol Filling Station in August, this scheme proposes the addition of EVC hub as a facility to charge electrical vehicles.

With regards to the redevelopment of the filling station;

Para. 8 of the NPPF confirms the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para.81 states planning policies and decisions should help create the conditions which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and where there are opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Para 82 states, inter alia;

.....c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment;.....

The London Plan (March 2021) is now the adopted strategic plan covering the city.

Policy GG2 (Making the Best Use of Land) provides advice on creating successful, sustainable, mixed-use places that make best use of land. This policy encourages those involved in planning and development to:

- Enable the development of brownfield land;
- Prioritise sites which are well connected by existing and planned public transport;

Policy D1 (London's Form, Character and Capacity for Growth) provides guidance on defining an area's character to understand its capacity for growth, and then planning for growth.

Policy D2 (Optimising Site Capacity Through the Design Led Approach) seeks to ensure that all development makes the best use of land by following a design led approach that optimises the capacity of sites, which means ensuring that development is of the most appropriate form and land use for the site.

The proposal relates to the redevelopment of an existing petrol filling station site and associated retail floorspace. The site is in a relatively dated state, the sales building is limited, and the overall aesthetic appearance would benefit from a rejuvenation. The redevelopment would result in a much more efficient site, in terms of access to pumps, and the increased sales area would result in a site which was of much greater benefit to the local people it serves. As well as the improved usability of the site; whilst the increase in the retail area is modest, there is the potential for limited job creation, and in any case an improved facility would bring its own benefits.

An improved facility would bring economic, social and environmental benefits, in line with the requirements of the NPPF, and would aid the expansion of a local business in support of local economic growth.

The sales area would increase from 55sq m to 120 sq. m, which is a modest enough increase resulting in a limited size retail unit. The site falls outside a town centre and therefore constitutes out of town centre retail. A sequential approach and retail impact assessment are required where it is considered there may be an impact on existing retail areas. Barnet's Development Management Plan Policies document within the pre-ambles to policies DM11 and DM12 indicates that where an extension to an existing retail unit exceeds 200m<sup>2</sup> then a sequential assessment should be undertaken. The proposed extension to the sales building falls under this threshold and as such a sequential test is not required in this instance.

It is considered the principle of redeveloping the filling station can be accepted.

With regards to the addition of the EVC Hub section 14 of the NPPF "Meeting the challenge of climate change, flooding and coastal change" provides support for the transition to low carbon uses and outlines that;

Para 152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions,

minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Para 155. To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for colocating potential heat customers and suppliers.

Para 158. When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable<sup>54</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The London Plan (2021) at policy GG5 "Growing a good economy" states that those involved in planning and development should recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London's economic success.

The Net Zero Strategy: Build Back Greener was presented to Parliament pursuant to Section 14 of the Climate Change Act 2008 in October 2021. In a initiative to avoid catastrophic climate change, there is a drive to reduce emissions to as near zero as possible. Delivering this requires urgent global action including ending coal fired power generation, retiring petrol and diesel engines from all cars and halting deforestation. These are the steps the UK has been calling for at the recent global conference COP 26.

The applicant states;

*"New Automotive is a new independent transport research organisation founded in 2020 with*

a mission to support the switch to electric vehicles. Based on their research published in October 2021 they estimate that the UK will need 230,000-280,000 public charge points by 2035. However, at the current time, there are 24,000 public charging stations including over 4,000 rapid chargers in the UK. The report concludes whilst there has been a huge uptake in EV sales over the past 12 months, they believe the targets are only achievable if policy makers commit to the 'electrification' of UK roads and install the necessary infrastructure".

The Planning Statement continues;

.....*"The Role of the Applicant*

As the UK's number one provider of premier fuels with a network of over 1,000 service stations, Shell is encouraging the take-up of electric vehicles by providing rapid charging points on many of their forecourts.

Whilst charging electric cars at home is often the most convenient and cost-effective way to recharge sometimes this option is not either convenient or available. A growing number of Shell forecourts in the UK are offering fast electric vehicle charging. This takes only around 30 minutes to fully charge and also provides electric car drivers with a shorter option to just top-up to get to their destination.

By installing high powered, fast chargers at Shell sites countrywide, Shell is helping electric vehicle drivers to travel long distances confidently and with ease and assist in meeting the Government's sustainability and net zero goals.

The application proposal includes for the provision of six EV charging spaces in the form of a new EV 'hub' which will have the benefit of improving the energy transition within the North London area and will offer increased choice and improved customer experience across the wider site, meeting the needs of customers".....

Given the drive to cut greenhouse gases and promote more energy efficient means of travel it is not surprising that this element of the scheme enjoys policy support within the Development Plan. Policy ECC01 - Mitigating Climate Change, of the emerging plan, advises that the Council will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the Borough develops in a way which respects environmental limits and improves quality of life. All schemes are encouraged to incorporate renewable energy initiatives into development proposals, where feasible.

The proposal would result in the loss of a small area currently being used to store hire vehicles (use class B8). Policy DM14 seeks to retain B uses, and if they are replaced that the level of employment use is not reduced. Whilst the proposal will result in the loss of the area for B8 storage, it is evident that the redevelopment of the site provides the potential to increase the employment presence of the wider petrol station site, which would be over any low-level employment that the small area of open storage would provide. It is therefore considered the inclusion of this area into the wider site can be accepted and would aid a comprehensive and modern redevelopment of the site.

In light of the above, officers consider the scheme, and similar schemes, should be encouraged and supported, subject to general conformity with other material considerations. These are discussed below. However, the principle of the EVC Hub is acceptable.

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

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

Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The changes to the site, including increased size of the sales building, provision of parking

spaces and the new pumps are considered to be appropriate for the site context and will not result in any harm to the character of the area particularly as the existing site already comprises of a petrol station. The main sales building would be located more centrally on the site and this arrangement raises no issues of concern. The proposed elevations will be finished in a manner which is commonplace for petrol station facilities and will bring aesthetic benefits, as the existing buildings and wider site, looks relatively tired and dated. Furthermore, the proposed EVC Hub proposes a simple canopy design supported by central stanchions and would not look out of place at a filling station site. Details of materials can be agreed by condition and the design of the scheme is deemed acceptable.

### Impact of the proposal on the amenity of neighbouring residents

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 neighbour's amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

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 western flank of the site adjoins residential gardens on Ellesmere Avenue. The report with regards to the extant consent recorded the following in relation to impact on No.1 Ellesmere Avenue, the residential property which adjoins the site;

"The proposed development will result in the sales building running along the flank boundary of the adjoining dwelling at No.1 Ellesmere Avenue, which is served by a triangular shaped rear garden area. The new building would be more prominent, 4.2m in height, and its position would change, moving towards the rear section of the garden at a distance of 1.5m-6.5m, with the flank elevation set at an angle to the flank boundary. With the 1.5m "pinch point" located at the bottom corner of the garden and progressing towards the house the distance will get steadily get greater to 6.5m, it is considered the building would not appear excessively overbearing. A screen of trees on the boundary would further mitigate any impact. The flank of the garden immediately adjacent to the rear of the house would remain free of built form, with the canopy extending away from the flank wall of the house, and a reasonable level of outlook would remain. There would be no serious concern with regards to levels of daylight/sunlight".

It is considered the analysis between the proposed built form and the adjoining property remains relevant.

The new scheme would include the EVC Hub, with the canopy located adjacent to the rear boundary of No.3 Ellesmere Avenue. However, located at the rear of this deep (16.0m) and screened garden, and given the modest scale of the built form, which is also set off this boundary, there would be no adverse impacts. Close boarded, and proposed acoustic fencing, would provide further screening.

Once again, a bin store would be located between the flank wall of the new building and the common boundary with No.1, and the site redevelopment would also include new extraction/ventilation equipment. Whilst there is some concern about potential odour

impacts, this is an area of compromised air quality, and good on-site management, coupled with solid fencing as mitigation, should ensure any impact would be manageable. The Environmental Health Officer has commented on the proposal and recommended a condition to restrict any noise from plant to an acceptable level, and the compliance with the findings of the submitted Noise Assessment by Venta Acoustics dated 20 October 2021 to ensure suitable mitigation. A further condition to install acoustic fencing is also recommended, and given the ambient noise levels that would already exist at this busy junction, this and the suggested conditions, are considered an acceptable way to limit impact.

A Phase 1 Environmental Assessment, 2018 60544843 / 10018876 by AECOM, dated December 2018, has been submitted. The report identified a number of potential pollutant linkages and therefore a site investigation is required, should contaminants be on site, a remediation and verification report will need to follow. Further conditions on contamination and a Construction Management Plan are therefore necessary.

The site operates 24 hours a day at present, and the additional increase in floorspace would potentially increase activity in connection with the improved facilities. This is a busy junction, albeit there is a residential property adjacent, and there would be existing ambient noise levels. There has been a historic late opening of the premises and over the years Environmental Health have not received any noise complaints. On balance, the continued opening of the premises for 24 hours can be accepted.

#### Highway and Pedestrian Safety

Following discussions with highways, the Highways Officer is content with the layout of the site and with the justification for the number of parking spaces proposed. The southern crossover has been relocated further away from the junction. As recommended by highways, there is now the provision of a second disabled car parking space adjacent to the original space and the removal of car parking space, no. 6, adjacent to the site entrance, which removes potential conflict. There are no outstanding highways concerns with the newly revised layout. The following conditions are recommended;

1. Delivery and servicing management plan
2. Demolition and Construction Management and Logistics Plan
3. Electric vehicle Charging points - 6 No. rapid and 2 No. standard and remainder passive
4. Cycle Parking - 6 long stay and 1/2 short stay spaces
5. Highway Condition Survey
6. S184 Agreement for reducing Ellesmere Avenue access
7. All off-site highway works to be completed prior to occupation.

#### Crime Prevention Officer

The Crime Prevention Officer has been consulted and is content with the measures suggested to ensure a safe and adequate layout for the scheme.

#### Third Party Representations

The majority of third-party representations have been addressed within the report.

- Concern that Electrical sub stations create EMFs which have been shown to be bad for health. Increased noise and light pollution are likely. The present noise levels of forecourt loudspeakers together with floodlights which are used in the night, already make it difficult to sleep in the back bedroom which overlooks the garage.



- Having a substantial electrical hub and underground fuel in such close proximity to people's homes contravenes all environmental and health and safety protocol.

The council's Environmental Health Officer has assessed the submission, provide comment on the details of the application, and suggested conditions to mitigate any impacts. It is considered this would address the concerns that have been expressed. Some concern has been raised that the proximity of the development to the "new future sub-station", identified outlined in red on the plans, which, it is stated, could pose health risks to nearby occupants. The notation on the plan states "n.b new substation is not part of this application. These will be separate works/procedure by DNO".

Permitted development rights by virtue of Part 15 of Class B of the GDPO "electricity undertakings" provide the scope whereby works can be carried out without the need for express planning consent. Any sub-station would have to confirm to the limitations of the class, otherwise an application would have to be made to the Local Planning Authority for consideration. Furthermore, given the distances retained to residential properties, it is not considered that a sub-station at the site would give rise to risks to public safety.

- Refuse collection - request that adequate large, public, lidded rubbish bins are provided.

The scheme details provides a suitable refuse storage facility.

- Concern about safety of pedestrians crossing the entryways to access the subway.
- Concern about more traffic, noise, safety hazards.
- This site is not suitable for a 24HR EVC service due to its proximity to a housing estate. There is a more suitable location; the Shell Petrol Station at Stirling Corner.

The council's Highways section has assessed the submission and are content from a highway safety perspective, subject to conditions and a section S184 or S278 to oversee the works.

- Concern this use encourage anti-social behaviour at the site which will spill into residential areas.

Whilst the scheme would provide an updated facility there is nothing to suggest it will increase anti-social activity, which can in any case be addressed through separate legislation. The applicant has discussed the site layout and provided measures - CCTV coverage, sufficient lighting coverage, and a PA system to prevent loitering, particularly in the EVC Hub seating area, and it is considered these measures will help provide some mitigation.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed

redevelopment of the site is acceptable. It is therefore recommended consent is granted subject to conditions.



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**LOCATION PLAN**  
SCALE 1:1250 @ A4

**Location** 2 Hollyview Close London NW4 3SZ

**Reference:** 21/2828/FUL

Received: 21st May 2021

Accepted: 24th May 2021

**Ward:** West Hendon

Expiry 19th July 2021

AGENDA ITEM 13

**Case Officer:** Erica Mason

**Applicant:** Mr Sameh ElGamal

**Proposal:** Erection of a new three storey dwelling following demolition of the existing garage

### **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:

- 052(P)001 (Location Plan)
- 052(P)021 Rev A (Existing & Proposed Ground Floor Plan)
- 052(P)022 Rev A (Existing & Proposed First Floor Plan)
- 052(P)023 Rev A (Existing & Proposed Second Floor Plan)
- 052(P)024 (Existing & Proposed Roof Plan)
- 052(P)025 Rev A (Proposed Site Plan)
- 052(P)030 (Proposed Section AA)
- 052(P)041 (Proposed Front Elevation)
- 052(P)042 (Proposed Rear Elevation)
- 052(P)043 (Proposed Side Elevation)

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) in the adjoining terrace (2-8 Hollyview Close)

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

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

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

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and policies D4, G5 and G7 of the London Plan 2021.

7 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).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation at first floor level facing no. 143 Audley 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).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Polices document (2012), Policy SI 1 of the London Plan (2021).

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 11 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3)

permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 052(P)025 Rev A (Proposed Site Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan (2021)

- 13 Notwithstanding the approved plans, prior to occupation of the development, cycle parking spaces and storage shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 15 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 Class A-G of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the proposed dwelling

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused



on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the

Cleansing Department.

- 5 The provision for the cycle parking spaces should be in line with London Plan Policy T5 table 10.2. They should be designed in line with chapter 8 of the London Cycling Design Standards (LCDS). Please see here for LCDS guidance:  
<http://content.tfl.gov.uk/lcnds-chapter8-cycleparking.pdf>

## **OFFICER'S ASSESSMENT**

Committee Application recommended for Approval.

### **1. Site Description**

The application site comprises an end of terrace three-storey single family dwelling, located on the north east side of Hollyview Close; an area predominantly residential in character consisting of uniform, three-storey terraced dwellinghouses. The exception is The Channings, 21 Hollyview Close. The Channings is a large detached dwelling, situated opposite the host site. The proposal property exists as it was originally built. Many of the other properties along the cul-de-sac also exist in their original form with only minimal alterations to some properties, mainly consisting of garage conversions specifically to nos 4, 11, 16, 17 and 21 Hollyview Close. The works were accommodated via various approvals for Certificate for Lawful Proposed Development.

The proposal site is not part of a designated conservation area nor is it a listed building. It does not fall within a designated Flood Zone Area and there are no Tree Preservation Orders on site. The application site has a 'Public Transport Accessibility Level' (PTAL) rating of 3 which is considered Moderate.

The proposal site measures some 383m<sup>2</sup> as specified on the submitted planning application.

### **2. Site History**

Reference: 18/0473/HSE

Address: 2 Hollyview Close London NW4

Decision: Initially Refused and subsequently Allowed on Appeal

Appeal Decision Date: 04 September 2018

Description: Part single, part two-storey side extension following demolition of existing garage including installation of railing to ground floor front and side elevations and additional balustrading to first floor level to front and side elevations. Insertion of 3no. rooflights to front elevation with 4no. roof windows and floor to ceiling glass panelling to rear elevation. Associated alterations to hard and soft landscaping.

Reference: W00323AG

Address: 2 Hollyview Close London NW4

Decision: Refused

Decision Date: 21 March 1996  
Description: Single storey side extension.

Reference: W00323AD  
Address: 2 Hollyview Close London NW4  
Decision: Refused  
Decision Date: 3 March 1995  
Description: Two storey side extension.

Reference: W00323AB  
Address: 2 Hollyview Close London NW4  
Decision: Refused  
Decision Date: 22 September 1992  
Description: Erection of new dwelling (OUTLINE).

### **3. Proposal**

The application seeks permission for the following works to the host property:

Erection of a new three storey dwelling following demolition of the existing garage. The proposed dwelling would largely mirror no. 2 Hollyview Close, in size and design - and would be attached to this neighbouring dwelling creating an end of terrace dwelling.

The proposed dwelling would measure 5.9m wide, a maximum depth of approximately 13.22m, 8m high to the eaves (with an eaves height of 4.6m to the rear of the roof) and 10.5m high to the top of the gable ended roof (All same as no. 2 Hollyview Close). The new dwelling will be set away from the common side boundary of the rear garden of no. 143 Audley Road by a distance of between 1.6m and 5.35m.

The new dwelling will be set away from the rear boundary of the site by 9.4m, same as No. 2.

### **4. Public Consultation**

Consultation letters were sent to 102no. neighbouring properties. 16no. responses were received in the form of 13no. objections and 3no. supporting correspondence for the application. The responses are summarised as follows:

#### **Support**

- Ample land to the side of the applicant's current dwelling along with soft landscaping will blend the building's facade into the existing environment
- Not obtrusive upon entry to the Close
- Plans and designs are appropriate and sensitive to the location
- Very good use of the land and space to build another house in that space and in line with other three storey houses on the road
- Will add value to the existing houses in the Close

#### **Objections**

- Overdevelopment of land
  - Potential parking issues
- (Officer Comment: Discussed in the main body of the report)
- Disruption and noise during construction
  - Potential noise and pollution

(Officer Comment: A condition would be added in case of an approval limiting times of construction and associated works. If issues of this nature is experienced to an unacceptable degree during construction and works, it should be reported to Environmental Health)

- Loss of natural light from the road and blind bend
- Sight line of the row of houses will be out of sync

(Officer Comment: It is considered that this element of the scheme would be similar to the existing situation and would lead to no further harm)

- Loss of front garden to number 2

(Officer Comment: A condition will be added in case of an approval for provision of adequate hard and soft landscaping for the site - the resultant amenity space to the front of both 2 Hollyview and the new dwelling will be comparable to the size of front gardens within the terrace and bigger in comparison to the end houses)

- Adversely impacts character of the road

(Officer Comment: Discussed in the main body of the report)

- House will be visible from Station Road

(Officer Comment: This is not considered harmful to the character and appearance of the area)

- Access to the proposed property would be over and through private land which does not agree to the planning application

- Contrary to covenants of the Close as well as dilution of shareholdings of existing residents with regards to communal land and surroundings

- Pavement and curb alterations require the agreement of the management company for the close which may have not been obtained

- The Council cannot override the Management Company who own and control the common land and pathways and with whom every household has signed a covenant and entertain and sanction permission to the applicant to build an additional independent House

(Officer Comment: The application or decision does not override the legal obligations of the applicant - this would be a separate matter outside of planning)

- Letters were not received by any property on the street nor was a site notice placed which is required by planning law

(Officer Comment: New letters and Site Notice were sent/erected)

- Structure would detract from the visual appeal of the close and constrict the sense of space at the opening to the residential area

- Proposals fail to overcome problems that previously led the council to reject similar applications to develop the site

(Officer Comment: Discussed in the main body of the report)

- Reduction of natural flora and fauna

- Proposal would affect a number of mature trees causing damage to the trees and/or long term problems to the foundations of any new property. Mature plane trees have been removed from the garden of No2 in the last 10 years

(Officer Comment: The Tree officer was consulted and raised no concerns re the above)

- Overlooking on to the garden of 143 Audley Road

(Officer Comment: Discussed in the main body of the report)

- New property will dilute the share holding of the current owners which could at some point have considerable financial value

(Officer Comment: This is not a planning consideration)

- The lack of a footpath and horizontal parking at number 1 would be out of line with other houses in the row

(Officer Comment: The Highways Department was consulted and discussed within the main body of the report)

## **Internal consultation**

### Highways Department:

Initial Highways Comments

#### **Proposal**

The applicant is proposing to demolish the existing garage and construct a 1x 4bed single family dwelling in its place (Subsequent drawings were received reducing the amount of proposed bedrooms to 3no). The applicant is proposing to provide 2x off-street car parking spaces (1x for the existing and 1x for the proposed unit). Please be advised that Hollyview Close NW4 is a private road.

#### **Car Parking**

The site lies within a PTAL3 zone, which means that there is good public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan the required off-street car parking provision for this proposal is 3x spaces. Therefore, the proposed 2x spaces means an under-provision of 1x off-street car parking space, which has a potential of overflowing out onto Station Road which is part of the adopted road network.

However, taking the following into consideration:

- o The site lies within a PTAL 3 zone,
- o The site is located within walking distance of a town centre location,
- o The site is located within a Controlled Parking Zone (WH3) which is in operation Monday-Friday between 10am-11am.

It is considered appropriate to modify the traffic order to exempt the occupiers of the proposed units from the schedule of addresses eligible for parking permits in the CPZ. A Section 106 or Unilateral Undertaking Agreement contribution of £2,392.01 will be required in order to amend the traffic order.

#### **Vehicular Access**

Please note that the site lies within a private road.

On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers.

Please also note that the visibility spays will need to be considered for safety reasons when creating the hardstanding, as cars will be parked on both sides of the road when entering and exiting the site.

#### **Refuse**

The site lies within a gated development. The applicant is advised to confirm with the current refuse collector whether the proposed arrangement is in line with their requirements. If there is an agreement with the council's refuse collection department, an appropriate informative will be added as suggested.

#### **Cycle Parking**

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

#### **Recommendation**

The proposal is acceptable on highways grounds subject to a Legal Agreement to amend the traffic order.

## Final Highways Comments

### Proposal

The applicant is proposing to demolish the existing garage and now will construct a 1x 2bed single family dwelling in its place. The applicant is proposing to provide 2x off-street car parking spaces (1x for the existing and 1x for the proposed unit). Please be advised that Hollyview Close NW4 is a private road.

### Car Parking

The site lies within a PTAL3 zone, which means that there is good public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan the required off-street car parking provision for this proposal is 2x spaces. Therefore, the proposed is deemed acceptable on highways grounds.

### Vehicular Access

Please note that the site lies within a private road.

On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers.

Please also note that the visibility spays will need to be considered for safety reasons when creating the hardstand, as cars will be parked on both sides of the road when entering and exiting the site.

Conditions suggested regarding cycle parking and storage, car parking spaces and a Demolition and Construction Management Plan.

### Trees Officer:

Conditions to be included in case of an approval should be:

- 1) A scheme of hard and soft landscaping
- 2) Details of temporary tree protection

## 5. Planning Considerations

### 5.1 Policy Context

The determination of planning applications 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.

### 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 20th July 2021. 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: D3, D4, D5, D6, G7, H1, T4, T5 and T6

### LB Barne: Local Plan 2012

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9 and CS15.

Core strategy policy CS3 seeks to encourage higher densities in order to meet the housing targets for the Borough. The policy identifies areas of growth that are appropriate for regeneration and higher densities of development, noting that these areas are either town centres or are accessible by public transport. The policy further states that whilst higher density can be encouraged as a means of meeting housing targets, it should not drive development, rather it is a factor to be considered alongside the local context, design, transport accessibility and infrastructure.

Core strategy policy CS4 seeks to provide a range of sizes and types of accommodation, including homes for those who need larger dwellings including families, as well as homes for smaller households such as single key workers or older and vulnerable people.

Core strategy policy CS5 sets out the LPAs objective to promote a sense of place throughout the Borough by responding to locally distinctive characteristics and patterns of development. The policy text goes further to state that the Core Strategy aims to address strategic needs for family accommodation. The main source of supply to meet demand is largely provided by our suburban housing stock. We therefore need to protect such housing within established residential streets which, because of their rhythm and cohesiveness, contribute to local character.

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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

Policy DM08 seeks to both maintain and increase the supply of housing across the Borough.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. The policy further states that a development of this scale would be expected to provide a maximum of 1.5 vehicle parking space per dwelling.



### Residential Design Guidance SPD (2016)

Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. It states:

- Developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas

### Sustainable Design and Construction SPD (2016)

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

### Barnet's Local Plan (Reg 22)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would unacceptably impact the amenities of future occupiers;
- Whether the proposal would unacceptably impact upon trees.
- Whether the proposal would unacceptably impact highways and parking;

## **5.3 Assessment of proposals**

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

It should be noted that the applicant engaged in a Pre-application prior to the submission of the current scheme - and has endeavoured to adhere to the advice provided by the Local Planning Authority (LPA).

It is also noted that planning permission was sought under reference 18/0473/HSE for 'Part single, part two-storey side extension following demolition of existing garage including installation of railing to ground floor front and side elevations and additional balustrading to first floor level to front and side elevations. Insertion of 3no. rooflights to front elevation with 4no. roof windows and floor to ceiling glass panelling to rear elevation. Associated alterations to hard and soft landscaping'.

The application was refused by the LPA for the following reason:

'The proposed two-storey side extension by reason of its bulk, size, scale and massing results in an incongruous form of development highly visible within the streetscene which would fail to appear subordinate, proportionate or sympathetic to the existing dwelling house and the adjoining terraced properties to the detriment to the character and appearance of the host property and surrounding area; including the street scene. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (October 2016)'.

However, following an appeal of the decision under reference APP/N5090/D/18/3205111, the proposal was allowed on 04 September 2018. The Planning Inspector stated:

*"The appeal plot is uniquely wide in the estate, and is more than double the width of the rest in the terrace. Few other houses would be capable of side extensions, possibly none in the same way as proposed at the appeal site".*

And

*"... The proposal would not detract from the character and appearance of the house, the terrace and the surrounding area. It would not be in conflict with Policies CS1 & CS5 in Barnet's Local Plan Core Strategy (2012) or Policy DM01 in the accompanying Development Management Policies (2012). Among other things, these policies seek to conserve and enhance the distinctiveness of Barnet's residential areas; to encourage attractive development; and to ensure respect for the appearance, scale, mass height and pattern of surrounding development. The design would not be inappropriate to its context, which would satisfy an explicit purpose of the SPD".*

Taking into consideration the comments of the Inspector and considering the size of the plot including the width, the Council are mindful of this justification in considering a revised scheme for an end of terraced dwelling of this size at the application site - as discussed below.

It is noted that an objection was raised referring to the historic planning application reference W00323AB, which was refused. The inspector at the time commented on the spacious entrance to the estate stating that a new dwelling of matching design would harm the character and appearance of the locality. The appraisal has taken into consideration all of the planning history. However, the recent approval by the planning inspectorate provides a more recent view of an extension at the property wherein the previous assertion

of the Council was tested at appeal.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan) and policy D3 of the London Plan (2021).

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

The proposal seeks planning permission for a three storey dwellinghouse to be attached to no. 2 Hollyview Close, forming an end of terrace property. The common side boundary will face the side element of the rear garden space of no. 143 Audley Road. The property itself will measure largely the same as no. 2 having the same design including the same roof form featuring a gable end. The main differences relate to differing roof lights within the main roof.

The depth and width of the resultant plot for both no. 2 Hollyview Close and the new attached dwelling will be comparable to other plots within the terrace of dwellings - both in size and design. The existing site is wider than the other sites along this terrace of dwellings. Therefore, it considered to adequately facilitate the additional dwelling and associated amenity space.

The dwelling by reason of its size, siting and design is considered to be proportionate and would harmonise with the immediate and general locale. The dwelling would follow the same design of the neighbouring properties on Hollyview Close and is not considered to be bulky or incongruous as a result.

As mentioned above, planning permission was granted for a two storey side extension. Therefore, the principle of the additional extension is established- with the side extension now sought to facilitate a new dwellinghouse. The design of the house would be largely the same as no. 2 Hollyview Close and the remaining terraced dwelling on Hollyview Close. Therefore, the continuation of the proposed gable roof form at the same size including eaves and ridge height as no. 2 would have an acceptable impact on the current streetscene.

At the pre-application stage, the applicant was advised by the LPA to mirror the design and size of the dwelling at no.2, in order to have an acceptable design, mass and scale, to ensure that the proposal would relate sympathetically to the character of the surrounding area - and this has been largely achieved.

The proposal would feature the same design and materials as no. 2 including main gable roof elements at the side and front at 3rd floor level, eaves and ridge heights, fenestration and lintel details, and the first floor front balcony. Therefore, the continuity of design of the proposed dwelling would have an acceptable impact on the character of no. 2 and the general locale. Furthermore, the associated alterations to hard and soft landscaping as shown on drawing no. 052(P)025 Rev A (Proposed Site Plan) are considered to be a welcome addition, and would be conditioned for reasons of clarity and completeness, so that species and plant heights can be assessed. This in turn will ensure a satisfactory appearance to the development.

The proposal in general is considered to have an acceptable impact due to the size, siting and design. The proposed rooflights are also considered acceptable allowing for adequate natural light into the roof space. The house would largely match the character and design of the existing neighbouring properties and surrounding area, compliant with development plan policies such as DM01, CS05 (both of the Barnet Local Plan) and policy D3 of the London Plan (2021).

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

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

The proposed site would facilitate an end of terrace property, located on the east side of Hollyview Close, which is the nearest property to the bend leading to the entrance of the Close, leading to the main junction with Station Road NW4. As such, the host site benefits from one adjoining neighbouring property at No. 2 Hollyview Close. As the proposed dwelling would extend no further rearward or forward of the main building line of the host property, the proposal is not considered to result in any adverse neighbouring amenity impact. Due to this, the proposals would not be considered to result in a loss of light, outlook, privacy or a sense of enclosure or overbearing on the neighbouring property. An adequate amount of amenity space for the occupiers of No 2 would be retained.

The proposal site also shares a common side boundary with the rear garden amenity space of no. 143 Audley Road - with the rear boundary adjoining the garden of no. 139 Audley Road.

The proposed dwelling will be set a distance of 23m from the dwelling at no. 139 Audley Road and approximately 10m from the rear boundary, the same as the existing dwelling at no. 2 Hollyview Close. This distance is adequate to allow for an acceptable impact on the neighbouring amenities including overlooking and loss of privacy with regard to the expectations of the Sustainable Design and Construction SPD.

The house at No. 143 is set further away. However, the rear garden area shares the common side boundary with the proposal site. The proposed single first floor window which will serve a staircase for the new house, will face this boundary, but will be conditioned to be obscure glazed, to protect the neighbouring amenities from loss of privacy and overlooking. Whilst windows are proposed at ground floor level to the side elevation, the proposed dwelling is set away from the boundary by at least 1.6m. A further condition will be added to ensure adequate boundary treatment is forthcoming to further mitigate potential loss of privacy.

### **Impact on amenity of future occupiers:**

Table 3.1 of the London Plan (2021) sets out minimum Gross Internal Area (GIA) standards for new dwellings.

The GIA for a three storey 3no. bedroom, 6 person dwelling requires at least 108m<sup>2</sup>. It should be noted that whilst a 3no. bedroom (same as at no. 2 Hollyview Close) property was initially proposed, due to stacking and reasons of outlook, the proposal has been changed to a 2no. bedroom dwelling - allowing for a living room at first floor, at the request of the applicant. The standards also set out minimum acceptable room sizes for single and double bedrooms, confirming that at least 7.5m<sup>2</sup> should be provided for the former and

11.5 m<sup>2</sup> should be provided for the latter. The proposed rooms comply with the standards by reason of the adequate sizes.

The existing house at no. 2 Hollyview will retain the following space standards:

Ground floor living room: 15.7 (1 habitable room)  
Ground floor dining room 11m<sup>2</sup> (1 habitable room)  
Ground floor kitchen 14.8m<sup>2</sup> (1 habitable room)

1st floor lounge 22m<sup>2</sup> (2 habitable rooms)  
1st floor master bedroom 23.2m<sup>2</sup> (2 habitable rooms)

2nd floor study 7.65 (non-habitable - no windows)  
2nd floor bedroom 9.36 (left) (1 habitable room)  
2nd floor bedroom 10.53 (right) (1 habitable room)

The proposed house attached to no. 2 Hollyview will facilitate the following space standards:

Ground floor open plan 55.5m<sup>2</sup> (equivalent to 2 habitable rooms)  
1st floor lounge is 17.29m<sup>2</sup> (1 habitable room)  
1st floor master bedroom is 25.8m<sup>2</sup> (2 habitable rooms)  
2nd floor bedroom (front) 18.32 (1 habitable room)  
2nd floor study 13.65 (non-habitable room - no windows)

Furthermore, all habitable rooms benefit from at least 20% glazing ratio and unobscured outlook as advised within table 2.4 of the Sustainable Design and Construction SPD (2016) which discusses Daylight, Privacy and Outlook acceptability.

Also, the proposed new dwelling would have a total GIA of approximately 166.5m<sup>2</sup> which clearly illustrates the adequate size and proportions of the development. The submitted plans also confirm that the minimum space standards would be complied with. In addition, the adequate outdoor amenity space is provided with regard to the expectations set out in the Sustainable Design and Construction SPD.

#### Garden Amenity

The Sustainable Design and Construction SPD 2012, Table 2.3 and section 2.3.2 lists the required garden amenity space for houses:

- o40 m<sup>2</sup> of space for up to four habitable rooms
- o55 m<sup>2</sup> of space for up to five habitable rooms
- o70 m<sup>2</sup> of space for up to six habitable rooms
- o85 m<sup>2</sup> of space for up to seven or more habitable rooms

Habitable rooms as described within the Residential Design Guidance SPD (2016) is a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m<sup>2</sup> will be counted as two.

No. 2 Hollyview Close would retain 9no. habitable rooms and the proposed dwelling would facilitate 6no. habitable rooms.

The private rear / side garden amenity space for the proposed dwelling would measure approximately 91.94m<sup>2</sup>. No 2 Hollyview Close would retain a rear garden amenity space of 54.52m<sup>2</sup>. The retained garden at No. 2 is similar in size to the rear garden amenity spaces at the neighbouring properties along this terrace of dwellings. The proposal plot by reason of its' size is considered to be an anomaly at this end of Hollyview Close. Whilst the retained house would lose some amenity space, it is comparable with the rear amenity garden spaces at the existing neighbouring dwellings along this terrace which also have a similar number of habitable rooms as the existing property. Therefore, it is considered that in this case the resultant gardens are acceptable and would facilitate usable private amenity for current and future occupiers.

Also, the internal configuration is appropriate in respect of the shared party wall - where-in bedrooms, bathrooms and lounge/kitchen areas are adjacent to each other between the existing dwelling at No.2 and the proposed dwellinghouse. The exception on the initially submitted drawings were that the existing first floor study at No. 2 would sit beside the neighbouring bedroom at 1st floor. However, following amended drawings, the horizontal 'stacking' of the properties allows for the bedrooms and living rooms to be adjacent on a like for like basis at both properties. The scheme is considered to be acceptable with regards to protecting both the amenities of future occupiers and current occupiers of the neighbouring property, in relation to noise and disturbance.

Therefore, the Local Authority are satisfied that the proposed dwelling would provide acceptable living conditions and amenity for future occupiers in accordance with Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012), the requirements of Barnet's Sustainable Design and Construction SPD (2016) and Policy D3 of the London Plan (2021).

### **Potential Impact on Trees:**

Policy DM01 of Barnet's Development Management Policies Document (2012) advises that trees should be safeguarded. Furthermore, policy G7 of the London Plan states that development proposals should ensure that, wherever possible, existing trees of value are retained. 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.

No Tree Preservation Orders (TPO) exist at the site. However, tree(s) exist at the site and neighbouring sites at no. 143 Audley Road. The tree officer reviewed the application and confirmed that conditions should be added into any approval relating to provision of Hard and Soft Landscaping Details and to ensure Tree Protection is in place during construction.

It is considered that the measures would retain appropriate visual amenity in respect of the street scene. Soft landscaping and trees are an integral part of the character of this area and should be maintained. The strip of landscaping at the front will be enhanced following the submission of details from the above mentioned condition. This will assist in mitigating the hardstanding to provide a more acceptable impact on the overall character of the area and neighbouring amenity. It is therefore considered that the proposal is acceptable and complies with planning policy DM01 of the Development Management Policies and G7 of the London Plan.

### **Impact on Highways and Parking:**

Policy DM17 outlines the adopted parking standards for residential developments. It states that a house with 2 to 3 bedrooms is required to provide 1.5 to 1no. off-street car parking spaces. There is sufficient space on the front drive to accommodate 1no. car for each property.

Therefore, the proposed 2no. spaces means an under-provision of 1no. off-street car parking space, which has a potential of overflowing out onto Station Road which is part of the adopted road network. However, taking the PTAL rating into consideration, the fact that the site is located within walking distance of a town centre location, the Highways officer confirmed the acceptance of the scheme. Therefore, notwithstanding that Station Road, nearby, falls within a Controlled Parking Zone - (WH3) which is in operation Monday-Friday between 10am-11am - the proposal site is a private road which is not subject to a CPZ. Therefore, on further inspection of the proposal, the Highways officer confirmed that the application would not require a modification of the traffic order to exempt the occupiers of the proposed unit from the schedule of addresses eligible for parking permits in the CPZ. However, conditions are recommended to be added into an approval relating to cycle parking and storage, car parking spaces and a Demolition and Construction Management Plan.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. The proposal requires cycle parking provision for 2no. spaces and a condition is proposed to that effect.

With regards to the vehicular access, it is noted that the site lies within a private road. On Adopted roads the required vehicular access dimensions are 2.4m to 4.2m with a gap of 2.4m between crossovers. Visibility splays will need to be considered for safety reasons when creating the hardstand, as cars will be parked on both sides of the road when entering and exiting the site.

The applicant is advised to seek the crossover standards for private roads.

With regards to Refuse and Recycling, the site lies within a gated development and therefore the applicant is advised to confirm with the current refuse collector whether the proposed arrangement is in line with their requirements. An informative will be added into an approval, if there is an agreement with the council's refuse collection department stating that bin enclosures should be situated within 10m of the property boundary; alternatively, the bins should be brought to the front of the site on bin days.

In adherence to the above, it is considered that the scheme is compliant and would have an acceptable impact on the Highways, subject to appropriate condition(s) and Informative(s).

## **5.4 Response to Public Consultation**

All comments dealt with within the main body of the report.

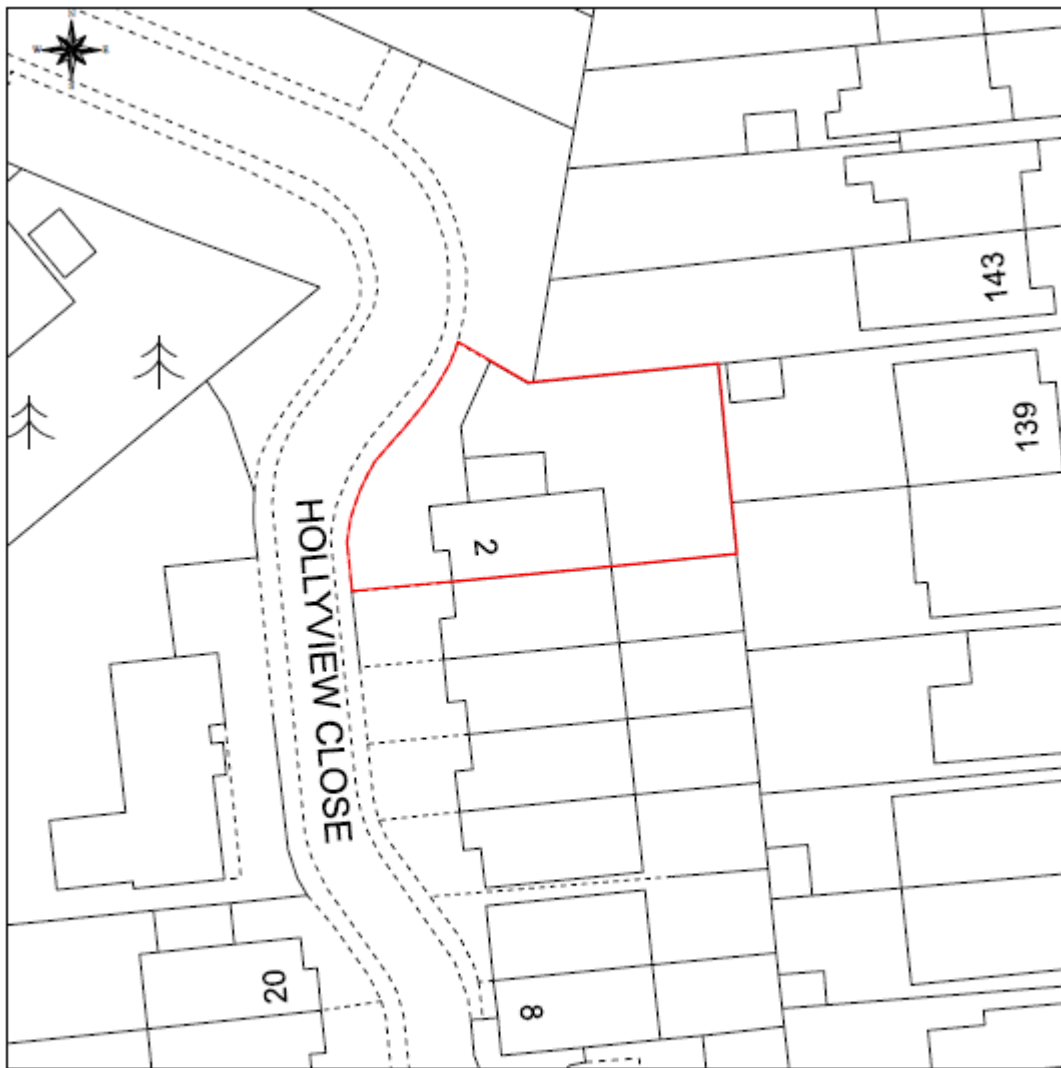
## **6. Equality and Diversity Issues**

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

equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for APPROVAL, subject to conditions.



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0m 5m 10m 15m 20m 25m 30m 35m 40m

Scale: 1:500, paper size: A4