

MEETING

PLANNING COMMITTEE B

DATE AND TIME

TUESDAY 9TH NOVEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)

Chairman: Councillor Golnar Bokaei
Vice Chairman: Councillor Melvin Cohen LLB

Cllrs:
Ammar Naqvi Alan Schneiderman Roberto Weeden-Sanz
Reema Patel Nicole Richer

Substitute Members

Eva Greenspan Pauline Coakley Webb Val Duschinsky
Anne Hutton Charlie O-Macauley Alex Prager

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **Thursday 4th November at 10AM**. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
|---------|--|-----------|
| 1. | Minutes of the last meeting To follow | |
| 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. | Land adjacent to 1 and 1A Booth Road NW9 5JS 20/4583/FUL Colindale | 5 - 18 |
| 7. | Former Meeting Hall Rear Of 2 Blenheim Road London EN5 4NF 21/3621/S73 High Barnet | 19 - 36 |
| 8. | Dolphins Totteridge Green London N20 8PE 21/0625/FUL Totteridge | 37 - 58 |
| 9. | Premier House, 112 Station Road, HA8 7BJ 20/6320/FUL Edgware | 59 - 100 |
| 10. | Brondesbury Cricket Tennis and Squash Club, 5A Harman Drive, NW2 2EB 21/0701/FUL Childs Hill | 101 - 110 |
| 11. | 5 Carlton Close London HA8 7PY 21/2038/HSE Edgware | 111 - 120 |
| 12. | 66 Woodside Park Road London N12 8RY 21/2753/S73 Totteridge | 121 - 138 |
| 13. | 21 Farm Avenue London NW2 2BJ 21/0027/FUL Childs Hill | 139 - 158 |
| 14. | Any item(s) that the Chairman decides are urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

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planning.committees@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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Finally, Members moved to consider the matter of the proposed conditions and legal agreement under Section 106 of the Act. In doing so, Councillor Richer moved that the item be reported back in order for the schedule of conditions and obligations to be considered by the Committee. This was unanimously agreed by the Committee.

On that basis, this report presents the draft schedule of conditions and Heads of Terms in respect of the proposed obligations for the consideration of Members.

RECOMMENDATION

Approve following legal agreement

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

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:

i. Contribution towards off-site amenity space provision:

A contribution of £1,500.00 towards the improvement of off-site amenity space in the immediate area.

ii. Amendment to the Traffic Management Order:

-A contribution of £2,400.00 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

iii. Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

- 595 0050 - Site Plan Existing (received 29.09.20)
- 595 1100 - Ground Floor Plan Existing (received 29.09.20)
- 595 1200 - Front and Side Elevation Existing (received 29.09.20)
- 595 0010 - Location Plan (Ordnance Survey) (received 29.09.20)
- 595 0100 Rev D - Ground Floor Plan Proposed (received 10.09.21)
- 595 0101 Rev D - First Floor Plan Proposed (received 10.09.21)
- 595 0102 Rev D - Roof Plan Proposed (received 10.09.21)
- 595 0201 Rev D - Side and Back Elevations Proposed (received 10.09.21)
- 595 0210 Rev D - Front Elevation and Cross Section (received 10.09.21)
- 595 0193 - Sunlight Study (received 26.05.21)

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

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

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

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

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

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

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and 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.

- 5 Prior to first occupation of the development, cycle parking spaces shall be provided in accordance with approved drawing 595 0100 Rev D - Ground Floor Plan Proposed (received 10.09.21) 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 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 Prior to first occupation of the development storage arrangements for refuse and recycling shall be provided in accordance with approved drawing 595 0100 Rev D - Ground Floor Plan Proposed (received 10.09.21) and that area shall not thereafter be used for any purpose other than for the storage of refuse and recycling associated with the development.

Reason: In the interest of safeguarding the character and appearance of the host property and surrounding area and highway safety in accordance with London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

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

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

8 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

- 9 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof to the ground floor rear projection – as per approved drawing 595 0101 Rev D - First Floor Plan Proposed (received 10.09.21) - shall have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G1 of the London Plan 2021

- 10 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing Nos 183-185 Colindale Avenue 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).

- 11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 12 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, D, E, or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

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

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

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

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

15. 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.

RECOMMENDATION III:

- 1 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:

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 09 February 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):
 - 1. The proposed development does not provide a legal agreement to enable contributions towards local amenity open space within the London Borough of Barnet and therefore would not adequately mitigate the lack of provision of outdoor amenity space, contrary to Policy D6 of the London Plan (2021), Policy DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Sustainable Design and Construction SPD (2016), the Residential Design Guidance SPD (2016) and the Planning Obligations SPD (2013)

 - 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to Policy T6.1 of the London Plan (2021),

Policy CS9 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM17 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Planning Obligations SPD (2013)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit:

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

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



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Location **Former Meeting Hall Rear Of 2 Blenheim Road London EN5 4NF**

Reference: **21/3621/S73**

Received: 1st July 2021

AGENDA ITEM 7

Accepted: 1st July 2021

Ward: High Barnet

Expiry 26th August 2021

Case Officer: **Jonathan Martin**

Applicant: Mr Deepinder Singh

Proposal: Variation of condition 1 (Approved Plans) of planning reference 20/0512/FUL dated 14/05/2021 for ' Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces.' Variation to include correction of floor space for ground floor flats. Increase size of the first floor to provide additional floor space for the proposed flats

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

- Drawing PL-001 - proposed master plan
- Drawing PL-002 - proposed site plan
- Drawing PL-001 - proposed ground floor plan
- Drawing PL-002 - proposed first floor plan
- Drawing PL-003 - proposed roof plan
- Drawing PL-006 - proposed east and west elevations
- Drawing PL-007 - proposed south and north elevations

Drawing PL-008 - proposed sections (AA & BB)
Drawing PL-009 - proposed sections (CC & DD)
Drawing SK-008 - Proposed elevations (east and west)
Drawing SK-009 - Proposed elevations (north and south)

CGI Visualisation Images, MSK Designs
Drawing 918169 - Land Survey, apr services
Planning Statement, Henry Planning
Sustainability Statement, Henry Planning
Letter regarding Marketing, Jeremy Leaf, 15th January 2020

Arboricultural Survey Report, Ashmore, Rev 1 dated 12th September 2018
Drawing 181117-L-20 Rev a - Landscape Masterplan, tma associates
Soft Landscape Report, 181117-LD-20a, tma, September 2020
Tree report for planning purposes, 181117-PD-12a tma, September 2020
Preliminary Ecological Appraisal, tma associates, October 2019-181117-ED-01
Bat Survey Report, tma, October 2020 - 181117-ED-02a

For sale board photo
Preliminary Particulars, Jeremy Leaf
Marketing Statement, Henry Planning
Marketing Statement, Jeremy Leaf, 22nd December 2020
Screenshot Rightmove
Screenshot Jeremy Leaf webpage
Marketing Invoices Jeremy Leaf
Enquiries Table Jeremy Leaf
Agency agreement dated 22nd January 2020
For sale board photo 18.2.21

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

- 2 This development must be begun within three years from the date of the original permission reference 20/0512/FUL, dated 14th May 2021.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF

and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 No dwelling shall be occupied until parking spaces have been laid out within the site in accordance with drawing PL002 Rev B for 4 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a

storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

- 9 Demolition and construction works, including site clearance, shall be implemented in accordance with the mitigation strategy and the biodiversity enhancements detailed in the Preliminary Ecological Appraisal, tma associates, October 2019 and

Bat Survey Report, tma, October 2020.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, London Plan and NPPF.

- 10 a) All site works or development (including any temporary enabling works, site clearance and demolition) shall be carried out in accordance with the following tree protection documents:

Tim Moya: 181117-PD-11 AIA Tree report for planning purposes Land at the rear of Blenheim Road Barnet London EN5 4NF September 2020 181117-PD-12a Tree Protection Plan 181117-P-12 Rev B.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 11 a) A scheme of hard and soft landscaping shall be implemented in accordance with the following approved documents:

Drawing 181117-L-20 Rev a - Landscape Masterplan, tma associates
Soft Landscape Report, 181117-LD-20a, tma, September 2020.

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

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

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

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

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

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

- 13 Before the building hereby permitted is first occupied the proposed first floor window(s) in the west elevation facing Queens Road as shown on Drawing PL004-Rev B 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).

- 14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 16 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).

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

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

- 18 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).

- 19 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.

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

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

Informative(s):

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

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

documentation published by the Department for Communities and Local Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 3 Grass mixtures for lawn areas must be shade tolerant and species rich, with suitable herbs.

Some large diameter logs should be retained on the site (from the removal of the ash and other trees) for informal seating but more importantly wildlife dead wood habitat and soil water retention.

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

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

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

Further details and the application form can be downloaded from:

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

- 5 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.

- 6 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is land to the rear of 2 Blenheim Road. The site currently accommodates a former religious meeting hall (former D1 use, 68 sq m floor area).

The immediate surrounding area comprises a mixture of single-family dwellings and blocks of flats. Planning permission was approved for the demolition of the meeting hall and the erection of 2 storey building to provide 4 self contained flats under permission 20/0512/FUL.

The application site and surrounding sites have a large number of trees. The site includes trees protected by tree preservation orders (TPO).

The site is not located within a Conservation Area but falls just outside of the boundary of the Wood Street Conservation Area. Nearby properties Eleanor Palmer Cottages and 1 & 2 Blenheim Road are locally listed buildings and are within the Conservation Area.

The site is within flood zone 1 (low risk).

2. Site History

Reference: 20/0512/FUL

Address: 2A Blenheim Road, Barnet, EN5 4NF

Decision: Approved subject to conditions

Decision Date: 14 May 2021

Description: Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces

3. Proposal

This application seeks a variation of condition 1 (Approved Plans) of planning reference 20/0512/FUL dated 14/05/2021 for ' Demolition of existing meeting hall and erection of a 2-storey building to provide 4no. self-contained flats. Associated amenity space, cycle stores, refuse and recycling storage. Provision of 4no. car parking spaces.'

Variation to include correction of floor space for ground floor flats and to increase the floor area of the first floor to provide additional floor space for the proposed flats.

Flats 1 and 2 (Ground Floor) will be annotated to show the correct size as the approved plans under permission 20/0512/FUL annotated the wrong floor space. Flat 1 is indicated on the approved drawings as 90sqm when the annotation should have stated 94sqm. Flat 2 is indicated on the approved drawings as 101sqm when the annotation should have stated 107sqm. The footprint and layout of the ground floor will remain as approved.

The proposal also seeks to enlarge the first floor in order to increase the size of flats 3 and 4. At first floor level, the southern elevation will increase by 1.5m, the northern element will increase by 1m and an infill extension on the eastern elevation measuring 2.5m x 1.8m.

Ground floor:

Flat 1: as approved annotated as 90sqm - corrected to annotate 94sqm

Flat 2: approved annotated 101sqm - corrected to annotate 107sqm

First floor:

Flat 3: approved 60sqm - proposed 81sqm (+ 21sqm)

Flat 4: approved 68sqm - proposed 83sqm (+ 15sqm)

The proposed changes are to replace the following drawings:

Drawing PL-001 Rev A - Proposed Masterplan

Drawing PL-002 Rev B - Proposed Site Plan

Drawing PL-003 Rev A - Proposed Ground Floor Plan

Drawing PL-004 Rev B - Proposed First Floor Plan

Drawing PL-005 Rev A - Proposed Roof Plan

Drawing PL-006 Rev A - Proposed Elevations (East and West)

Drawing PL-007 - Proposed Elevations (North and South)

Drawing PL-008 - Proposed Sections

Drawing PL-009 - Proposed Sections

Drawing SK-008 - Proposed Elevations (East and West)

Drawing SK-009 - Proposed Elevations (North and South)

With drawing Nos:

Drawing PL-001 - proposed master plan

Drawing PL-002 - proposed site plan

Drawing PL-001 - proposed ground floor plan
Drawing PL-002 - proposed first floor plan
Drawing PL-003 - proposed roof plan
Drawing PL-006 - proposed east and west elevations
Drawing PL-007 - proposed south and north elevations
Drawing PL-008 - proposed sections (AA & BB)
Drawing PL-009 - proposed sections (CC & DD)
Drawing SK-008 - Proposed elevations (east and west)
Drawing SK-009 - Proposed elevations (north and south)

4. Public Consultation

A site notice was posted 6th July 2021.

Consultation letters were sent to 83 neighbouring properties. 10 objections have been received raising the following:

- Breach in the 10.5m guideline to neighbouring boundaries
- Clarification on increase in unit sizes
- Increase in overall bulk of the building and loss of setback at first floor
- Moving the car park area is inconsiderate to neighbours
- Loss of privacy and overlooking
- Increase in floorspace is not a minor amendment

CAAC Objection

The Monken Hadley & Wood St Conservation Area Advisory Committee would like to express its concern at the proposed variations to this approved development. Enlarging the building at first floor level will make the building more prominent. In our opinion, it was only border-line acceptable in the previous application. We are also concerned that the extended proposal would further threaten the crowns and root protection areas of the nearby trees, resulting in their loss. We hope this variation will be refused.

Ecology - no objection

Highways - no objection. The proposed changes to the first floor and ground floor flats are not expected to have an impact on the previously approved car parking provision or the surrounding public highway.

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, CS8, CS9, CS12, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM13, DM16 and 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 DM18 seeks to ensure that the safety of all road users is taken into consideration when considering development proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

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 the proposed amendments are considered 'minor material amendments' and fall within the ambit of Section 73 the Town and Country Planning Act 1990

- Whether the proposed amendments are in accordance with development plan policy

5.3 Assessment of proposals

Planning Practice Guidance (PPG) states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied [Paragraph: 013 Reference ID: 17a-013-20140306].

PPG advises that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of development [Paragraph 014 Reference ID: 17a-014-20140306].

PPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved [Paragraph: 017 Reference ID: 17a-017-20140306].

In the first test, it is considered that the scale and/or nature of the proposed amendments would not result in a development which is substantially different from the one which has been approved. On the southern elevation, the building footprint at first floor would increase in depth by 1.5m and 1m on the northern elevation. The infill extension on the eastern elevation would measure 2.5m by 1.8m. The increase in footprint and extensions are considered to be minor changes to the approved scheme. Furthermore, the footprint of the building remains as previously approved.

The proposed S73 application would not alter the description of development.

In the second test, Officers need to consider whether the proposed amendments accord with development plan policy.

Character and Appearance

The parent permission was approved under 20/0512/FUL for the demolition of the existing meeting hall and the erection of a 2-storey building to provide 4no. self contained flats. The building's sitting and scale was considered to be appropriate under the parent application with the new building relating well to the site's spatial constraints. A contemporary building

style was considered to be acceptable given the site has limited visibility in the streetscene. The principles of the overall scheme were fully assessed as part of the parent scheme.

Policy DM01 states that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would not increase the overall footprint of the building and would not increase the height of the approved scheme. The increase in footprint at first floor level would not significantly increase the overall bulk, scale and massing of the APPROVED building. Furthermore, the materials of the extensions would be in keeping with the approved scheme with the proposal providing for a high-quality flat roof contemporary design building with the provision of high-quality materials, including: Facing brick long format brick - S. Anselmo Corso Grigio Timber cladding vertical larch timber Metal cladding - Anthra-zinc panels - VMZinc.

Overall the proposed alterations are considered to be acceptable in character and appearance terms.

Heritage

Policy DM06 states that development proposals must preserve or enhance the character and appearance of the 16 Conservation Areas in Barnet. Supporting paragraph 7.2.2 states that if a site lies within a Conservation Area or is located nearby, planning permission will not be granted where development proposals neither preserves nor enhances the character or appearance of that area. The development proposed is a modern contemporary development which is located outside of but close to the Wood Street Conservation Area.

Due to the backland nature of the site, views of the development from the streetscene and surrounding Conservation Area would be limited and it is considered that the proposed amendments at first floor level would preserve the character of the nearby Conservation Area.

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

Policy DM01 and London Plan Policies require development proposals to respect the amenities of neighbouring occupiers. Paragraph 2.7.1 of Policy DM01 states that: Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

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

The proposed amendments at first floor level will still maintain a distance of over 21m between facing habitable rooms and all neighbouring properties.

To the east, the proposed infill extension will not lead to increased overlooking because it is an infill extension and there are no windows facing eastwards.

To the south and north the proposal will still maintain a distance of over 10.5m to all neighbouring boundaries as shown on drawing PI-002.

There are no changes to the west elevation and a condition will be reattached to ensure the angled windows facing Queens Road would be obscurely glazed.

Overall it is considered that the proposed minor amendments at first floor level would not cause unacceptable harm to the living conditions of neighbouring residents.

Residential Space Standards

Flat 1: proposed 3b5p 94sqm 86sqm required

Flat 2: proposed 3b5p 107sqm 86sqm required

Flat 3: proposed 2b4p 81sqm 70sqm required

Flat 4: proposed 1b2p 83sqm 50sqm required

All 4 flats are dual aspect. Officers have reviewed the proposed units and are satisfied that they all meet the minimum space standard requirements. The proposed amendments will improve the living conditions of all future occupiers by providing more internal space.

Highways

There are no alterations to the parking arrangements and the highways officer has no objections to the proposed development.

Trees

The proposal does not result in the increase of the footprint at ground floor level and therefore the proposal will not impact the root protection zones of any of the protected trees around the site.

For the above reasons, the proposed minor-material amendments are considered acceptable and compliant with development plan policy.

5.4 Response to Public Consultation

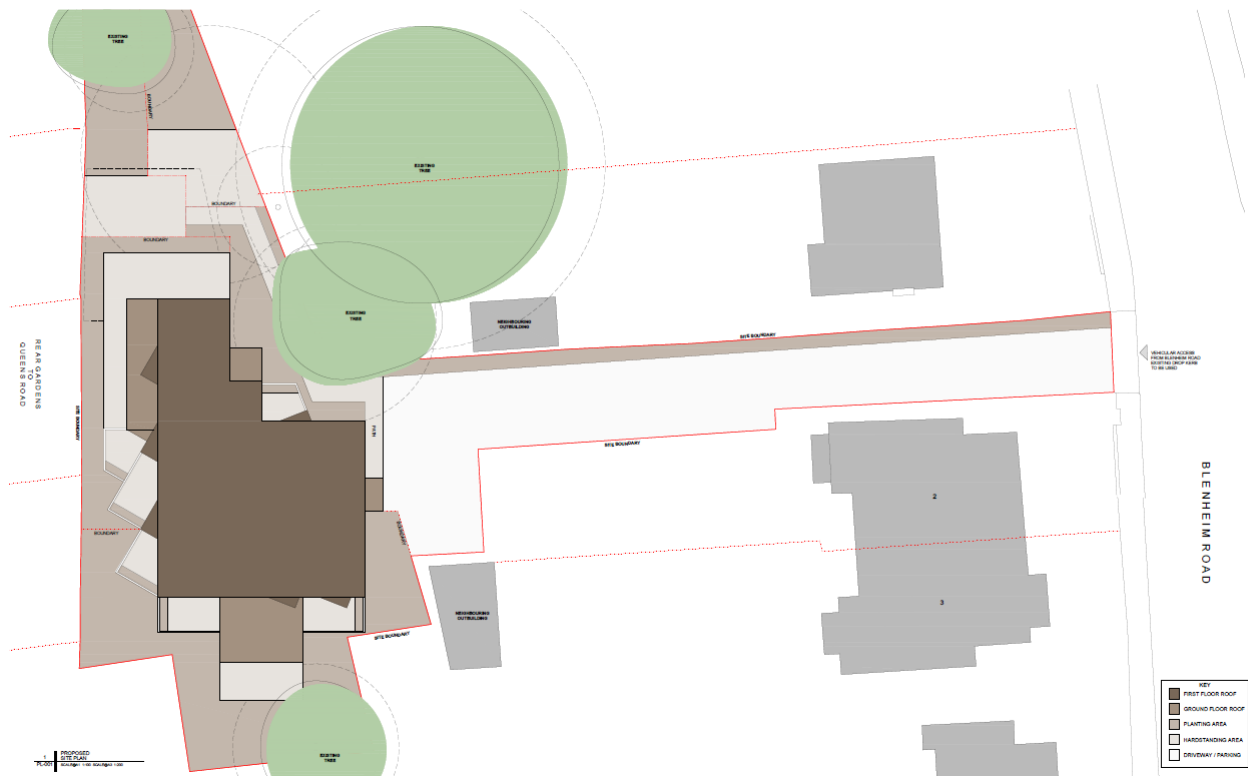
- Breach in the 10.5m guideline to neighbouring boundaries - see amenity section.
- Clarification on increase in unit sizes - see proposal section
- Increase in overall bulk of the building and loss of setback at first floor - see character section
- Moving the car park area is inconsiderate to neighbours - no alterations to parking layout
- Loss of privacy and overlooking - see amenity section
- Increase in floorspace is not a minor amendment - the amendments are considered to be minor in comparison to a new two storey building.

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 falls within the ambit of Section 73 of the Town and Country Planning Act 1990 and is compliant with development plan policy.



Location Dolphins Totteridge Green London N20 8PE

Reference: 21/0625/FUL Received: 5th February 2021
Accepted: 8th February 2021

Ward: Totteridge Expiry 5th April 2021

Case Officer: Mansoor Cohen

Applicant: Mr & Mrs Alan Cleary

Proposal: Demolition of the existing dwelling and erection of a new two storey dwelling with rooms in the roofspace and double garage

AGENDA ITEM 8

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Drawing no. 1 of 1 - Topographical survey
Drawing no. 1 of 2 - Existing elevations
2022-P-001 - Location Plan as existing
2022-P-201 - Site plan as existing
21-006_C01 - Engineering layout
21-006_SKC01 - Drained Areas Analysis Sketch
2022-P-401 B - Proposed Elevations
2022-P-206 B - Proposed Layouts
2022-P-205 E - Site plan as proposed with Section AA
2022-P-202 D - Site plan showing proposed house with approved house hatched
2022-P-203 - Overlay of proposed and existing footprints

2022-P-402 - Elevation comparison with approved dwelling
Arbtech 'Preliminary Ecological Appraisal Survey', dated 30/02/2021
Arbtech 'Bat Emergence and re-entrance Surveys', dated 03/02/2021
Arbtech 'Arboricultural Method Statement', dated 7 May 2021
Heritage Statement, dated January 2021
Design & Access Statement, dated 27 January 2021
Letter from Bell Cornwell, dated 31 March 2021
Arbtech AIA 02 Rev A - Arboricultural Impact Assessment
Arbtech TPP 02 Con Rev A - Tree Protection Plan - Construction Phase
Arbtech TPP 02 Demo Rev A - Tree Protection Plan - Demolition Phase

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) 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.

- 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 SI2, SI7, SI8, SI9, SI1, D14 of the London Plan 2021.

- 6 Prior to occupation of the development, 2no parking spaces and corresponding means of access from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles 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, details of cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - 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 that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

- 8 The roof of the ground floor rear projection 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).

- 9 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.

- 10 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved

in writing by the Local Planning Authority.

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

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

11 a) A scheme of hard and soft landscaping across the whole site, 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 G1 and G7 of the London Plan 2021.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any Class of Part 1 of Schedule 2 of that Order shall be carried out within the area of Dolphins, Totteridge Green, N20 8PE, hereby approved.

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).

- 13 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevation(s) facing 'The Croft' and 'Highfield' 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).

- 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 in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

- 17 a) Notwithstanding the approved documents, no development or site works shall take place on site until details of a temporary construction route has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, the following:
- i. Proposed temporary construction route and temporary access that must retain established trees and vegetation wherever possible.
 - ii. Vehicle tracking to prove access is possible
 - iii. Adequate ground protection to ensure that construction vehicles do not damage the soil structure below the route.
 - iv. Arboricultural impact and method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction-recommendations
 - v. Appropriate level of mitigation/replacement planting for any trees removed to facilitate the access route.
 - vi. Formal written consent from the landowner of the wooded verge
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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 Policies G1 and G7 of the London Plan.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

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

around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G1 and G7 of the London Plan.

- 20 Prior to the commencement of development (other than for demolition works) details of a lighting scheme incorporating measures for the protection of roosting, hibernating and breeding bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy G6 of the London Plan.

- 21 No site works or development shall take place until the local planning authority has been provided with a European Protected Species Mitigation Licence or Low Impact Licence (if eligible) issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead. The licence shall be accompanied by a Method Statement and Works Schedule which shall specify:

1. Detailed design(s) and/or working method(s) necessary to meet the recommendations and mitigation measures detailed in the 'Bat Emergence and Re-entrance Surveys' document by Arbtech, dated 03.02.2021;
2. Extent and location of proposed works shown on appropriate scale maps and plans;
3. Timetable for implementation;
4. Persons responsible for implementing the works, including the role and responsibilities and operations to be overseen by the on-site ecologist; and
5. Timing and duration of monitoring post-construction.

The works shall be carried out strictly in accordance with the approved details and to the extent applicable shall be retained in that manner thereafter.

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

- 22 a) The proposed ecological mitigation and enhancements as recommended within the approved 'Bat Emergence and Re-entrance Surveys' document by Arbtech,

dated 03.02.2021 shall be carried out in full accordance with the details recommended in this document.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

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

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

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

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

- 4 The applicant is advised 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.
- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.
"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on Totteridge Green, which is located within Totteridge Conservation area. The Green comprises formal areas of open grassland to the north, scattered trees and several small pockets of shrubby woodland to the south. The area of the application site is characterised by established woodland with properties well separated, set back from the road and set within substantial grounds.

There are many architecturally important properties in the area and a number of properties are listed. The application site itself currently contains a modern house built in the late 1960's and is of little architectural merit. The current property has a floor area of 197m² and is arranged over three levels including a basement.

The site has a frontage of 50m and a depth of 115m, sloping away from the property and the plot is generally open, however the boundaries and closer to the property are defined by denser established trees and shrubs many with preservation orders.

2. Relevant Site History

Reference: B/00276/14

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved

Decision Date: 13 March 2014

Description: Submission of details for condition 3 (levels), 4 (Full building details), 6 (Materials), 8 (Trees Protection Method), 9 (Landscaping - details), 10 (Landscape schedule), 11 (Construction Method Statement) and 12 (Insulation to Plant and Machinery) pursuant to planning permission B/00290/11 dated 16/03/11.

Reference: B/00440/11

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 16 March 2011

Description: Extension to the time limit for implementing Appeal Decision APP/N5090/E/07/2058187/WF dated 25/03/2008 (Conservation Area Consent N10150P/07) for 'Demolition of existing house'.

Reference: B/00290/11

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 16 March 2011

Description: Extension to the time limit for implementing Appeal Decision APP/N5090/A/07/2058188/WF dated 25/03/2008 (planning permission N10150Q/07) for 'Demolition of existing dwelling and erection of a part single, part two-storey dwelling house, with rooms in roofspace and basement, and attached double garage'.

Reference: N10150P/07

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Refused, Allowed on appeal Ref: APP/N5090/E/07/2058187/WF, dated 25/03/2008

Decision Date: 24 April 2007

Description: Demolition of existing house.

Reference: N10150Q/07

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Refused, Allowed on appeal Ref: APP/N5090/A/07/2058188/WF, dated 25/03/2008

Decision Date: 24 April 2007

Description: Demolition of existing dwelling and erection of a part single, part two-storey dwelling house (with rooms in roofspace and basement) and attached double garage.

Reference: N10150F/05

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 8 May 2006

Description: Demolition of existing dwelling and erection of a part single, part two-storey dwelling house (with rooms in roofspace and basement) and attached double garage.

Reference: N10150G/05

Address: Dolphins, Totteridge Green, London, N20 8PE

Decision: Approved subject to conditions

Decision Date: 24 July 2006

Description: Demolition of existing house.

In addition, there are numerous applications in relation to tree works/removals. A full account of these are available to view on the Barnet website.

3. Proposal

The application proposes the demolition of the existing dwelling and erection of a new two storey dwelling with rooms in the roofspace and double garage.

The proposed new dwelling would cover a footprint of approximately 419sqm equating to a maximum depth of 21.8m and a width of 27m. The dwelling would be fronted with two pitched roof gable ends that would sit flush with the front building line and an integral double garage. The property would be centrally located within the plot being set off between 4.7m to 7.5m due to the splay of the site from the northern boundary and 6.5m from the southern boundary.

The main bulk of the dwelling would be a two storey level with rooms in the roof space with an additional northern single storey wing housing the garage and enclosed swimming pool.

For clarity, the proposal does not incorporate a basement level.

The design of the dwelling has been taken from British architect Norman Shaw and would be of a Tudorbethan half timbered design finished in red-multi brickwork and Portland stone dressing.

The proposed development has been subject to amendments during the course of the application, the pertinent contents of which are assessed below.

4. Public Consultation

A press and site notice were placed on 16th and 18th February 2021 respectively. Consultation letters were sent to 33 neighbouring properties.

A total of 32 responses were received consisting of 2 neutral comments, 13 letters of support and 17 letters of objections. An overview of the comments received are provided below:

Objections:

-Rt. Hon. Theresa Villiers MP: Concern over size and nearby heritage assets. Concerns over loss of trees and hedges. No landscaping scheme provided. Proposal will damage uniqueness and beauty of this part of Totteridge.

-Chairman of Totteridge Millhillians Cricket Club (TMCC): The proposed development would look out of place and would be the start of a decline into characterless houses.

- Giles Quarme Architects:

- no objection in principle to the redevelopment of the existing house.
- current proposals are inappropriate because they cause harm to the setting of the adjoining

listed building and also to the character and appearance of the Conservation Area.

- If a new bespoke scheme was brought forward that did not cause the harm described in this report, then the owners of The Croft would not object.

However, the current off-the-shelf design takes insufficient cognisance of the importance of both those significant heritage assets and because the proposals for the new house are not "neutral", as claimed, but actually cause "harm", they should be refused.

-DWD:

- Pastiche design detracts from the quality of original buildings within the local area and lacks rationale for design and material use.

- application does not provide sufficient justification for the loss of trees and hedges, and insufficient detail has been provided on the proposed replacement soft landscaping and trees as mitigation

- lack of adherence to validation requirements, further supporting information is required.

- no submission of an archaeological report as required by the NPPF.

-Out of character, in particular given its juxtaposition to The Croft, a statutory listed building of significant importance.

-References to previous unauthorised tree felling

-Proposal does nothing to preserve the charm, character and quality of the area.

- the development would not be at all consistent with the current area; in particular the conservation aspects of it.

- concern about the impact of the development on the heritage trees - there will, it seems be damage to trees and hedges

- concerns over site maintenance during construction

- aesthetics of the building would not be consistent with the area

- proposal should be considered with great care and due diligence to heritage assets and its surroundings

- The tree report proposes to remove 2 oak trees, an apple tree and a large section of hedgerow. There is no proposal to replace the trees or hedging along the northern boundary.

- No photographic evidence or visuals of the proposed new dwelling to make an informed judgement

- It is not clear what materials are proposed

- Appears to be "off the shelf" development and would feel very out of place on Totteridge Green erode the special character
- Oversized, disproportionate and double the existing dwelling,
- The Statement does not acknowledge that the Grade II Listed Croft is immediately to the north of the Site.
- Council has a duty and privilege to preserve and enhance this area
- no evidence that the lapsed permissions are still extant and therefore a fallback position does not exist

In support:

- Octagon specialise in building one-off properties and a track record of building quality homes, many of which are award-winning
- influence taken from nearby properties such as The Croft and Green Oaks.
- Materials to be used will look aged and in keeping avoiding the new build look
- will protect trees and replace any lost including hedges
- environmentally sustainable over and above the existing dwelling
- existing dwelling is an eyesore
- will enhance the location and area built to a high standard and specification
- no subterranean basement which was part of previous approval
- proposal should always be considered within the context of the current property and not unbound or based on an ideal building
- development purposely aims to be consistent with the local character and is a net gain for the area given the current dwelling.
- None of these three trees can be older than a few years based on their sizing and their lack of presence in previous planning documents (see N10150K/06 - a 2006 survey). If anything the trees being removed are may be negatively impacting the larger, mature trees by growing over the same ground. It is clear there are no trees being removed that will have a net negative impact on the surrounding environment.
- reports of trees being removed (questionably) by a previous owner should be considered irrelevant for this planning.
- the proposed dwelling is far smaller than the previous approval and smaller than some neighbouring properties.
- complaint about being built closer is misrepresentative
- Council should stick to an evidence based decision
- proposal makes a positive contribution to the area, and is an improvement over the existing dwelling.

Neutral:

-Totteridge Residents' Association:

It is thought that the footprint area, volume and height of the proposed dwelling should not exceed that which was allowed in Appeals APP/N05090/E/07/2058187/WF and APP/N5090/A/07/2058188/WF (25/3/2008) in respect of applications N10150P/07 and N10150Q/07 for this property.

-Development should reflect the beautiful natural habitat of Totteridge Green.

Internal /Other Consultations:

Heritage team - Following discussions, minor design improvements with overall no objection

Highways - No objections.

Arboricultural - With minor adjustments to the scheme there is considerable scope to reduce the impact on protected trees growing around the site. Construction access traffic will place a very high risk of harm to the TPO oak tree at the main entrance. Subject to addressing these impacts, no objection.

Ecology - no objection subject to a Natural England Bat Mitigation Licence and conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated 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. 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.

Relevant Development Management Policies: DM01, DM02, DM06, DM16, DM17.

Barnet's Draft Local Plan (Reg 19) 2021

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework

together with draft development proposals for 65 sites. It is 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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016).

Sustainable Design and Construction SPD (adopted October 2016)

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

Totteridge Conservation Area Character Appraisal Statement (2008)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the proposed development;
- Impact on the Character and Appearance of the Conservation Area, surrounding area and heritage assets;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether satisfactory living standards would be provided for future occupiers;
- Whether harm would be caused to highway safety.
- Highways and parking;
- Impact on TPO trees;

5.3 Assessment of proposals

Principle of the proposed development

As is apparent within the planning history and appeal decision, the principle of the demolition of the existing dwelling and replacement with a larger footprint is acceptable. The existing building is a modern built building (1960's) and lacks any architectural merit or features that would be worthy of protection. The plot size is substantial both in depth and width and therefore subject to a suitable replacement dwelling and the below considerations there is no objection to the demolition of the existing dwelling and provision of a new dwelling.

Impact on the Character and Appearance of the Conservation Area, surrounding area and heritage assets

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

In addition, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM06 requires all development to have regard to the local historic context. Proposals affecting heritage assets should demonstrate the significance of the heritage asset; the impact of the proposal on the setting of the heritage assets and how the benefits outweigh any harm caused to the heritage assets.

As noted above, the subject site benefits from previous planning consents for the redevelopment of the site, although these appear to have now lapsed. Similar to previous approvals, the current application seeks to increase the footprint of the new dwelling and re-align its orientation from present. In addition, and of material consideration, is the appeal decision relating to N10150Q/07 (appeal reference APP/N5090/A/07/2058188/WF). It is acknowledged that this is somewhat dated and governed by a different set of policies and supplementary planning documents than presently adopted, however nonetheless the Inspectors views form a material consideration in the assessment of the application. Relevant findings of the Inspectors decision are incorporated below.

The character of the green is of sizeable detached dwellings set within substantial plots both in width and depth. The vast array of dwellings are significantly recessed within their plots and are further afforded a substantial visual break by virtue of the open wooded area that separates between the plots and the Totteridge Green highway. As such, their visibility to an extent is reduced when viewed from the road.

The scheme has been amended during the course of the application reducing the rearwards projection of the swimming pool and associated massing/roof form which officers had considered excessive. The changes are considered to have a positive impact on the acceptability of the proposed development.

The Inspector in Paragraph 4 of their decision letter stated as follows:

'In my opinion, because the appeal site is extensive, the proposed house would be located within ample grounds, set well back from the public road and not appear visually obtrusive when viewed from the highway or the dwellings on either side. Indeed, I noted at the site visit that the adjoining dwelling to the north is also large and set within substantial grounds with extensive tree cover along most of the boundary with the appeal site. I do not agree with the Council's assessment given in the reasons for refusal that the proposed house would be obtrusive due to its size, mass, bulk, design and loss of trees. Whilst the new house would be larger than the existing house, advantage has been taken in the design and location of the proposed dwelling to position it almost centrally on the site'.

The amended overall footprint whilst still a marked increase from the existing, is nonetheless comparable to the previously approved scheme which the Inspector considered acceptable and is typical of housing in the surrounding area. Given the extensive plot and central positioning of the dwelling (similar to the appeal scheme) the dwelling would not read as cramped or oppressive and would maintain adequate visual separation between buildings. The alignment of the new dwelling would better reflect the spatial pattern of development whilst still maintaining a significant recessed front elevation. The massing and scale of the proposal, is considered to broadly reflect housing in the surrounding area and therefore acceptable.

In paragraph 5 the Inspector stated: 'As far as the proposed design is concerned, in my opinion the scheme would blend well with the mixed character and designs of existing housing in the area'.

In terms of design and appearance, inspiration has been taken from the renowned architect, Norman Shaw, and whilst the half timbered Tudorbethan design is not commonplace in the immediate surrounding area, it does draw upon features from the neighbouring statutory listed building, The Croft, and that of some buildings within the wider Totteridge Conservation Area. In addition, and as the Inspector had observed,

officers consider the dwelling would add to the mixed character and designs of housing in the area. The Council's Heritage Officer raises no objections to the proposal.

The success of this development will be dependant on utilising high quality materials befitting of the Conservation Area. The applicant has confirmed that this will be the case with quality materials to be used such as natural wood for timbering, Welsh slates for Roofing and a condition will be imposed for a more detailed review of the proposed materials to ensure this is fully implemented.

Objections have been raised as to the adverse impact the development would have on the northern neighbouring building, The Croft, a Grade II statutory listed building described in the listing as 'an excellent essay in the Olde English style' and noted in the character appraisal as 'the most notable 18th and 19th century large mansion houses in the area'.

Although paragraph 7 of the Inspectors decision relates to the impact on the amenity of neighbouring building The Croft, it nonetheless sets the tone of what could be considered an acceptable relationship between the respective properties: The Inspector states: 'It is true that the new house would be nearer to the boundary with The Croft than the existing house, but given the distance involved, I do not consider there would be a significant loss of privacy. The neighbouring dwelling is also set some distance from the common boundary and the new house would be positioned in such a way that it would not cause significant overlooking of the buildings of the adjoining property.'

Whilst it is acknowledged that the proposal would result in a building closer in proximity to The Croft, its siting would not be too dissimilar to that under the previous scheme which as stated above the Inspector considered to have an acceptable relationship. Furthermore, the proposed dwelling, unlike the approved scheme, would to the northern boundary of the site consist of a single storey wing housing the garage and swimming pool in contrast to the appeal two storey height scheme and thereby further mitigate any impact in its relationship. Consequently, the main two storey bulk of the dwelling would afford a separation distance of approximately 16m to the northern boundary with The Croft. Moreover, it is also noteworthy to point out The Croft itself is sited a considerable distance from the boundary and a dense screen of trees exists between the two respective sites. As such, for the above reasons, it is not considered that any harm would be sustained to the heritage asset or its setting.

It is considered that the scheme is acceptable in terms of its impact on the character and appearance of the area for the reasons set out above. This view was shared by the Inspector who considered a previous appeal on the site which reinforces, rather than determines, the recommendation here, given that the appeal descion was some years ago.

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

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

The proposal site is flanked to the north by 'The Croft' and to the south by 'Highfield'. A separation distance of 4.7-7.5m and 6.5m respectively would be maintained to each boundary and a further distance of some 15m would exist to the flank wall of The Croft and some 2.5m to the flank wall of Highfield. Given the separation distances, it is not considered that any harm would arise as result of overshadowing, sense of enclosure or an overbearing impact.

Furthermore, whilst some windows are proposed within the upper floor flank elevations of the building, these do not serve habitable rooms but rather en-suite bathrooms or stairwells and as such do not pose concerns of overlooking or loss of privacy. Nonetheless for certainty a condition will be attached to ensure these windows are obscure glazed with only a fanlight opening.

It is therefore not found that the proposal would result in demonstrable harm to neighbouring occupiers.

Whether satisfactory living standards would be provided for future occupiers

The proposed development would result in a 6-bedroom property, providing occupancy for 12 persons. The development would significantly exceed the minimum internal space standards for such a property in accordance with Policy D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016). Furthermore, all habitable rooms would benefit from adequate outlook and levels of light. Private amenity space would be provided well in excess of that required. As such, the proposed development would provide an acceptable standard of living for future occupiers.

Highways and parking

In accordance with Policy DM17, such a property would attract a parking provision of between 1.5 to 2 spaces. Given the low PTAL rating of 1a, highway officers consider 2 spaces would be required. The proposal incorporates a double garage and a sizeable front forecourt which could more than adequately accommodate the required provision, however, a detailed parking layout will be requested by way of condition. As such, it is not considered that any harm would arise to the surrounding highway network and pedestrian safety.

Based on London Plan standards, a minimum of 2 cycle parking spaces are required. No details have been provided, however, it is considered that the requirement could be adequately accommodated on the extensive site. Details of such can be secured by way of a condition.

Impact on TPO trees

The councils Tree officer has reviewed the submitted documents and has noted as follows:

'There have been various schemes approved to demolish and rebuild this property. The demolition of the house and outbuildings is unlikely to have a significant impact on the protected trees around the site, if undertaken with care. However, access into the property is a concern due the TPO oak tree T01 on the tree protection plan. There is an extremely high risk that this tree will be damaged by construction traffic. The absence of proper surfacing here also means there is a high risk of soil compaction...With minor adjustments to the scheme there is considerable scope to reduce the impact on protected trees growing around the site.'

Minor adjustments in discussions with the tree officer have been incorporated in order to reduce the impact on protected trees across the site. This has resulted in only the following loss of on site trees:

G02 Various Partial removal of group: fell shrubs to ground level; grind out stumps. Category C2 which are trees of low quality and, therefore, acceptable. Suitable replacement trees can be incorporated by way of a condition.

In respect of construction activities and the risk to the large mature oak tree (T01), the applicant has explored an alternative temporary construction route through the wooded verge fronting the site. Furthermore, the applicant has provided a written email from the landowners, Totteridge Manor Association, of an in-principle agreement to construct a temporary access route through the wooded verge.

Based on a subsequent site visit by the tree officer, there is an area of land within the wooded verge that could accommodate such a route with minimal impact to any trees of any significance. Therefore, subject to further supporting information, an arboricultural method statement and mitigation planting post development, officers are satisfied that an alternative construction route could be devised thereby protecting the TPO tree. A suitable pre-commencement condition will be imposed to detail this aspect in full.

5.4 Response to Public Consultation

- Lack of archaeological desk based assessment (DBA);
GLAAS have confirmed that a DBA is not required for this site.
- Validation requirements;
The submitted documents accord with national and local requirements
- References to previous unauthorised tree felling;
Such works fall outside the scope of this planning application.
- Concerns over site maintenance during construction;
A suitable Construction management plan will be attached to address this aspect.
- The tree report proposes to remove 2 oak trees, an apple tree and a large section of hedgerow. There is no proposal to replace the trees or hedging along the northern boundary;
The amended scheme results in only the partial removal of group of trees of low quality. A comprehensive tree and soft landscaping scheme will be attached to the approval.
- No photographic evidence or visuals of the proposed new dwelling to make an informed judgement;
Elevation drawings have been provided. There is no requirement to provide visuals.
- Appears to be "off the shelf" development and would feel very out of place on Totteridge Green erode the special character;
The proposal has been assessed on its own merits and context of the site and wider locality. Notwithstanding this, the applicant contends this point and considers the proposal to be a bespoke design of quality.

6. Equality and Diversity Issues

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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 proposal would have an acceptable impact on the character and appearance of the locality and Totteridge Conservation Area and would not result in an adverse impact to neighbouring

occupiers. The application is therefore recommended for approval subject to conditions.

Location Premier House 112 Station Road Edgware HA8 7BJ

Reference: 20/6320/FUL Received: 30th December 2020
Accepted: 30th December 2020

Ward: Edgware Expiry 31st March 2021

AGENDA ITEM 9

Case Officer: Dominic Duffin

Applicant: n/a

Proposal: Three storey upward extension to provide 21 no. self-contained dwellings at 14th, 15th and 16th floor. Communal roof garden. Re-cladding of the existing building. Associated condenser unit enclosure at roof level and canopy above roof garden. 8 no. existing parking bays converted into 2 no. disabled parking bays, cycle store and refuse/recycling store. Cycle stands

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

1. 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. Affordable Housing

A payment in lieu of affordable housing equating to £293,010

Provision of a planning obligation to secure a review mechanism on affordable housing contributions;

-an Early Stage Viability Review if the development has not been completed to the ground floor slab level of the 16th floor within two years of the permission being granted

-a Late Stage Viability Review, triggered when 75 per cent of the units in the scheme are sold or let

4. Amendment to the Traffic Management Order

A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

5. Travel Plan Measures/ Incentives

A Travel Plan Statement and contribution of £3,150 towards a range of sustainable travel plan incentives for residents.

6. Carbon Offset Payment

Payment of £22,878 towards Carbon Offset to meet mayoral zero carbon target.

7. Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

4637/P/01 Rev A - Location Plan

4637/P/05 Rev A - Existing Ground Floor Plan

4637/P/06 - Existing 13th Floor Plan

4637/P/10 - Existing North Elevation

4637/P/11 - Existing South Elevation

4637/P/12 - Existing West Elevation

4637/P/13 - Existing East Elevation

4637/P/20 Rev A - Proposed Ground Floor Plan

4637/P/21 Rev A - Proposed Floor Plans 14th, 15th Floor

4637/P/22 Rev B - Proposed Roof Garden
4637/P/23 Rev B - Proposed Roof Plan
4637/PA/24 Rev A- Proposed Floor Plan 16th Floor
4637/P/30 Rev C - North Elevation
4637/P/31 Rev C - South Elevation
4637/P/32 Rev C - West Elevation
4637/P/33 Rev C - East Elevation
4637/P/34 Rev C - Proposed East Elevation with context
4637/P/40 Rev C - Proposed Materials
4637/PA/50 Rev B - Streetview 1
4637/PA/51 Rev A - Streetview 2
4637/PA/52 Rev B - Streetview 3
4637/PA/53 Rev A - Streetview 4
4637/PA/54 Rev A - Streetview 5
4637/PA/55 Rev A - Streetview 6

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 works to the exterior of the building shall take place until details of the materials to be used for the external surfaces of the building and any 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 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 Prior to occupation of the development; a detailed parking layout plan showing the exact dimensions of the proposed 2 disabled bays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the 2 disabled parking bays shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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.

- 6 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Thereafter, before the development hereby permitted is occupied, a minimum of 30 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T5 of the London Plan 2021..

- 7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation 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: 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

- 8 a) The scheme shall proceed in accordance with the noise mitigation measures as detailed within the Sharps Redmore report (December 2020), including the proposed window specification as outlined within the report.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and D.14 of the London Plan 2021.

- 9 The level of noise emitted from any installed plant hereby 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 D.14 of the London Plan 2021.

- 10 a) The development shall not be occupied until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy D.14 of the London Plan 2021.

- 11 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 D.14.

- 12 Prior to first use of the roof garden hereby approved, a noise management plan shall be submitted to the council for agreement, outlining measures to mitigate potential impacts - level of access at any one time, access times, policy on amplified music, etc. The development shall proceed in accordance with the agreed plan.

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 D.14 of the London Plan 2021.

- 13
- a) Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the extension to building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.
 - b) The development shall only be carried out in accordance with the approved details.

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

- 14
- a) A scheme of hard and soft landscaping, 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 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 and G7 of the London Plan 2021.

- 15
- a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
 - b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
 - c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and policies D4 and G7 of the London Plan 2021.

- 16 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).

- 17 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall 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. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7of the London Plan and the 2021.

- 19 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 56% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Each residential phase of the development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan 2021.

- 20 Prior to first occupation of the development hereby approved, bird and bat boxes shall be incorporated into the fabric of the building and permanently retained as part of the approved development.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6.

- 21 Prior to any construction works a pre- construction check of the building to determine whether any birds are actively nesting within or atop the roof structures shall be undertaken. If no nests are present the works can commence. If a nest is identified, it must be left in place until the young birds have fledged (regardless of species). Once the young have fledged, an ecologist will visit the site to confirm the nest is no longer active, at which point the works will proceed.

Reason: To ensure the development makes a positive contribution to the protection, enhancement, creation and management of biodiversity and would not have a significant adverse affect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document DPD (2012) and London Plan Policy G.6.

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

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

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

RECOMMENDATION III:

- 1 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:

- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy H4 of the London Plan (2021), Policy CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM10 of the Local Plan: Development Management Policies DPD (2012) and the Planning Obligations SPD (2013)
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development through cpz permit restrictions and travel plan incentives and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Local Plan: Core Strategy DPD (2012) and Policy DM17 of the Local Plan: Development Management Policies DPD (2012)
 3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI 2 of the London Plan (2021), Policy CS9 of the Local Plan: Core Strategy DPD (2012) and Policy DM04 of the Local Plan: Development Management Policies DPD (2012)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist

applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 3 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 6 The 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.
- 7 The applicant will be required to obtain a s184 licence for any works on the public highway.
- 8 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Dust suppression methods and kit to be used
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
 - o Confirmation that an asbestos survey has been carried out.
 - 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.
- 9 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

1. Site Description

The application site is occupied by a 14 storey building (Premier House) which was originally used as an office building, but benefitted from a Prior Approval consent to convert to residential (H/02513/FUL) and create 114 residential units (Floors 1-6 & 8-14). Under application H/05683/14 the building was re-clad. A further application agreed the conversion of the 7th floor to residential (15/00224/FUL) to provide 8 flats.

Application 16/0112/FUL granted consent for a range of buildings 3-17 storey, to the south of the site, to provide retail uses and 114 residential units (Premier Place).

The site is within Edgware Town Centre, within the Primary Retail Frontage, approximately 200m from the Underground Station and the site has a 6a PTAL Rating (excellent). 15 bus routes can be accessed from stops within 2 minutes walking distance of the site. The site is in a CPZ that operates Mon -Fri, 11am-12noon. An existing parking area is provided to the rear of the building. The immediate area has a typical town centre mix of commercial, retail and residential uses. Buildings within the town centre typically range from 2-3 storey in height however, Edgware is identified within the Core Strategy as being suitable for tall buildings. The site is within Flood Zone 1, with a low annual probability of flooding.

Edgware is designated as one of 35 major centres in the London Plan and the only one in Barnet. A Town Centre Framework (ETCF) was adopted by the Council in June 2013, which provides specific guidance for development principles within Edgware Town Centre.

The site does not contain a listed building and does not reside within a designated conservation area.

2. Site History

Reference: 21/0331/LIC

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Exempt

Decision Date: 29 January 2021

Description: Installation of 9no. new antennas and ancillary works thereto

Reference: 20/5510/PNT

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Installation of 6no antenna apertures, 4no transmission dishes and 8no equipment cabinets

Decision Date: 22.12.2020

Description: Installation of 6no antenna apertures, 4no transmission dishes and 8no equipment cabinets

Reference: 19/2792/LIC

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Exempt

Decision Date: 5 June 2019

Description: Removal of 6no. antennas to be replaced with 15no. new antennas and ancillary works thereto

Reference: 15/00224/FUL

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approved subject to conditions

Decision Date: 17 March 2015

Description: Conversion of 7th floor to provide 8 self-contained flats

Reference: 15/01525/CON

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approved

Decision Date: 27 April 2015

Description: Submission of details of condition 3 (Samples) pursuant to planning permission reference: H/05683/14, dated: 22/12/2014

Reference: 15/02690/CON

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approved

Decision Date: 10 June 2015

Description: Submission of details for condition 4 (Technical Details) pursuant to planning permission H/05683/14 dated 22/12/14

Reference: 15/04992/CON

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approved

Decision Date: 14 September 2015

Description: Submission of details of condition 3 (Noise Assessment) pursuant to planning permission 15/002244/FUL dated 17/03/15

Reference: H/05683/14

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approved

Decision Date: 22 October 2014

Description: Re-cladding, replacement of existing windows with new double-glazed windows. Creation of inset balconies from 1st to 13th floor.

Reference: H/02513/14

Address: Premier House, 112 Station Road, Edgware, HA8 7BJ

Decision: Approval Required and Approved

Decision Date: July 2014

Description: Change of use from Class B1 (office), floors 1 to 6 and 8 to 13, to Class C3 (residential) (112 units).

Premier Place

Reference: 16/0114/FUL

Address: 102-124 Station Road And Car Park To Rear, Edgware, Middlesex, HA8 7BJ

Decision: Approved following legal agreement

Decision Date: 06 October 2016

Description: Demolition of 120-124 Station Road and full planning permission for the rebuilding and extension of 102-120 Station Road to provide 1,705sqm retail floorspace (Use Class A1/A2) including a new frontage to Approach Road; redevelopment of rear car park for new buildings ranging in height from 3 to 17 storeys with podium level to provide 122 flats (Use Class C3) and a further 150sqm of new retail floorspace (Class A1/A2/A3) to Approach Road. The provision of car parking, landscaping and amenity areas and environmental improvements to Station Road and Approach Road, a pedestrian site access from Station Road and Approach Road and vehicular site access from Approach Road

3. Proposal

The application seeks consent for the construction of an additional 3 storeys to create a 17 storey residential structure. The new floors would provide an additional 21 units. Following discussions with the council's Design Officer the initial design has been altered with a

change to the cladding finish, and bulk of the addition.

As recently highlighted through the Grenfell Tragedy a significant number of buildings have been clad with materials which are highly combustible and as such represent a significant fire hazard. This application also seeks, in part, to replace such cladding. As such, the planning application also comprises the re-cladding of the exterior of the building.

The development would also provide cycle parking and bin storage and would be a car-free scheme, providing 2 disabled parking bays. A landscaped roof garden, which will be accessible to all residents of Premier House, would also be provided.

The proposal would provide 5 x studio, 9 x 1 bed and 5 x 2 bed and 2 x 3 bed units. The building would have a total height of 54.5m with the roof garden covered by a canopy over the centre section of the roof.

4. Public Consultation

Consultation letters were sent to 344 neighbouring properties under the initial consultation. 18 responses were received comprising 14 letters of objection and 4 letters of support. The responses received can be summarised as follows:

Objection:

- The proposed building extension design is totally out of keeping with the rest of the building, no complaints have been made about the current structure, the new design looks ugly and would be an eyesore.
- The developer has also indicated in the documentation that parking spaces were offered to all new residents in the block, this claim is incorrect, I was not made any such offer at the time of purchasing my property.
- Proposal will contribute to a canyoning effect, have a negative impact on the skyline and sunlight penetration on Station Road.
- The developer claims that the building extension 'solves' the funding shortfall but there is no commitment from the developer that sale proceeds from the extension will be utilised to pay for the recladding shortfall and that these charges will not be passed onto leaseholders. The Developer should not be pressuring leaseholders to support this extension and should focus its energies on securing the outstanding funding from the 3 professional landlords.
- Tall buildings area not good for the area and will put pressure on local services.
- There would be unacceptable intrusion in the form of noise nuisance, general disturbance etc.
- Concerns around the structural integrity of the building, and its capacity for additional floors. Premier House was approved in 2014 for re-development based on its existing structure constructed in the sixties. There are no guarantees about the impact of extension on the structural integrity or life expectancy of Premier House provided by the developer.
- The building works will cause significant disruption to existing residents, who will have to live in the building whilst these unnecessary works are ongoing. It makes no sense for building works to commence whilst the existing flammable cladding is still in place

considering the safety of residents given the potential fire safety risks associated with additional construction work.

- The building currently has only 2 lifts catering to 120 flats, this is already a challenge given the current social distancing restrictions which will be compounded by the additional 21 flats. This will make the current lift system unmanageable and result in additional maintenance costs being incurred by residents, The unnecessary addition of a roof garden will also add additional costs and would be barely used by residents.

- If the benefit of linking the two main scheme elements is to be achieved, they should be secured by way of a condition in the S106 agreement which specifically provides that any development surplus established by viability assessment or future reviews should first be applied to offset the cost to all tenants of fire and cladding related service charges and the cost of any government funding shortfall.

- The pollution impact is understated. The documentation provided does not take account of the new developments in the adjoining area - Premier Place. Pollution measurements used are from devices 330 metres from Premier House, and do not use recordings from devices ER01, ER02 and ER03, which have been installed by Reichmann Properties plc - the same developer group for construction of Premier Place. (Accon UK report Page 39). I believe the measurements would be significantly worse, if they were reported from the adjacent devices. NO2 Pollution levels have exceeded the recommended levels every year between 2017 - 2019 on measurement devices PBN 014, 330m from Premier House of NO2 @ 51 - 42 and PM10 23ug/m3.

- Concern about potential impacts on top floor flats and that any potential damage is compensated.

- Consider that the cladding should be removed before work begins.

- The tower already impacts negatively on the Conservation Area.

- Recent developments in the town are very poor visually.

- It is time to recognise the folly of tower blocks, which detract from the suburban setting of Edgware

- The proposal will impact negatively on the setting of the Canon's Park Conservation Area.

- Adding more storeys to PH will mean a mass of concrete boldly towering over the tree line making PH viewable from the most majestic view down the tree lined avenue of Canon Park.

With the development at Premier Place we now face the ugly spectre of multiple tower blocks further deforming Edgware's skyline and its suburban feel forever.

Support:

- Support of the application provided the re-cladding is undertaken in parallel with the upward extension to minimise the overall construction programme.

- Provision over any structural impacts to top floor flats, such as cracking, leaks etc, needs to be considered and leaseholders indemnified against these.

-Whilst work is underway, the provision of services such as lifts, refuse etc. remain to adequate levels to service all properties.

- Removal and replacement of all fire hazard cladding and other fire hazards before the extension begins.

-I believe the benefits and removal of dangerous cladding far outweigh any concerns.

Under a second consultation (July 2021) following the submission of revisions to the design the below comments were received:

Objection (2 letters):

-To extend the building in height severely effects the skyline of Edgware

- there is only two major supermarkets in Edgware, the amenities and facilities are already over stretched. There are not enough GP appointments, parking spaces, transport facilities, infrastructure or green spaces, extending upwards just adds to the problems that local residents already experience.

- We are already overlooked where we once were not, this will now overlook our rear garden too.

-I object as this is generally not in keeping with the 1930's architecture of the area.

-Premier House is already too high in comparison with the surrounding buildings and entire neighbourhood. It is already an unattractive blot on the local landscape. Increasing its height would only make it worse.

-The proposed work is estimated to cost up to £100 million, and will damage local amenity and environment. It is very expensive and unnecessary. The applicant says it is needed to pay for a £1 million shortfall in the cost of replacing cladding. The simple, clear and environmentally clean solution is not to build extra floors on Premier House, but for the applicant and/or leaseholders to contribute £1 million towards replacing the cladding.

How can the applicant justify spending up to £100 million on new construction work, which will harm the local environment, to make up a funding shortfall of £1 million - a shortfall which will not even arise if the three leaseholders pay a contribution?

Support (1 Letter):

As a resident of Premier House I support this proposal as a way to quickly resolve the important safety issue that is the flammable cladding. This has been going on for over 3 years and it constitutes a real concrete risk for our lives and property, and a source of anxiety and uncertainty for those who live here. I want to however note two concerns:

1. That all fire hazard cladding and all other fire hazards are removed and replaced before the extension begins.
2. That the extension will not pose a risk to the structural integrity of the building and the apartments below.

Summary of Comments from Consultees

Highways Dept:

Highways would raise no objection to the proposal subject to a s106 CPZ permit restriction and £3,150 towards travel plan incentives for residents as well as the following conditions and informatives.

Environmental Health:

No objection subject to conditions restricting noise and securing construction management details.

Thames Water:

No objection to the proposal.

Conservation Officer:

Given this close proximity, the existing height and bulk of Premier House at 14 storeys impacts negatively in views of the two listed buildings when looking eastwards along Station Road. The additional height proposed by the 3 storey upward projection will consequently increase the prominence of this already tall building, which in turn will impact more adversely on the setting of the two listed buildings.

The effect on their setting, which is part of their significance, should be acknowledged and given due regard in the wider assessment of this proposal. I consider there would be less than substantial harm to the significance of the heritage assets and therefore, in accordance with paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Ecology:

Ecological Surveys requested.

MET Police:

It does not appear the existing building has Secured by Design accreditation. I would respectfully request that any approval of this application contains a relevant planning condition 'whereby the newly proposed flats (14th, 15th & 16th floors) within the development must achieve SBD accreditation, prior to occupation'. It does not appear possible that Secured by Design compliance can be incorporated throughout the entire building at this time.

LLFA:

It is acknowledged that the applicant has supplied an appropriate flood risk assessment. We have no comments in relation to the proposed surface water drainage strategy, if the planning authority were satisfied with the Drainage Strategy Report as part of Planning Application Ref: H/02513/14 and the Planning Application Ref: 15/00224/FUL. Therefore, we have no objection to the Planning Application Ref: 20/6271/FUL.

TfL:

TfL is strongly supportive of the car free nature of this development, save for 2 blue badge spaces, given the sites excellent Public Transport Accessibility Level (PTAL) of 6a. The applicant should demonstrate how an additional 7% of dwellings could be provided with a designated disabled persons parking bay per dwelling if existing provision becomes insufficient.

TfL welcomes the applicant's commitment to ensure the development is permit free, restricting residents of the development from obtaining a permit to avoid overspill parking. This should be secured via a condition.

Refuse Comments:

Thank you for the information provided. With the additional bin capacity now added to Premier House, Street Scene Operations agree to the waste strategy for this application.

Harrow Council:

Raise no objection to the proposal.

Mayor's Office:

No comment. The GLA confirmed that the application is marked as 'closed-non referable' on their system.

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 (Revised July 2021) 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 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, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM08, DM10, DM11, DM14, DM16, 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 19) 2021

Barnet's Draft Local Plan Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is 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

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Planning Obligation SPD (adopted April 2013)
- Edgware Town Centre Framework (2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Land Use/Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Affordable Housing/Dwelling Mix/Density;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Refuse provision;
- Other considerations;
- Responses to third party comments

5.3 Assessment of Proposals

Land Use/Principle of Development

Tall Building

The scheme proposes to increase the height of Premier House by way of an additional 3 floors of residential accommodation totalling 21 units. The Edgware Town Centre Framework (2013) (ETCF) acknowledges Premier House as a prominent local building, though in need of updating, but with the potential of conversion to residential.

The ETCF notes the potential of re-cladding Premier House to create a high-quality landmark building. Updates to the building duly followed, with the Prior Approval consent which converted the building to residential and the subsequent application for recladding to modernise the appearance. As starkly highlighted by the Grenfell Tragedy, a large number of buildings have been clad in materials which are a fire hazard, the application structure is one such building, and part of the aim of this application is to agree the recladding of the building in a more suitable material. Occupants of the building have been beset by the incumbent financial and safety problems, regularly highlighted in the press, of residing in such a building

The ETCF recognises that the scale and form of Premier House - at 14 storeys - deviates from the more traditional prevailing two and three storey high street developments. As discussed above, a 17 storey building, as part of the development of an opportunity site adjacent, is currently under construction. The conversion of Premier House achieved an aim of ensuring the use of the building for residential, whilst application 15/01525/CON agreed what the council considered to be an appropriate finish to the building.

As part of preparations for the new Local Plan, the council has been consulting on a draft Edgware Growth Area document, in conjunction with London Borough of Harrow, which aims to guide the growth of the town centre. Given its pre-adoption status, this supplementary document can only be afforded limited weight. However, the draft document acknowledges the town centre as considered suitable for tall buildings in both the Local Plan, and within the new London Plan, and calls for any tall buildings to have an exemplary design and demonstrating that the scheme meets criteria such as integrating with the existing urban fabric, and ensuring no adverse microclimate impact relating to wind or daylight.

Policy GSS05 "Edgware Growth Area" of the Draft Local Plan (Reg 19) outlines that;

"Edgware Town Centre is identified as an opportunity for regeneration and intensification, supported by high existing PTALs reflecting its potential to become an Integrated Transport Hub. The Town Centre can be used far more effectively to support growth and enable the recovery from the Covid-19 pandemic. The Council will support planning proposals that optimise residential density on suitable sites while delivering improvements to the amenity of the area".

The town centre is targeted for 5,000 new homes across the plan period.

Policy CDH04 "Tall Buildings" recognises the Edgware Growth Area as suitable for tall buildings.

Part B states;

b) Tall buildings of 15 storeys or more ('Very Tall') will not be permitted unless exceptional circumstances can be demonstrated, such as appropriate siting within an Opportunity Area or Growth Area.

The site is located in a Growth Area and a prime location within Edgware Town Centre which is identified within the London Plan (2021) as a Major Centre, the only such centre within the Borough.

Policy DM05 of the current Local Plan provides the basis for consideration of Tall Buildings. This states;

"Tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable. Proposals for tall buildings will need to demonstrate:

- i. an active street frontage where appropriate
- ii. successful integration into the existing urban fabric
- iii. a regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv. not cause harm to heritage assets and their setting
- v. that the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

In addition - as part of the current Development Plan - Policy D9 of the London Plan 2021 ("Tall Buildings") sets out the policy framework for tall buildings and replaces the previous guidance contained in Policy 7.7 ('Location and Design of Tall and Large Buildings') of the 2016 London Plan. The considerations are discussed below.

Definition/Location

Policy D9 outlines that Development Plans should define what is considered a tall building for specific localities. Boroughs should also determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. Core Strategy policy CS5 "Protecting and enhancing Barnet's character to create high quality places" does identify a definition for tall buildings (8 storeys or greater) and specific locations where tall buildings should be located. The proposal is of a size to meet the definition for a tall building and Edgware is identified as an area appropriate for tall buildings.

Therefore, the principle of tall buildings at this location is considered acceptable, the existing building already being a tall building, subject to the other defined policy considerations.

Visual Impacts

Distances - Long, medium, short views

Policy D9 requires that impacts from long, medium and short-range views are considered as part of any assessment.

In terms of long-range views, attention should be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views. The proposed design of the additional upper floors has

followed consultation with the council's Urban Design Officer and resulted in the bulkier initial submission being significantly reduced in scale. The result is a more tapered finish to the upper floor, the lower 2 stories following the form of the existing building, but with a set in and more lightweight upper floor. Considered in the context of the development at Premier Place it is not considered this increased height and bulk would appear particularly discordant, and there would be no adverse impacts on local or strategic views, in compliance with DM05, and this aspect of D9.

The building would be significantly taller than its surroundings, but the site is already occupied by a tall building and benefits from the similar scaled development at Premier Place. The 2 tall buildings would be offset from each other, set diagonally apart at a distance of 40 metres. The positional relationship between the two buildings would avoid any unacceptable cumulative impact given that there are limited viewpoints in which the two buildings would be seen together as one singular mass.

In terms of mid-range views, particular attention should be paid to the form and proportions of the building. The new development should make a positive contribution to the local townscape in terms of legibility, proportions, and materiality. A key consideration is the existing structure which is a long-established fixture within the local townscape. Given the location of the tall building relative to the public realm, and given its relationship to Premier Place, it is considered that the new building would integrate successfully into the urban fabric. The site's town centre location, the precedent of a tall building on the plot, the location of a similar scale building nearby, and the policy support for tall buildings at this location all provide further support for this redevelopment. The building will benefit from a total refurbishment, with replacement cladding introduced, and the new form and detailing would have a positive impact on the existing townscape, with a suitably proportioned building being provided, following revisions from the original submission which introduce a more lightweight and tapered upper floor.

Short-range views should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. The proposed scheme will have no material impact on the vitality of the street and would not diminish the town centre vibrancy at this location.

Spatial hierarchy of the local and wider context

As touched upon above, the site is already occupied by a tall building, is located within an area deemed suitable for such structures, and benefits from another tall building in this setting. The proposal would confirm with the spatial hierarchy, help define the town centre location, and the proposed increase in height would integrate well with the existing variety of heights of the existing buildings nearby and complement the townscape, respecting its local context and the pattern of surrounding development.

Architectural quality and materials should be of an exemplary standard

Discussion have been held with the council's Urban Design officer which has resulted in a rethinking of the overall approach. The result is a more uniform finish, emphasising the verticality of the building with a setback upper floor significantly reducing any potential visual dominance in a rethinking of the design approach.

The balcony areas on the lower floors would be continued on the proposed lower 2 floors of the upward addition, continuing this ordered arrangement on the extension. In order to provide variety to its appearance, changes of material colour in the cladding finish breaks up and adds interest to the external appearance of the building. Subject to good quality materials being secured through condition, it is considered that the architectural quality of the building would be ensured.

Heritage assets and their settings

The London Plan states that proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm

The nearest heritage assets to the application site are the Grade II listed St Margaret's Church, the Grade II listed Railway Hotel on Station Road (70-90m to the south of the site) and the Watling Estate Conservation Area (350m to the south east).

Edgware High Street Conservation Area, which also contains a number of listed buildings, and Canon's Park Conservation Area, are located to the west of the site, within the London Borough of Harrow.

The council's Conservation Officer has raised concern that the proposed structure would cause harm to the setting of the nearby Listed Buildings and third-party representations have also stated their view that the proposal will impact on the setting of Canon's Park Conservation Area.

The Conservation Officer commented thus;

"Premier House thus sits within the setting of the two listed buildings. Given this close proximity, the existing height and bulk of Premier House at 14 storeys impacts negatively in views of the two listed buildings when looking eastwards along Station Road. The additional height proposed by the 3 storey upward projection will consequently increase the prominence of this already tall building, which in turn will impact more adversely on the setting of the two listed buildings.

The officer advises further "there would be less than substantial harm to the significance of the heritage assets and therefore, in accordance with paragraph 196 (now para.204) of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

Third party representations outline in correspondence that;

"Adding more storeys to PH will mean a mass of concrete boldly towering over the tree line making PH viewable from the most majestic view down the tree lined avenue. Even at present, PH negatively impacts the Conservation Area, its shadow distorting the early morning silhouette of tree branches against the sky, with Premier Place also now contributing to this".

Given the separation distance to Canon's Park it is not considered the proposed changes

would impact significantly on this setting, over and above any existing relationship and the London Borough of Harrow have raised no objection to the scheme.

With regards to the nearby Listed Buildings, and the Edgware High Street Conservation Area, the existing building is a prominent structure in the background when looking eastwards, and the overall bulk and scale in this setting will increase. The view of the Conservation Officer, that any increase will have an impact, is accepted, and that level of harm, less than substantial, is agreed.

As below, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (para 204).

The proposal will result in the visual improvement of the building, the site is located within an area targeted for housing growth, and this proposal can make a reasonable contribution to meeting local housing need. The site is well located within a town centre, close to sustainable transport links, and in an area deemed suitable for tall buildings. Any impact would be limited, over the existing relationship, offset to some degree by the visual improvement of the building, and it is considered that any harm does outweigh the limited impact on the setting. It is considered the proposal does not offend the aims of D9 or local plan policy DM05 on having due regard for impacts on heritage assets and their setting.

Functional impact

Policy D9 requires that the functional impacts of the building should ensure, inter alia, the safety of occupants, it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development, and maximises the role of the development as a catalyst for further change in the area.

An obvious benefit will be the removal of cladding considered a fire hazard and an ongoing concern to existing residents. The area is also targeted for significant growth and suitable for tall buildings. It is considered the proposal can contribute to the further regeneration of the growth area, and the site is ideally located to increase residential occupation, making a more efficient use of a previously developed site

Environmental impact

Policy D9 outlines;

- a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building
- b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions
- c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building.

The applicant has submitted a Wind Microclimate Report (Arcaero, August 2021), which has assessed conditions on the ground and on rooftop terraces in relation to the proposed

scheme. The report findings are recorded below.

Rooftop Terraces

At a maximum height of 55m from the ground level, the proposed development extends above the immediate surrounding buildings and is exposed to prevailing south-westerly winds. However, the development is well oriented to reduce downdraughts of prevailing winds and wind conditions at ground level are correspondingly benign. On rooftop terraces, while somewhat exposed to prevailing winds, the limited height above ground level and the presence of soft landscaping proposals result in favourable wind conditions.

On the rooftop terraces (Level 16 and the Roof Garden), the recreational spaces are predicted to enjoy conditions suitable for long-term sitting in summer and short periods of sitting or better from autumn to spring. These conditions are suitable proposed recreational uses.

Ground Conditions

At ground level, conditions do not materially differ following the introduction of the additional storeys and thus wind conditions throughout the ground level satisfy the safety criteria for all users. Wind conditions throughout the rooftop levels of the proposed development satisfy the safety criteria for all users.

At ground level, conditions do not materially differ following the introduction of the additional storeys. Conditions are thus suitable for strolling or better throughout and are thus suitable for pedestrian access to and passage through the site. Entrances within the site and surrounding area would be suitable for short periods of standing and thus for comfortable pedestrian ingress / egress throughout the year. Elsewhere, conditions remain suitable for existing uses.

Conclusions

The following conclusions have been drawn:

- With the introduction of the additional storeys, the ground level wind conditions are predicted to remain suitable for existing uses and satisfy the comfort and safety criteria for wind for all users.
- Wind conditions on the rooftop terraces meet the safety criteria, and are suitable for the proposed recreational activities all year in terms of comfort.

In light of the above it is considered that the scheme meets the functional requirements of D9 of the London Plan.

Cumulative Impacts

D9 states that the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.

As detailed above it is not considered that the presence of Premier Place results in cumulative adverse impacts, and this extension would not impact future plans for tall

buildings or redevelopment of the growth area should they come forward.

In light of the above appraisal, it is considered that the principle of extending the existing tall building in this location is acceptable. The scheme would integrate well with its surrounding context in accordance with London Plan Policy D9 and Local Policies CS5 and DM05.

Trees/Landscaping

There are no trees within the existing site boundary, therefore the proposal would not adversely affect any existing trees.

An outline landscape scheme has been provided with regards to the roof garden, and the council's Tres Officer advises further details can be agreed by condition.

Affordable Housing/Dwelling Mix

Affordable Housing

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, with 40% local policy provision. The submission has been supported by a Viability Statement (Redloft December 2020) which states that a 100% private scheme would run at a deficit of £212,939 and as such would be unviable if including an affordable housing element.

In line with standard practice the council has had this submission appraised independently (BNP Paribas February 2021). The advice received concludes that a surplus of £293,010 exists.

The council's consultant has therefore undertaken a further appraisal to establish the quantum of affordable housing that could viably be provided at the proposed development. The scheme with 14.29% affordable housing (1 shared ownership unit and 2 London Affordable Rent units) generates a RLV of £21,550 providing a marginal surplus of £21,550 against the viability benchmark. The proposed development is therefore able to viably provide either 14.29% affordable housing onsite (1 shared ownership unit and 2 London Affordable Rent units) or a payment in lieu of affordable housing equating to £293,010.

Given site characteristics, and the level of contribution identified, officers would accept a cash in-lieu contribution in this case.

In a further submission, the applicant accepts the conclusions "without prejudice". However, it is stated that any surplus would be used to either help make up a shortfall in funding for the replacement cladding, or refund leaseholders expenses they have incurred thus far owing to the unsafe nature of the cladding currently on the building - circa £4,000 per occupant, as a "planning gain" from the scheme.

In order to mitigate the impact of the development contributions and scheme characteristics can be agreed through a planning obligation.

Any obligation should meet the tests of section 122 of the Community Infrastructure Regulations 2010. CIL Regulation 122 requires;

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Whilst there is every sympathy with occupants of the development, it is difficult to argue that affordable housing contributions, a necessary contribution in planning terms, could be set aside for an in lieu financial payment to either fund the cladding works or as a rebate to costs incurred by leaseholders. There does not appear to be any policy basis to support this approach, and it cannot be justified in planning terms.

The council has sought legal advice in relation to the proposed obligation which would see contributions for affordable housing redirected to addressing the cladding shortfall concern. This confirms that re-cladding works, which fall under a freeholder's legal responsibilities under property/Health & Safety Law, should not be captured as part of a planning obligation. Furthermore, there would be no basis to provide rebate payments to occupants for expenses incurred.

Following further discussions with the applicant, confirmation is provided, accepting the council's legal advice and as such the proposed scheme could viably provide the above development contributions towards affordable housing.

The council's consultants recommend an early and late-stage review mechanism within the Section 106 Agreement and the contributions would be secured accordingly.

Dwelling Mix

National and London Plan (2016) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough". The policy places emphasis on the need for 3- and 4-bedroom family units.

The proposed mix for the 21 unit scheme is as follows;

5 x studio, 9 x 1 bed and 5 x 2 bed and 2 x 3 bed units

It can be noted that there is some provision of family sized units with this scheme (9.5%) with the majority smaller units. The supporting text to the policy does state that it is intended to be applied flexibly. It further states that it may not be appropriate to meet the standards in town and local centres.

It is accepted that there may be some constraints to providing a high percentage of family sized dwellings on this site in terms of parking provision, amenity space, and general amenity considerations, given the number of units proposed, the existing units, and town centre location. It is therefore considered that the proposed dwelling mix can be justified with a mix which would make a contribution towards the borough priority for 3-bedroom, family sized housing.

Policy H2 of the London Plan 2021 encourages significantly increasing the contribution of small sites to meeting London's housing needs (sites less than 0.25 hectares), at 0.6

hectares in area this site could increase its contribution in meeting local housing need. Policy H10 "Dwelling Mix" acknowledges the desire to optimise the potential of development sites, and also the positive role that smaller units, in the right location, can be used to meet identified need, and reduce pressure on converting family sized units to smaller dwellings. The site is deemed suitable for the mix of predominantly small units, as proposed.

Density

The London Plan takes a less prescriptive approach than the previous plan to density, and considers a designed approach to determine the capacity of the site, including site context, accessibility and capacity of surrounding infrastructure.

The site enjoys a high PTAL of 6A and represents a prime town centre development site. High density residential use in this location would represent the optimal use for the site and in this regard it is considered that the application is in accordance with guidance within the London Plan. Unit sizes, unit mix, the quality of accommodation, design/character, and impact on the amenity of neighbouring occupiers are just as key considerations as well as striking an appropriate density. Any submission can be judged against these key indicators when attaining an appropriate density, and scheme, for a site.

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

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

Barnet's Sustainable Design and Construction SPD (2016) contains standards of distancing for new development to prevent overlooking and loss of privacy. It states that a minimum of 21 metres is required between facing windows of habitable rooms and a minimum of 10.5 metres between windows and neighbouring amenity spaces.

Privacy/Outlook

This is an existing tall building converted to residential under the 2014 Prior Approval application and as such is in significant use already as a residential block. The scheme would add an additional 3 floors of accommodation with the roof garden above with habitable room windows on all elevations.

Premier Place is currently under construction to the north of the site but given separation distances between the elevations of the blocks and the existing residential use of the application building it is not considered there would be any material impact on privacy. It is also not considered that lower set residential properties to the rear of Premier House as part of the Premier Place redevelopment, would be materially affected.

Similarly, it is not considered the additional floors on this somewhat standalone structure would impact adversely on outlook from surrounding residential properties, which retain adequate separation distance or are much lower set than Premier House.

Daylight / Sunlight

A Daylight, Sunlight and Overshadowing report has been submitted in support of the application by CPMC Chartered Surveying which assesses the impacts of the of the proposed development on the existing properties surrounding the site.

Properties Tested:

25 Station Road
1 Garden City
27 Station Road
29 Station Road
31 Station Road
33 - 37 Station Road
39 Station Road
41-43 Station Road
42 Station Road
45 Station Road
47 Station Road
49 - 53 Station Road
55 - 57 Station Road
59 - 63 Station Road
65 Station Road
67 - 79 Station Road (Century House)
Maccabi House
1-3 Osha Court
Premier Place

Amenity Areas:

22 Garden City
23 Garden City
24 Garden City
25 Garden City
26 Garden City
27 Garden City
10 Manor Court Crescent
11 Manor Court Crescent

Daylight

Daylight is the light received from the sun which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

The Guide recommends that where the VSC value as proposed is below 27 percent, then the amount by which it is reduced (if any) should be checked and if the reduction is greater than 20 percent or one fifth of its former value, then the reduction is likely to be "noticeable" to the average occupant.

If the VSC is more than 27 percent, then enough light would still reach the window of the neighbouring building. However, if the VSC is less than 27 percent as well as less than 0.8

times (one fifth) its former value the occupants will notice the reduction in the amount of skylight.

The detailed results contained with the report for the tested properties confirm that they would all meet the VSC and there are no transgressions, (as below).

1 Garden City - this more distant property comfortably passes the VSC test.
27 Station Rd - the tested window passes.
29 Station Rd - the tested window passes.
31 Station Rd - all tested window passes.
33 - 37 Station Rd - all tested windows pass.
39 Station Rd - all tested windows pass.
41 - 43 Station Rd - all tested windows pass.
42 Station Rd - all tested windows pass.
45 Station Rd - all tested windows pass.
47 Station Rd - all tested windows pass.
49 - 53 Station Rd - all tested windows pass.
55 - 57 Station Rd - all tested windows pass.
59 - 63 Station Rd - all tested windows pass.
65 Station Rd - all tested windows pass.
67 - 79 Station Rd (Century House) - All tested windows comfortably pass.
Maccabi House - Tested windows pass.
1 - 3 Osha Court - Tested windows pass.
Premier Place -Currently under construction. No VSC transgressions caused by the proposed additional mass.

Sunlight

Habitable rooms in domestic buildings that face within 90 degrees of due south are tested, as are rooms in non-domestic buildings that have a particular requirement for sunlight. The analysis is known as the Annual Probable Sunlight Hours (APSH) analysis.

The recommendations are that applicable windows should receive a minimum of 25 percent of the total annual probable sunshine hours, to include a minimum of 5 percent of that which is available during the winter months between 21st September to the 21st March (the approximate dates of the autumn and spring equinoxes).

The results are as follows;

25 Station Rd - the tested windows either pass or are of a northern orientation.
1 Garden City - the tested windows either pass or are of a northern orientation.
27 Station Rd - the tested window passes.
29 Station Rd - the tested window passes.
31 Station Rd - the tested window passes.
33 - 37 Station Rd - the tested windows pass.
39 Station Rd - the tested windows pass.
41 - 43 Station Rd - the tested windows pass.
42 Station Rd - the tested windows either pass or are of a northern orientation.
45 Station Rd - the tested windows pass.
47 Station Rd - the tested windows pass.
49 - 53 Station Rd - the tested windows pass.
55 - 57 Station Rd - the tested windows pass.
59 - 63 Station Rd - the tested windows pass.

65 Station Rd - the tested windows either pass or are of a northern orientation.
67 - 79 Station Rd (Century House) - the tested windows pass.
Maccabi House - the tested windows pass.
1-3 Osha Court - the tested windows pass.
Premier Place - there is one marginal annual transgression ('B1, Eighth W7'). All other tested windows either pass or are of a northern orientation

Overall, the proposed development is not considered to have a significant negative impact on daylight access to windows of surrounding developments.

Overshadowing Assessment

The primary methodology for assessing the overshadowing impact of development on neighbouring amenity areas is set out in the BRE guidelines where the following is stated:

"...The BRE guidance suggests that at least 50 percent of any garden or open space should receive no less than 2 hours of direct sun on the spring equinox (approximately March 21st)".

- 22 Garden City - pass.
23 Garden City - pass.
24 Garden City - pass.
25 Garden City - pass.
26 Garden City - pass.
27 Garden City - pass.
45 Station Road - pass.
55 - 57 Station Road - pass.
65 Station Road - pass.
Premier Place - Communal first floor amenity spaces and gardens which are on a podium above the parking tested, a number of the balconies on the lower levels tested, results show all pass.
11 Manor Park Crescent - pass.
11 Manor Park Crescent - pass.

Overall, due to the findings recorded above, it is not considered the scheme would have a significantly detrimental impact on daylight/sunlight access, and would not result in adverse levels of overshadowing of amenity areas.

Residential Space Standards

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a double, and a bedroom measuring 7.5m² to 11.4m² is calculated as a single. The relevant minimum unit sizes recorded at table 3.1 of the London Plan are:

Studio - 39 sq. m
1 bed/2 person - 50 sq. m
2 bed/3 person - 61 sq. m
2 bed/4 person - 70 sq. m

3 bed/5 person - 74 sq. m

3 bed/6 person - 86 sq. m

All the proposed units comply with the requirements on minimum spaces and bedroom sizes standards.

Floor to ceiling height:

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.

Each of the proposed flats would meet the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

It is considered that each flat would receive an acceptable level of outlook and daylight / sunlight. Two of the flats would be single aspect, north-facing, however these units have an area of private amenity space and access to the roof terrace, which provides a good standard of usable communal amenity space. Any impact on a north facing unit would be less acute at this height. It is not considered that this alone would amount to a reason to refuse the application, and generally a good level of outlook exists within the proposed scheme.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction SPD (2016) sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. A room measuring 20m² or more is calculated as two habitable rooms.

The proposed units are all served by a mix of private and communal amenity areas. The private amenity space varies from smaller balconies on the lower 2 floors (6-7 sq. m) to larger areas serving the upper floor flats (30-70 sq. m). 300 sq m in total of private space would be provided with a 200 sq. m communal garden area capable of being facilitated on the roof.

Using the methodology within Table 2.3 of the SPD, the development would comprise 72 habitable rooms which would necessitate the provision of 360 sq. m. The proposed scheme meets this mixed provision and can be accepted.

Air Quality

An Air Quality Report has been submitted in support of the application and has been reviewed by Environmental Health. The report showed that concentrations at the floors of the extension are significantly below the objective target, and that no mitigation is required. Environmental Health are in agreement with this.

Transport / Highways

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.

Vehicular Parking

The three additional floors storey will provide comprising 21 self-contained residential units. Based on Policy DM17, the development will attract a maximum allowable parking provision of between 9 - 26.5 spaces. Based on the PTAL rating of 6a (excellent), Highways recommend a minimum of 9 parking spaces. However, the applicant proposes a car free scheme with 2 disabled bays. In areas with a high PTAL rating, the London Plan encourages and promotes car free developments. Given the excellent PTAL rating of the site, Highways would accept a car free scheme with the provision of 2 disabled bays if the applicant agrees to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits.

Cycle Parking

The development would provide 40 cycle parking spaces which is acceptable and compliant with London Plan standards. The location of proposed cycle storage is acceptable. However, all long stay cycle parking spaces should be provided in a secure, covered, lockable and enclosed compound. Elevations of the cycle store, dimensions of the store and gaps between stands are also requested. Details of cycle parking are to be secured by way of a planning condition.

Refuse Storage

Refuse storage and collection arrangements as shown on the proposed ground floor plan are acceptable. Elevations of refuse store are requested and this can be secured by way of a planning condition.

Controlled Parking Zone

The CPZ in the immediate area operates for 1 hour on weekdays and so some residents may be able to work around it. It is therefore recommended that the applicant submits a travel plan statement and this is to be secured by way of a planning condition. The submission of a Travel Plan and a contribution of £3150 (£150 per household) towards measures/incentives is also recommended.

Construction Management Plan

A construction management and logistics plan as well as highway condition surveys are requested by way of planning conditions. No off-site highway works are envisaged as part of this application.

Conclusion

Highways would raise no objection to the proposal subject to a s106 CPZ permit restriction, submission of a travel plan, £3,150 towards travel plan incentives for residents and conditions.

Ecology

The applicant has submitted an Ecological Impact Assessment Report (MLM Consulting Engineers Limited). A roost assessment of the building confirmed that the only species the building is suitable for is nesting birds.

As stated by the applicant the purpose of the report is to:

- o Establish baseline ecological conditions at the site.
- o Provide details of ecological mitigation measures incorporated through design evolution as an intrinsic part of the project design.
- o Detail any ecological mitigation measures to be implemented during site clearance and construction.
- o Identify any residual ecological effects after avoidance and mitigation measures have been considered.
- o Identify any compensation measures required to offset residual effects.

Property and infrastructure

- o Provide recommendations for how mitigation and compensation may be secured and monitored.
- o Set out details of ecological enhancement measures to be included within the proposed development.
- o Provide sufficient information to determine whether the project accords with relevant nature conservation policies and legislation and, where appropriate, to allow conditions or obligations to be proposed by the relevant authority.

Ecologist Comments:

Satisfied that the above ecological measures have been addressed

Owing to the relatively small number of units to be added, the management of these sites and their distance from Premier House, there will be no significant adverse effects on designated sites.

In the absence of mitigation or avoidance, there could be a negative impact on nesting birds through the destruction of active nests. However, provided that mitigation and avoidance measures are followed, ensuring due diligence for nesting birds prior to construction, there will be no significant effects on any ecological features.

The council's ecologist has assessed the submission and raises no objection subject to conditions agreeing bird/bat boxes and mitigation for nesting birds.

Drainage

There is no change to the external building footprint and as such the surface water quality or drainage strategy submitted under the Planning Application Ref: H/02513/14 and the Planning Application Ref: 15/00224/FUL.

It is acknowledged that the applicant has supplied an appropriate flood risk assessment

which is considered acceptable.

MET Police

The Crime Prevention Officer has reviewed the submission and concludes no objection to this proposal. Due to the reported issues affecting the ward and high levels of burglary in Barnet, it is recommended that a planning condition be attached to any approval whereby this development must achieve Secured By Design accreditation, prior to occupation. Any approval could be conditioned accordingly.

Sustainability

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

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy
- Be seen: monitor, verify and report on energy performance

The London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

A minimum on-site reduction of at least 35 per cent beyond Building Regulations¹⁵² is required for major development.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Statement from JS Lewis (December 2020) which sets out how the development accords to the London Plan energy hierarchy.

Be Lean

Design measures included within the development to reduce energy demand would include the following:

Walls - 0.17W/m²K (Part L minimum of 0.3W/m²K)
Roofs - 0.11W/m²K (Part L minimum of 0.20W/m²K)
Doors - 1.0W/m²K (Part L minimum of 2.0W/m²K)
Glazing - 1.2W/m²K (Part L minimum of 2.0W/m²K)
Accredited construction details ((Part L minimum of standard details);
Air permeability - 2.5m³/m²/hr (Part L minimum of 10m³/m²/hr)
Mechanical ventilation with heat recovery;
LED lighting.

These measures are assessed as providing a 10% reduction in regulated CO₂ emissions.

Be Clean

The heating hierarchy is as follows:

1. Connection to an existing or planned heating network;
2. Communal heating system:
 - a. Site-wide heat network;
 - b. Building level heating system;
3. Individual heating system.

The London Heat Map has been used to identify potential opportunities for connections to existing and proposed heat networks. There are no existing heat networks adjacent to the development site.

The nearest opportunity sites identified on the London Heat Map are at Colindale and Stonegrove - neither of which are within a realistic connection distance of the site.

Due to the nature of the development (an additional 3 floors to an existing building), connections to district heating systems would not be straightforward. The remainder of the building is understood to be electrically heated.

Accordingly, a heat pump system is proposed which will decarbonise as the grid decarbonises. A plant area has been designed in at roof level to allow for external air source heat pump units for each apartment. A full engineering design would be undertaken post-planning for the heat network.

Be Green

The proposed scheme incorporates individual heat pumps for each apartment. Further, solar PV will be provided to the core roof and potentially to a canopy over part of the amenity space.

Energy Strategy Summary

The proposed energy strategy comprises the following:

1. Energy efficiency measures for both fabric and fittings;
2. Mechanical ventilation with heat recovery;
3. Solar control through layout/orientation;
4. Individual heat pumps to each apartment;
5. Underfloor heating or larger radiators to apartments to allow for high COPs;
6. 10kWp of solar PV has been incorporated into the roof design.

An on-site reduction of 56% in regulated emissions compared to a 2013 Building regulations compliant development is expected for the development,. The carbon dioxide savings exceed the 35% on-site target set within the London Plan.

New residential developments are required to meet the zero-carbon target. The applicant is therefore required to mitigate the regulated CO₂ emissions, equating to a financial contribution of £22,878 to the Borough's offset fund.

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 Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

5.4 Response to Public Consultation

It is considered that the majority of issues raised in third party correspondence have been addressed within the report.

Design/Character

It is accepted concerns have been raised in relation to the impact from the existing building, and that extending it would exacerbate a poor relationship with surrounding development. As discussed above, officers consider that this building could be extended in a sensitive way, providing much needed local housing, and incorporating changes which will bring aesthetic benefits to the overall design of the structure. There are sensitive elements to the existing streetscape, including nearby listed buildings, but this development could be accommodated without undue harm to this setting.

Cladding

It is appreciated that the issue of unsafe cladding is causing continued stress to occupiers of the building. As discussed above it is not considered that it is suitable to redirect development contributions to meet any funding shortfall for replacement cladding. However, the remedial works will be captured under separate property and health and safety law.

Impact on infrastructure/local services

It is not considered that local infrastructure could not facilitate this increase in residential units. The site is well connected to local transport links, many benefits will flow from increasing housing supply with local town centres, and the proposal would see the more efficient use of a previously developed site in close proximity to local services, and the sustainable benefits that this would include.

Proposal will contribute to a canyoning effect

Officers do not consider that the extension of an existing tall building would lead to a canyoning effect along Station Road.

Noise nuisance, general disturbance

There would be no adverse impacts in terms of noise nuisance, and the scheme would be accommodated within serious impact on existing residents in terms of noise or general nuisance. The Environmental Health section are in contact with the proposal subject to conditions.

Concerns around the structural integrity of the building

This matter would be addressed separately at the building control stage.

Disruption to Residents during construction/pressure on services/lifts

It is accepted there may be some disruption to residents during the construction phase, this can be controlled to some degree by conditions and it not considered a reason to withhold consent. Concerns about pressure on existing internal services/lifts within the building, and potential further strain on these, could be addressed through on-site management, and whilst the increase in units is acknowledged it would not be highly material.

Pollution impact is understated

It is not considered a small increase in the number of residential units on site would have a significant impact on local pollution levels.

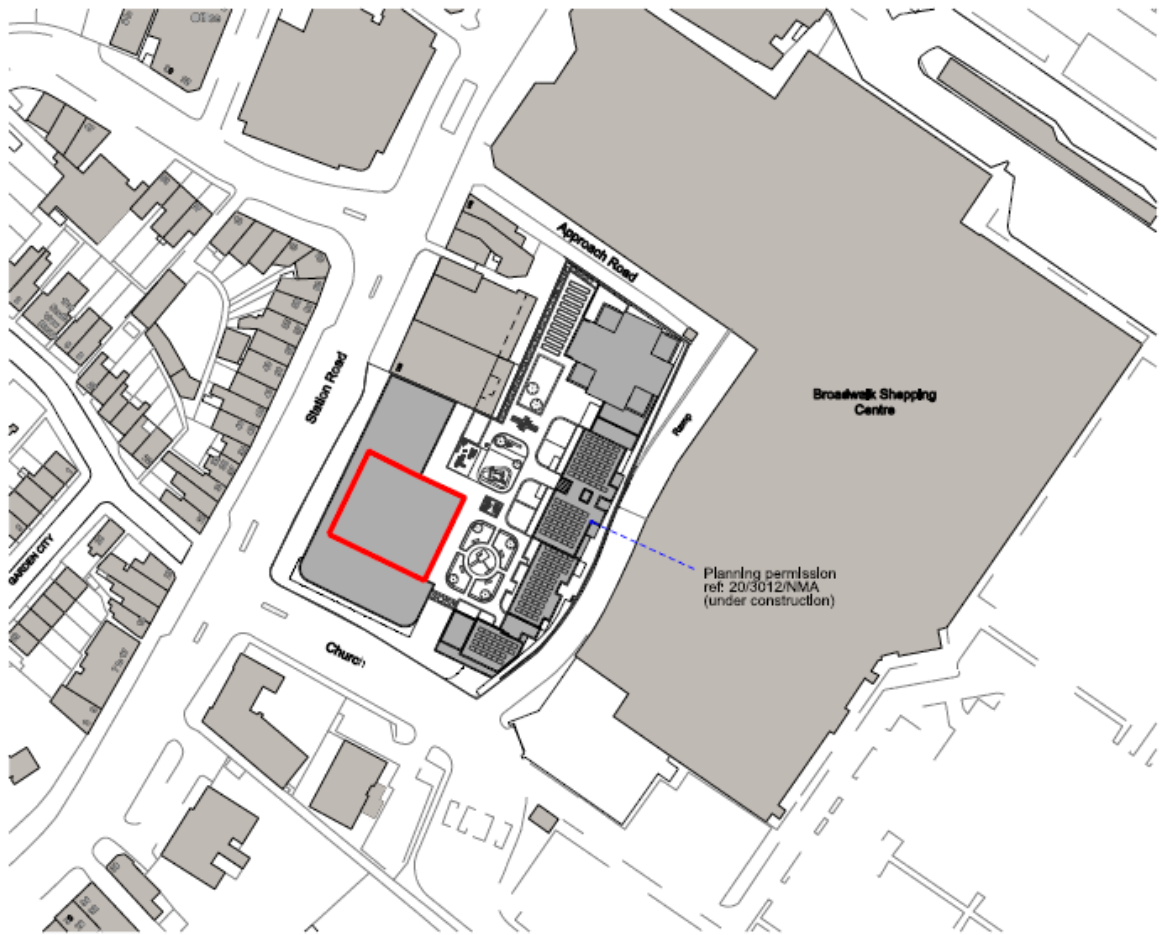
6. Equality and Diversity Issues

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

In conclusion officers consider that, on balance, the development is acceptable having regard to the relevant local, regional and national policies. The principle of residential development is acceptable.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally, and taken overall, accords with the relevant development plan policies. The development is of a high-quality design which provides a policy compliant level of affordable housing. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, approval is recommended subject to conditions.



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Location **Brondesbury Cricket Tennis And Squash Club 5A Harman Drive
London NW2 2EB**

Reference: **21/0701/FUL** Received: 9th February 2021
Accepted: 9th February 2021

Ward: Childs Hill Expiry 6th April 2021

Case Officer: **Alissa Fawcett**

Applicant: Mr Edward Ben-Nathan

Proposal: The installation of low level LED floodlighting to court Nrs 1 - 3.
(AMENDED DESCRIPTION)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

- 2020 048 OD 010 - Location Plan
- 2020 048 OD 011- Block Plan
- 2020 048 OD 012 - Existing Layout
- 2020 048 OD 013 - Proposed Layout
- 2020 048 OD 014- Existing Elevations
- 2020 048 OD 015 - Proposed Elevations
- 2020 048 OD 016- Existing 3D View 1
- 2020 048 OD 017- Existing 3D View 2
- 2020 048 OD 018 - Proposed 3D View 1
- 2020 048 OD 019 - Proposed 3D View 2
- Design and Access Statement

Planning Statement
Lighting Management Plan
Lighting Design P.A.01 -

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 floodlighting of courts numbered 4 & 7 on the approved plan shall only be operated during the hours of 9am to 9.30pm Monday to Friday and 9am to 8.30pm on Saturdays and Sundays and these hours shall be controlled by a time switch.

Reason:

To ensure that flood lighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located south of properties on Harman Drive within the Childs Hill Ward. It can be accessed via a private access road located on the bend on Harman Drive. The Cricket and Tennis Club site is large and is surrounded by residential properties and mature tree lines. There is an established tree line between the application site and the properties located immediately adjacent to the application site.

Tennis Courts 1 - 3 are bounded by a 3.6m high chain link fence and wind break mesh, as well as separated from the rear gardens of properties 1 - 5 Harman Drive by vegetation as well as domestic fencing.

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

Reference: F/03540/08

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Refused

Decision Date: 3 December 2008

Description: Variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around.

Reference: F/03641/09

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 20 November 2009

Description: Erection of new single storey building to replace existing tennis shelter.

Reference: F/04431/11

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 5 March 2012

Description: Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.

Reference: F/02788/14

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 17 September 2014

Description: Retention of 8no. x 12 metre high steel masts for cricket/tennis protection netting/fencing.

Reference: 15/01262/FUL

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB
Decision: Approved subject to conditions
Decision Date: 3 June 2015
Description: Replacement of the existing three lane outdoor cricket nets with a new four lane facility.

Reference: 16/2940/FUL
Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB
Decision: Approved subject to conditions
Decision Date: 27 June 2016
Description: Extension to existing tennis pavilion to provide a timber framed structure for use as a toilet facilities and an office

Reference: 17/0239/FUL
Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB
Decision: Refused
Decision Date: 19 September 2017
Description: Conversion of one natural turf bowls green to one all weather porous macadam tennis courts with the installation of low level LED floodlighting. Creation of 16.no new parking spaces and 18.no new cycle spaces.

The application was refused for the following reason;

1 The proposed tennis court, by reason of its siting would by reason of its associated noise, disturbance and general activity, be harmful to the residential amenities of neighbouring occupiers. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

The application was subsequently appealed to The Planning Inspectorate and allowed. The appeal inspector made the following comments;

" 4. The appeal site forms part of a large sports facility. From my site visit, it was apparent that the overall facility included a number of tennis courts, some of which appeared to have floodlights installed.

5. The proposal seeks to convert a grassed area, historically used as a bowling green, into a hard surfaced tennis court. At the time of my visit, the appeal site was being used as part of organised school holiday activities for children. In addition to the tennis court, a number of additional parking and cycle spaces are also proposed.

6. The boundary with the adjacent residential properties consists of an existing close boarded fence with high vegetation screening. Overall this forms a dense boundary treatment with those properties. This would be strengthened by the installation of a 2.75m high timber acoustic fence between the proposed tennis court and the boundary.

7. With regard to the issue of the effect on the adjacent residents, the facility is well established for sports use, and has existing tennis courts, some of which are floodlit, close to other residential boundaries. Use of the existing tennis courts already creates a degree of noise and disturbance, as does the use of the appeal site for out of school clubs and school holiday activities, as I witnessed on my site visit.

8. However, the sports club has been operational for a number of years, and is part of the established character of the area. The sounds arising from winter night time use of the court would not be significantly different to those of summertime play although illumination of the court would draw more attention to the playing.

9. The sounds associated with a tennis match would be unlikely to be intrusive in the early evenings in winter, when doors and windows are normally shut and other activities, such as watching TV, generate internal noise. The club has suggested as part of a noise management plan to restrict junior tennis and training programmes to conclude before 1930 on weekdays, and 1800 on weekends, which would alleviate the concerns with regard to late evening disturbance from children playing tennis.

10. During summer months, the overall site is undoubtedly well used for various sporting activities. The addition of one tennis court, with the mitigation measures proposed, would not lead to a significant increase in noise and disturbance experienced by adjacent residents. As such, I am satisfied that there would be no significant harm to the living conditions of the adjacent occupiers, who would continue to have a good standard of amenities commensurate with the location.

11. In summary, I find that the proposal is consistent with Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) which amongst other matters states that proposals should allow for privacy and outlook for adjoining and potential occupiers and users.

12. I acknowledge the comments and concerns of local residents in relation to this proposal with regard to additional traffic movements and the on-going problems with parking for visitors to the club, the loss of trees, noise and disturbance and the potential for additional air and light pollution. The increase in parking spaces proposed would assist in addressing the concerns of residents regarding parking issues and it would not be expected that the additional court would attract a significant number of additional vehicles, as the club is already well used for all manner of events. A specialist report regarding the additional floodlighting has been submitted in support of the scheme, and the Council have raised no objections to that issue, nor the loss of the trees to facilitate the parking areas or additional noise that could be generated by the proposals. I am satisfied that, subject to the imposition of conditions, that the general amenity issues would be adequately addressed."

Reference: 18/4238/FUL

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 5 September 2018

Description: Replacing of existing storage buildings

3. Proposal

The applicant seeks consent for the installation of low-level LED floodlighting to courts 1 - 3, provided through the introduction of 12 slender 6m high lighting columns with 14 LED shrouded "box" type fittings, painted dark green RAL 6005.

Brondesbury is a Sports Club originally founded in 1887, its objective is noted as being;

"The Club's Object is to promote and provide facilities for amateur eligible sports primarily but not exclusively including cricket, tennis and squash, in north-west London and to encourage community participation in the same."

The Club has a current membership of 521 members (an all time high) ranging from 3 to 81 years old. There are 9 adult teams and 7 junior teams requiring training time, alongside members who wish to play for pleasure.

4. Public Consultation

A site notice was erected on 16/02/2021.

Consultation letters were sent to 71 neighbouring occupiers.
9 objections have been received.

The views of objectors can be summarised as follows;

- Impact on character and appearance
- Light pollution
- Greater noise disturbance for neighbours
- Lack of information regarding apparatus and spillage
- Close proximity to residential neighbours
- The clubs activity has increased over time, from summer time to all year
- Increase in traffic
- Height of columns
- Level of courts 1-3 approx. 2m higher than houses in Harman Drive
- Insufficient vegetation screen
- Appeal Decision APP/N5090/A/09/2100937 re:30 June 2009 re F/03540/08 noted distance between properties and level change
- Lack of evidence regarding need
- Courts 4-7 not always in use, available for junior use and restricted to finish by 730pm
- Hours of use for courts 1-3 should be restricted to 730pm as experience most disturbance
- Proposed hours of use too long and should be reduced.

Internal / other consultations:

Street Lighting: No comments following additional information

Environmental Health: No objections, no complaints regarding the Club held.

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 20 July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

Barnet's Draft Local Plan -Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is 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.

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, DM03, DM04.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

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

This application seeks consent for the installation of floodlighting to tennis courts 1 to 3 at the Brondesbury Sports Club. There are 7 tennis courts at the club and courts 4 - 7 already have floodlighting. There has been no objections received by the Environmental Health department regarding the existing lighting from neighbours. The new lighting will have a cut off time of 9.30pm during the week and reduced to 8.30pm at weekends.

The courts will be individually switched, utilising shared fittings to save power and turned off when not in use. Courts 1 - 3 will only be used if the others are occupied and will not have priority over the existing 4 floodlit courts. The use of LED fittings allows of instant lighting which reduces impact on neighbouring residents.

Due to the growth in membership numbers, the additional lighting is sought to allow members to utilise all courts outside summers months and will be particularly useful for those only able to attend outside of normal working hours.

The design of the lighting is in accordance with the latest 2020 ILP guidance note for the reduction of obtrusive light on neighbouring house windows. This is specified in the compliance report that has been included in the application. In order to minimise potential light spillage the light fittings have been designed with external deflectors to reduce rear light spillage and source intensity (glare). Therefore, whilst the courts are properly illuminated, the light falling onto any nearby residents' property is kept to an absolute minimum, further reduced by the existing vegetation.

Impact of lighting:

Whilst it is recognised that the site topography results in the hooded top of the columns being visible from neighbouring gardens it is considered that due to the fencing and vegetation, as well as the angle of the lights will not result in any loss of amenity to neighbouring occupiers.

The council's street lighting officer has viewed the submitted documents and raises no objection to the detail, as such it is considered that the impact of the new lighting will be acceptable and not unduly detrimental to the amenity of neighbouring occupiers.

Impact of comings and goings, and noise and disturbance on neighbouring occupiers:

In terms of potential noise and disturbance resulting from the proposed development, the courts will be available until 9.30pm on weekdays and 8.30pm on weekends. An hours of use condition is applied to the permission. The courts are already able to be used into the evening in the summer months and the floodlighting would also allow their use during the winter months, when residents are less likely to be using their gardens. The Inspector's comments in relation to the planning appeal 17/0239/FUL set out above, are of relevance in this case in so far as they relate to the general activity associated with a large established sports facility.

Impact on highways:

The proposed new lighting is considered to be located a sufficient distance away from the Public Highway so as not impact upon it.

5.4 Response to Public Consultation

The views of objectors are noted. Concerns that the potential impact of the floodlighting will be detrimental on character and appearance of the area have been raised. However, it is considered that the view of the top of the columns, which are shown to be painted dark green are not considered to be significantly harmful to either the character and appearance or amenity of occupiers of residential properties on Harman Drive facing the Club.

It is recognised that the level of courts 1-3 approx. 2m higher than houses in Harman Drive and concerns are raised that the columns are too high, however, as noted above, the fact that columns are visible is not detrimental to amenity in itself; the columns are dark painted and are not considered to be an eye-sore to neighbouring occupiers.

The concerns that the proposed floodlighting will result in light pollution are noted, however, the details have been reviewed by the Council's Lighting department who raise no objection to their installation in terms of the impact on the amenity of neighbouring occupiers.

The introduction of floodlighting to tennis courts 1-3 may result in some additional noise disturbance for neighbours, however, it is considered that with the restricted hours of use condition, and bearing in mind the established nature of the sports club, this is not considered to be significantly harmful so as to justify refusing the application.

The comments made that there is a lack of information regarding apparatus and light spillage are noted, however, the details have been submitted.

It is recognised that the proposed floodlighting is within close proximity to residential neighbours, however, there exists floodlighting to the other tennis courts 4-7 and there have not been any recorded complaints by the Council's Environmental Health department.

There is no dispute that the Club's activity has increased over time, from summer time to all year, this is not necessarily an issue as long as the amenity of neighbouring occupiers is maintained.

It is not considered that the proposed development will result in an increase in traffic which would be detrimental to the amenity of neighbouring occupiers.

There are concerns raised that the existing vegetation screen is insufficient. In this case there would be limited scope for additional planting and existing vegetation does provide a degree of screening of the courts.

The comments regarding Appeal Decision APP/N5090/A/09/2100937 re:30 June 2009 re F/03540/08 noted distance between properties and level change have been recorded in the site history section of the report above.

The concern is raised that there is a lack of evidence regarding the need for additional floodlighting, however, the application documents set out the reasons why the Club have made the application. Applications must be considered on their merits.

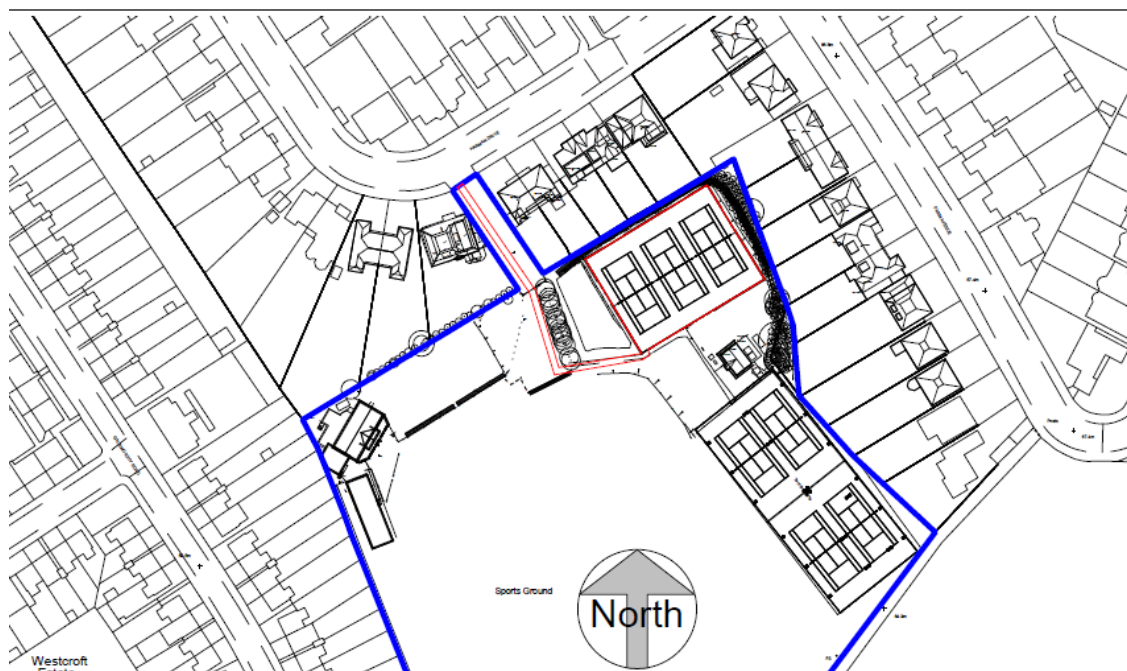
There have been a number of comments regarding the proposed hours of use for courts 1-3 and that they should be reduced. As noted in the report above the hours are restricted to 9.30pm during the week and 8.30pm at weekends, the submitted information notes that these courts will be used only once courts 4-7 are full. On balance it is considered that that the hours of use are appropriate as proposed.

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 the additional information and compliance with the attached conditions, the proposed development would have an acceptable impact on the visual amenity, and character and appearance of the application site and wider locality. Subject to conditions, the development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location 5 Carlton Close Edgware HA8 7PY

Reference: 21/2038/HSE

Received: 12th April 2021

Accepted: 13th April 2021

Ward: Edgware

Expiry 8th June 2021

AGENDA ITEM 11

Case Officer: Daniel Wieder

Applicant: Dr Cohen

Proposal: Roof extension including new hipped roof and crown roof over existing side extension (amended plans and description)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

PA_001 REVB Existing/Proposed Location Plan
PA_002 REVB Existing/Proposed Loft Plan
PA_003 REVB Existing/Proposed Roof Plan
PA_004 REVB Existing/Proposed Front Elevation
PA_005 REVB Existing/Proposed Rear Elevation
PA_006 REVB Existing/Proposed Side Elevation
PA_007 REVB Existing/Proposed Section A-A

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

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a two-storey, detached dwellinghouse with prominent front gable and mock-Tudor detailing. The property benefits from an unsympathetic first flat roof first floor side extension.

The property is set around the turning circle at the arm of the cul de sac and sits behind a driveway providing off-street parking to the front of the dwelling, with private amenity space to the rear.

Carlton Close is residential in character and comprises of semi-detached and detached dwellinghouses of a similar appearance, with a consistent aesthetic of render, timber detailing and pitched tile roofs, notwithstanding variations and extensions.

The site is not located within a conservation area and is not a listed building.

2. Site History

Reference: 20/4525/HSE

Address: 5 Carlton Close, Edgware, HA8 7PY

Decision: Approved subject to conditions

Decision Date: 20 November 2020

Description: Single storey side extension and alterations to existing rear extension roof with 6no. roof lights

Reference: 20/6235/192

Address: 5 Carlton Close, Edgware, HA8 7PY

Decision: Lawful

Decision Date: 21 January 2021

Description: Roof extension involving rear dormer window with juliette balcony, 2no hip to gable extensions, 1no rear facing rooflight and 2no front facing rooflights

3. Proposal

The application originally sought permission for a roof extension including new pitched roof and gable end over the existing two storey side extension flat roof, whose dimensions measures 2.8m in width and 8.5m in length.

Over the lifetime of the application, the proposal has been amended to a part-hipped part-crown roof form. The hipped roof section covers the first 3.5m of the side extension flat roof, towards the front of the property, with a ridge height of 1.83m, which is then lowered to a crown roof across the remaining 5m of the side extension towards the rear, with a maximum height of 0.83m.

It should be noted that the site benefits from a Lawful Development Certificate for a roof extension incorporating a rear dormer and hip-to-gable extension to the east side of the

original ridge. The works to the roof have progressed far enough to demonstrate a reasonable likelihood that the permitted development scheme would otherwise be completed in accordance with the permitted development legislation. Photos of the site have been provided to evidence the works to date.

4. Public Consultation

Consultation letters were sent to 5no neighbouring properties.

12no responses were received within the consultation period.

4no of these responses included comments of support for the proposal while the remaining 8no responses constitute objections.

The objections can be summarised as follows:

- The applicant site is already much higher than neighbouring properties and the proposal will be overbearing
- The proposal will block natural light to the neighbouring property's side rooms on both the ground and first floor, as well as garden. This will increase electricity bills and effect health and wellbeing
- The proposal will block views and not blend in with other houses

After the proposal was amended, consultation letters were sent out to for a 14-day consultation period.

5no objections were submitted, maintaining the original objections, and putting forward a suggestion for a small pitched roof at the front followed by a totally flat roof for the remainder.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all

development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 19) 2021

Barnet's Local Plan -19 - Publication 19 - Publication was approved for consultation on 16th June 2020. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is 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

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

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 (all of the Barnet Local Plan), D1 and D3 (both of the London Plan).

DM01 requires that any additions to the property are sympathetic to the character of area, the existing building and the street scene. The Residential Design Guidance (2016) stipulates that roof extensions should be appropriately designed and scaled in order to appear as subordinate additions to the main dwellinghouse while reflecting the architectural style of the host property and the surrounding area.

In regard to the design and scale of the roof, the original proposal was for a full gable end extension. Looking at the overall impact of the cumulative works to the roof, this raised concerns that the extension would add too much bulk and mass and be out of scale with the property. Over the lifetime of the application, amendments were made to alter the form and reduce the scale and bulk of the proposed roof atop the existing first floor side extension. On balance, officers consider the amended proposal, with its significantly reduced height and bulk, to be an acceptably subordinate addition to the main dwelling house.

The proposed new roof over the side extension, when considered alongside the roof dormer and hip-to-gable extension (as determined to be otherwise lawful under 20/6235/192), is considered to be an acceptable addition in regard to the architectural style of the host property and the surrounding area. Officers consider that the new part-hip part-crown roof will improve the overall relationship and symmetrical balance with the gable end extension, when taken in contrast to the existing flat roof. The existing flat roof over the side extension is not considered to enhance the appearance of the host dwelling and appears unsympathetic and therefore the alteration to the roof form would not result in harm to the existing appearance. A number of neighbouring properties have undertaken similar works. As a result, the proposed roof is unlikely to detract from the appearance of the street scene in this regard.

Overall, it is considered that whilst the proposal does create additional bulk to the roof of the application site, the addition to the side extension is considered to be appropriately scaled and designed to read as a more subordinate feature and better integrate the permitted development works into the street scene. On that basis, officers are satisfied that the proposal, as amended, would not unacceptably harm the character and

appearance of the host property, street scene and wider area in accordance with Policy DM01.

Whether harm would be caused to the living conditions of neighbouring residents and future occupiers

Development Management Policies (2012) in section 2.7.1 states: "It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook."

It will be important that any scheme addresses the relevant development plan policies (including 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 applicant site is a detached property and the proposed roof extension will sit to the north of the existing ridge and replace the flat roof of the two-storey side extension. As such, the proposed roof extension would not be readily visible from No.3 Carlton Close, on the east side of the property and therefore no unacceptable amenity impact to the occupiers of No.3 is expected to occur.

The neighbouring property towards the north side of the applicant site, No.7 Carlton Close, sits on a lower ground level and the two properties are separated by a narrow alleyway, approximately 50cm wide.

The proposal has been amended in order to mitigate any potential impact on the neighbouring property.

The amended proposal consists of a hipped roof towards the front, with a reduced height of 1.83m, which then drops down to a lower crown roof with a maximum height of 0.83m. It is considered that this proposal would mitigate the potential overbearing amenity impact to acceptable levels.

No.7 benefits from a rear facing window within the side addition to the property and sits adjacent to the application site, however, it is considered that the lowering of the crown roof towards the rear mitigates the total overbearing impact. Furthermore, following a site visit and conversations with the neighbour, it has been confirmed that these windows are frosted glass and serve a bathroom. As this is not a habitable room, on the basis of which the impact of the proposed roof extension can be further justified.

In regard to loss of light, the amended proposal does not demonstrably produce a significantly harmful impact on the light to No.7. It is noted that No.7 benefits from a single storey side/rear extension which runs alongside the common boundary with the application site accordingly the proposal would not have any detrimental impact on ground floor windows. Officers noted on the site visit, that much of the side elevation and the L-shaped section of No.7 is in shadow due to the existing two-storey side extension, which due to the ground level difference sits higher than neighbouring No.7. As such, the proposed part-hipped part-crown roof is not expected to result in any additional amenity harm to No.7 in this regard above and beyond that which currently exists. As previously noted there are no windows serving habitable rooms that would be unduly harmed by the proposal.

In regards to the adjoining properties at the rear of the site, Nos 41 and 43 Mill Ridge, the applicant property is located 11m from the common boundary at the rear. The adjoining properties themselves then benefit from approximately 13m of rear amenity space.

Considering this distance, officers are satisfied that the proposed roof extension would have no amenity impact on the neighbouring occupiers to the rear.

In assessment, officers are satisfied that the proposal, as amended, would not result in an unacceptable loss of light, outlook or increased sense of overbearing to the neighbouring properties, in accordance with Policy DM01.

5.4 Response to Public Consultation

-The applicant site is already much higher than neighbouring properties and the proposal will be overbearing - This has been addressed in the body of the report. Officers consider that the amended plans to reduce the height and bulk of the proposed roof satisfactorily mitigate the overbearing impact.

- The proposal will block natural light to the neighbouring property's side rooms on both the ground and first floor, as well as garden. This will increase electricity bills and effect health and wellbeing. - This has been addressed in the body of the report, the scale of the amended proposal is not considered to have a demonstrably negative impact on the amenities of the neighbouring occupiers.

- The proposal will block views - It should be noted that the right to a view is not a material consideration under the planning system. In this case, officers consider the additional height added by the proposal to not unacceptably affect the outlook from the adjoining properties to the rear.

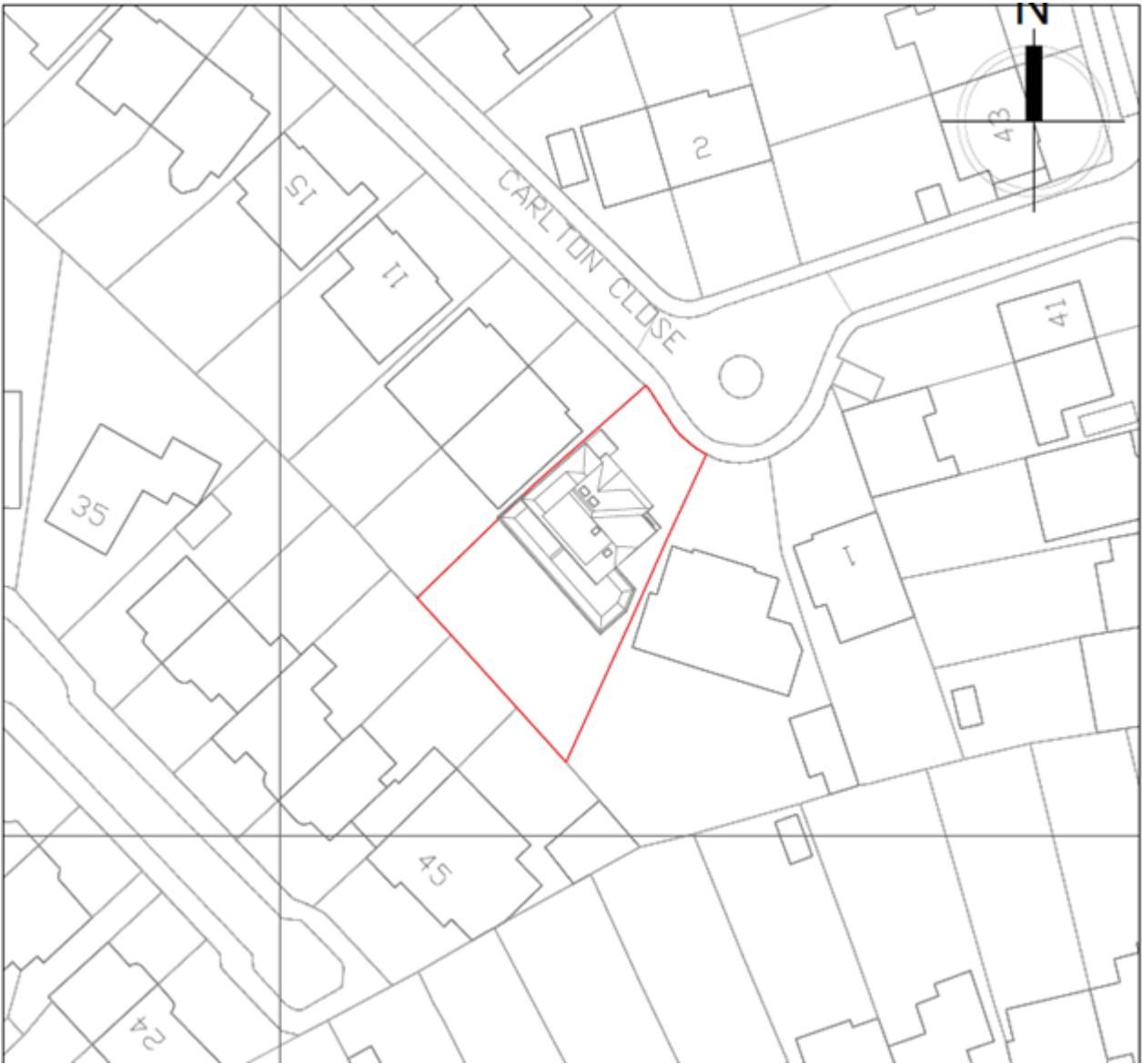
-The proposal will not blend in with other houses - This has been addressed in the body of the report. Officers consider that the amended design will improve the overall relationship and balance of the roof and bring it in line with similar properties in the Carlton Close and replace a flat roof which is not a feature that is generally supported in design terms on two storey additions to property.

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 66 Woodside Park Road London N12 8RY

Reference: 21/2753/S73 Received: 18th May 2021
Accepted: 18th May 2021

Ward: Totteridge Expiry 17th August 2021

Case Officer: Jonathan Martin

Applicant: Mr Ray Gabriele

Proposal: Removal of condition 19 of planning permission reference 19/6833/FUL dated 04/08/2020 for 'Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space'

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:

Planning Statement prepared by Henry Planning
Hybrid Parking Survey/Transport Statement prepared by Green Rhino Planning
April 2021
Letter from Ellis and Co dated 5th May 2021.

SEP/Ry/19-001 - Location Plan
SEP/Ry/19-002 - Proposed Site Plan, Rev 1 received 12.3.20
SEP/Ry/19-003 - Proposed Lower Ground Floor, Rev 1 received 12.3.20
SEP/Ry/19-004 - Proposed Ground Floor, Rev 1 received 12.3.20

SEP/RV/19-005 - Proposed First Floor, Rev 1 received 12.3.20
SEP/RV/19-006 - Proposed Second Floor Plan, Rev 1 received 12.3.20
SEP/RV/19-007 - Proposed Roof Plan, Rev 1 received 12.3.20
SEP/RV/19-008 - Proposed South Elevation
SEP/RV/19-009 - Proposed East Elevation
SEP/RV/19-010 - Proposed North Elevation
SEP/RV/19-011 - Proposed West Elevation
SEP/RV/19-012 - Proposed Section A-A
SEP/RV/19-013 - Proposed Section B-B
SEP/RV/19-014 - Proposed Section C-C, Rev 1 received 12.3.20
SEP/RV/19-024 - Existing & Proposed Street Scene Elevation, WPR North
SEP/RV/19-025 - Existing & Proposed Street Scene Elevation, WPR West
SEP/RV/19-026 - Proposed South and North Elevation Images
SEP/RV/19-027 - Proposed West and East Elevation Images
SEP/RV/19-014 - Existing Site Plan
SEP/RV/19-015 - Existing Lower Ground Floor
SEP/RV/19-016 - Existing Ground Floor
SEP/RV/19-017 - Existing First Floor
SEP/RV/19-018 - Existing Loft Floor
SEP/RV/19-019 - Existing Roof Plan
SEP/RV/19-020 - Existing South Elevation
SEP/RV/19-021 - Existing East Elevation
SEP/RV/19-022 - Existing North Elevation
SEP/RV/19-023 - Existing West Elevation

Planning Statement & Design & Access Statement, Henry Planning
Daytime Bat Survey, Ecology Network, February 2020
Sustainable Drainage Strategy, MTC Engineering, 2441-DS Rev C - April 2020
SUDS letter, MTC Engineering, 7th April 2020
Arboricultural Impact Assessment (Landmark Trees - Ref: KSR/66WDP/AIA/01a -
17th April 2018)
Proposed Services Report, BSE 3D Ltd, 17.12.2019
Parking Survey (Caneparo Associates - 2nd October 2018)
Energy and Sustainability Statement, 3D Consulting Engineers, Rev C, 17th
December 2019
Updated Artist Impressions, KSR Architects, December 2019.

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

- 2 This development must be begun within three years from the date of the original permission 19/6833/FUL dated 04.08.2020

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

- 3 a) No development or site works shall take place on site until a 'Demolition and

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

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

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

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

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

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

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

accordance with the protection plan and method statement as approved under this condition.

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D1, D8, G7 of the London Plan 2021.

- 6 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 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 D1, D8 of the London Plan 2021.

- 7 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).

- 8
- 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 G7 of the London Plan 2021.

- 9
- Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the hereby approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T1, T3, T4 of the London Plan 2021.

- 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 table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September

2012.

11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and the sub-division of the amenity area, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

12 Prior to the first occupation of any of the flats they shall be constructed to incorporate carbon dioxide emission reduction measures which achieve an improvement of not less than % 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 building shall be maintained as such for the life of the development.

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 2 of the London Plan (2021)

13 Prior to the first occupation of any of the flats, each unit shall 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 equivalent to 105 litres per person per day maximum indoor water consumption. The implemented measures shall remain operational for the life of the development.

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

14 Notwithstanding the details shown in the submitted drawings, all of the residential units shall be 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 building shall be maintained as such for the life of the development.

Reason: To ensure the development meets the needs of its future occupiers and to

comply with the requirements of Policy D6 of the London Plan 2021.

- 15 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

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

- 16 a) No development other than demolition work shall take place unless and until a 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 has been submitted to and approved in writing by the Local Planning Authority.
- b) 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 October 2016) and Policies SI 5, SI 12 and SI 13 of the London Plan 2021.

- 17 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies D4 and D5 of the London Plan 2021.

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the west elevation elevation (at Ground, First and Second Floors) facing No. 68 Woodside Park 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).

Informative(s):

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

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to

whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large->

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

- 4 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 5 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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

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

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

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

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

- 8 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 9 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 10 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.

OFFICER'S ASSESSMENT

1. Site Description

Planning permission was granted via 19/6833/FUL for the demolition of the existing two storey detached building and the erection of a new 3 storey building to provide 13 self contained flats. The site is located on the northern side of Woodside Park Road at the junction with Woodside Avenue.

The surrounding area is characterised predominantly by residential dwellings and flats. On the south side of Woodside Park Road, there are a number of purpose-built apartment blocks of three to five storeys, with adjacent properties on the north of Woodside Park Road and along Woodside Avenue constituting more two to three storeys in scale. As a result, there is a mixture of different architectural forms and styles.

The site is not located within a conservation area and is neither a statutory or locally listed building. The application site is in Flood Zone 1.

2. Site History

Reference: 18/3499/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Refused

Decision Date: 21 November 2018

Description: Demolition of existing building and erection of a three storey building plus basement level to provide 9no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space

Reference: 19/4397/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved subject to conditions

Decision Date: 7 October 2019

Description: Erection of two semi-detached three storey houses, with associated amenity space, refuse, storage, cycle parking and provision of two car parking spaces

Reference: 19/6833/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved following legal agreement

Decision Date: 4 August 2020

Description: Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space

Reference: 20/1599/FUL

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Approved subject to conditions

Decision Date: 20 August 2020

Description: Construction of a three storey building with rooftop plant room to provide 6no. self-contained flats with associated amenity space, refuse and recycling storage, cycle stores and provision of two car parking spaces.

Reference: 20/3789/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Variation of condition 19 (residents parking permit) of planning permission 19/6833/FUL dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space`. Removal of condition 19

Reference: 20/5841/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Application Returned

Decision Date: No Decision Made.

Description: Removal of condition 19 (Resident's parking permit) of planning permission 19/6833/FUL, dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space`

Reference: 20/3789/S73

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Variation of condition 19 (residents parking permit) of planning permission 19/6833/FUL dated 04/08/2020 for `Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no selfcontained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store

and amenity space`. Removal of condition 19

This application was taken before the planning committee and members were concerned about the removal of condition 19. The survey was undertaken during Covid 19 and members requested that the council undertake its own independent parking survey to test the applicants survey results.

Reference: 21/1795/CON

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Submission of details of condition 3 (Level) 4 (Construction Management and Logistics Plan), 5 (Dimensioned tree protection plan) 6 (External surfaces) 7 (Hard and soft landscaping) 8 (Living wall), 12 (Cycle parking spaces) 13 (Enclosures) 14 (Boundary treatments) 20 (Excavations for services) pursuant to planning permission 20/1599/FUL dated 20/08/2020

Reference: 21/2987/CON

Address: 66 Woodside Park Road, London, N12 8RY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Submission of details of condition 3 (Demolition and Construction Management and Logistics Plan), 4 (Arboricultural Method Statement), 5 (Levels), 6 (External Materials), 7 (Waste and Recycling), 8 (Site Landscape Plan), 11 (Cycle Storage), 12 (Means of Enclosure) pursuant to planning permission 18/3499/FUL (APP/N5090/W/19/3220013) Dated 11/04/2019

3. Proposal

The applicant seeks the removal of condition 19 of planning permission reference 19/6833/FUL dated 04/08/2020 for 'Demolition of the existing building and erection of a three-storey building plus basement level to provide 13no self-contained flats. Provision of 4 car parking spaces, refuse and recycling, cycle store and amenity space.'

Planning condition No.19 states: "Before any part of the development hereby permitted is first occupied arrangements shall be agreed with the local planning authority and set out in writing by way of a legal agreement or a Unilateral Undertaking and be put in place to ensure that, with the exception of disabled persons/Blue badge holders, no resident of the development shall obtain a resident's parking permit (including visitors' permits) within any controlled parking zone which may be in force in the area at any time.

Reason: To ensure that the development does not exacerbate on-street parking pressures, in accordance with policies DM17 of the Development Management Policies DPD and the Planning Obligations SPD. (DMP) and Policy CS15 of the Local Plan Core Strategy (adopted September 2012)."

The rest of the scheme was previously considered acceptable and remains the same.

4. Public Consultation

Consultation letters were sent to 384 neighbouring properties. 6 objections have been received raising the following:

- No parking spaces available in the evenings
- The proposal will lead to parking congestion
- Impact on highway safety
- Comments have been made on the principle of the flats along with issues relating to highways
- Inaccuracies within the parking survey.

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, CS5, CS9
- Relevant Development Management Policies: DM01, 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 DM18 seeks to ensure that the safety of all road users is taken into consideration when considering development proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

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 the proposed amendments are considered 'minor material amendments' and fall within the ambit of Section 73 the Town and Country Planning Act 1990
- Whether the proposed amendments are in accordance with development plan policy

5.3 Assessment of proposals

Planning Practice Guidance (PPG) states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied [Paragraph: 013 Reference ID: 17a-013-20140306].

PPG advises that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of development [Paragraph 014 Reference ID: 17a-014-20140306].

PPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved [Paragraph: 017 Reference ID: 17a-017-20140306].

In the first test, it is not considered that the scale and/or nature of the proposed amendments would result in a development which is substantially different from the one

which has been approved.

In the second test, Officers need to consider whether the proposed amendments accord with development plan policy.

Background to planning history

Planning permission was approved 11th April 2019, on appeal (appeal ref: 3220013 - planning application ref:18/3499) for a 9-unit scheme which has a similar floorspace to the approved 13-unit scheme under 19/6833/FUL (812.3m² for the 9-unit scheme compared to 831.6m² for the 13-unit scheme). It is an important material consideration that the approved 9-unit scheme did not restrict car parking permits.

Planning application ref: 19/6833/FUL which was called-in to committee dated 10th June 2020 resolved to grant planning permission with an additional condition 19 which removed the future occupiers rights in purchasing parking permits. It is noted that planning officers and highways officers considered the application to be acceptable with only 4 parking spaces following the submission of a parking survey to demonstrate that a shortfall of 5 spaces could be accommodated on street within the surrounding streets.

New Parking Surveys was undertaken for this current S73 Application

This application is accompanied by a Parking Survey Transport Statement prepared by Green Rhino Planning. They have undertaken parking surveys in accordance with the Lambeth Parking Methodology. The Lambeth Parking Survey Methodology states that an area of 200 meters from the development should be surveyed, then extend to the next junction, in all available directions. This area is a reasonable length that people will walk to find a parking space around their home, 200m also approximately equates to an average two minute walk, again a reasonable distance to walk to park and retrieve your car. The Lambeth Parking survey methodology does not give any weighting to spaces within a closer proximity to the proposed development, therefore all spaces within the survey area are considered to be of equal attraction.

The applicants have carried out 4 surveys between September 2020 to April 2021. The surveys demonstrate that within the survey area, on street car parking stress on the 10/9/20 was 47%, with 131 available spaces. On the 15/09/2020 on street parking stress was 49% with 127 available spaces and on the 27/04/2021 on street parking stress was 50% with 126 available spaces. The time of these surveys sits in the middle of the peak time of residential parking demand which is 00:30-05:30. When the associated overspill vehicles are incorporated into the existing parking situation, parking stress would rise to 52% and 116 spaces would still be available within the survey area.

A further day time survey was carried out at 10:15 on Wednesday the 28th of April 2021 and there were 60 available spaces in on street bays contained within the survey area. It should be noted the on street bay outside of the site had sufficient space to accommodate all vehicles likely to be associated with the development.

The Council's Highway Engineer has reviewed the surveys carried out for this application and considers the surveys to have been carried out correctly and agrees with the findings of the survey. The Highway Engineer has stated the following:

"I went through the parking survey results provided by the applicant and saw that the parking surveys were carried out during peak times of residential parking demand and

commuter parking demand. The results demonstrated that there are available parking spaces on street to accommodate potential parking overspill arising from the proposed development." As discussed in the planning history section, application 20/3789/S73 was deferred by the members as they requested that the council undertake their own independent parking survey. However, Highways have reviewed the surveys provided and they accept the results and do not require a independent survey to verify these results.

Highways have no objection to the removal of condition 19. The removal of condition 19 is acceptable given the significant number of spaces available at peak times. Planning officers considered the parent permission to be acceptable with 4 parking spaces and, along with the highways officer, maintain their stance that this is still acceptable.

For the above reasons, the proposed minor-material amendment is considered acceptable and compliant with development plan policy.

5.4 Response to Public Consultation

See section above relating to the impact from highways. The highways officer has reviewed the proposal and has no objections to the removal of condition 19 and considers the submitted Transport Statement and surveys to be acceptable.

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 falls within the ambit of Section 73 of the Town and Country Planning Act 1990 and is compliant with development plan policy.



Location 21 Farm Avenue London NW2 2BJ

Reference: 21/0027/FUL

Received: 4th January 2021

AGENDA ITEM 13

Accepted: 5th January 2021

Ward: Childs Hill

Expiry 2nd March 2021

Case Officer: Syndsey Ballet

Applicant: Mr And Mrs A Butt

Proposal: Erection of a new two storey dwelling with rooms in the roofspace following demolition of existing dwelling and garage. Associate cycle store, refuse/recycling and provision of 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 shadow assessment (un-numbered)

Proposed schedule of external materials and finishes (un-numbered)

Existing site layout plan 59-P-1

Existing floor plans 59-P-2

Existing elevations 59-P-3

Preliminary Ecological Assessment ref ASW/AB_HA/062/24/2020) by ASW Ecology Ltd. dated December 2020

Bat emergence survey ref ASW/AB/010/25/2021 by ASW Ecology Ltd. dated May 2021

Proposed site layout and location plan 59-P-4E

Proposed floor plans 59-P-5C

Proposed elevations 59-P-6B
Existing and proposed streetscene 59-P-7D
Existing and proposed sections 59-P-8B
Proposed accessibility 59-P-9B
Proposed reconciliation plan 59-P-10
Proposed elevation of front wall and gate 59-P-11

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 development hereby approved shall be carried out using the materials and finishes to be used for the external surfaces of the building and hard surfaced areas submitted with this application.

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

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and 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.

- 5 Before the building hereby permitted is first occupied the proposed window(s) including dormer window(s) in the flank elevation facing nos 19 and 23 Farm Avenue 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).

- 6 The flat roofed parts of the building 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).

- 7 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, D, E, or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the development hereby approved.

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

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

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

- 9 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).

- 10 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.

- 11 Before the development is first occupied, the recommendations for enhancements detailed within Section 5.3.1 of the submitted Bat Emergence Survey by ASW Ecology Ltd dated May 2021 shall be implemented in full and retained as such thereafter.

Reason: To ensure the proposed development has an acceptable impact on protected species and makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 12 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.

- 13 a) The scheme of hard and soft landscaping as shown on the plan Site Layout and Location Proposals dwg no 59-P-4E. 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.

- 14 A lighting strategy must be designed and implemented to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2016).

Reason: To ensure enhancement of bat habitats in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), para. 180 of the revised NPPF 2021 and the Natural Environment and Rural Communities (NERC) Act 2006

- 15 Prior to occupation of the development, Cycle parking spaces 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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

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

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

- 17 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. 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.

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

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

- 19 a) The development shall not be occupied until the biodiversity enhancements set out in the Ecological Assessment have been implemented.
- b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.

- 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 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be

maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 7 The applicant is advised that proposed gates should not open outwards to onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.

- 8 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended). If demolition is delayed for more than one-year after the date of the bat survey (May 2021), repeat bat surveys should be undertaken.

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

OFFICER'S ASSESSMENT

1. Site Description

The application site serves a two-storey detached dwelling on the east side of Farm Avenue in the electoral ward of Childs Hill. The property is characterised by a catslide roof form and has been previously extended under ref F/04099/11 and benefits from a part single part two storey front, side and rear extension. The front of the property is bound by a 1.50metre high hedgerow. There is capacity to park on site for up to 2 domestic cars, facilitated by an existing drop curb which intercepts the public footway. The property is not located within a conservation area nor is it locally/statutorily listed.

2. Site History

Ref: F/04099/11

Address: 21 Farm Avenue, London, NW2 2BJ

Decision: Approved subject to conditions

Description: single storey rear extension following removal of existing rear conservatory. First floor side extension with associated alterations to roof above garage including extension to roof slope and dormer above garage. Conservation of garage in a habitable room including single storey front extension. New first floor rear bay window to replace existing and alterations to fenestration at rear elevation. Extension to roof including rear dormer with Juliette balcony, 2no rooflights at side (north) elevation and removal of chimney to facilitate a loft conversion.

3. Proposal

Erection of a new two storey dwelling with rooms in the roofspace following demolition of existing dwelling and garage. Associate cycle store, refuse/recycling and provision of off-street parking

NB: Following officer request, the following changes have been made:

- Integrate a hipped roof form on the projecting first floor rear bay
- Remove the rear dormer balcony
- Remove the front dormer
- Integrate a hipped roof on the side dormer and provide more visual containment by pushing further away from the roofslope. Solar panel relocated.

4. Public Consultation

Consultation letters were sent to 21 neighbouring properties.

12 objections were received. Following receipt of amended plans, neighbours were re-consulted with one additional response being received.

Objections on the following grounds:

- An uncharacteristic, unneighbourly and disproportionate form of development resulting in the overdevelopment of the site
- Loss of light and outlook
- Excessive noise and environmental pollution as a result of demolition works
- Parking pressures
- Loss of trees

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework (2021)

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 Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is 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.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14
- Relevant Development Management Policies: DM01, DM02 DM16, DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to 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 (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:

- The impact on the appearance and character of the area
- The impact on living conditions of future occupiers
- The impact on the amenities of neighbouring occupiers
- Ecology Matters
- Arboricultural Matters and Trees
- Parking and highways
- Refuse and recycling storage.

5.3 Assessment of proposals

Impact on the character of the area

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 D3 (both of the London Plan 2021).

Policy D1 (3.1.7) of the London Plan 2021 states that "As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."

Policy D3 of the London Plan 2021 states that "all development must (d1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. (d 11) further recommends to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character."

Para 14.21 of the Council Residential Design Guidance 2016 states, "The depth of a single storey rear extension, normally considered acceptable for detached property is 4 metres".

Para 14.23 of the Council Residential Design Guidance 2016 states, "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". Para 14.25, "On widely spaced semi-detached or detached houses, there may be more scope for larger rear extensions. However, the principles of good design as set out in Table 3 of this SPD still apply. Para 14.26, "Flat roofs should not normally be used as balconies as loss of privacy to immediate neighbours almost always results. This applies to side as well as rear extensions. Flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house."

Para 14.33 of the Council Residential Design Guidance 2016 states, "Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable".

Para 14.36 of the Council Residential Design Guidance 2016 states, "Roof lights should be carefully positioned in order not to impact detrimentally or disfigure the appearance of a building, particularly where they are not a characteristic feature in the street. On front roof slopes roof lights should be of the conservation type i.e., fitting flush with the roof slope and they should not dominate the roof in terms of their number."

Para 14.53 of the Council Residential Design Guidance 2016 states, "It is natural for owners to want to improve and extend their properties, but the extensions need to be carefully designed. A properly designed porch can have a positive effect on the area. In some cases, depending upon the location, size, type either larger or smaller porches may be appropriate. The porch roof should reflect the roof style of the existing house. The material, shape and style of existing doors and windows should be matched to create an overall balance to the design. Where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of neighbouring houses. Adding undue canopies can be unsightly as it is likely to protrude too far and dominate the front of the house. As houses differ in size and style, sometimes it is not possible to add a porch to a house."

Farm Avenue is composed of both detached and two storey detached properties of varied character and appearance. However, there are some commonalities across the established form of development on Farm Avenue such as a consistent front building line, hipped roof form and ridge level. Properties are well sized with good sized front gardens capable of accommodating off-street domestic car parking capacity with forecourt areas and generous rear gardens.

The application property adjoins onto the common boundary with no 19 to the north west and is set in approx 1.139 metres from the common boundary with no 23 to the south east. The property is characterised by a catslide roof form and has been previously extended under ref F/04099/11 and benefits from a part single part two storey front, side and rear extension. The application property measures approx 15.3 metres width x 9.60 metres finished ridge height x 16.0 metres depth with an overall site footprint of 190sq.m. The proposed rebuild would be set in approx 1.0 metres from the common boundary with no 19 to the north west and approx 1.05 metres from the common boundary with no 23 to the south east. As such, it would measure approx 13.40 metres width x 17.40 metres depth, therefore result in a reduced width by 1.90 metres and greater depth at ground floor level by approx 1.50 metres and approx 2.60 metres at first floor level. The proposed rebuild would result in a size and form which is more akin to development found on Farm Avenue, whilst the loss of the catslide roof would be replaced with a more traditional hipped roof

form. The extensions involved would result in a crown roof within which rooflights would be inserted, albeit obscured from view of the public realm. Overall, the development would result in a rear garden depth of 20 metres and approx 330sq.m therefore would not appear cramped within the site.

The delegated report for planning ref F/04099/11 states that, "the ground floor will in part replace an existing conservatory, the proposal will be 4m deep from the original rear wall of the property which is the same depth as the existing conservatory." As such, it is understood that the cumulative proposed rear depth at ground floor level from the original rear wall would measure approx 5.5 metres. Whilst this is not in compliance with council guidance, due to the site circumstances at adjacent nos 19 and 23 involving existing rear projections and greater distances from adjacent common boundaries, there would be lesser impact on the amenity of the neighbouring residential occupiers.

The proposed rebuild would result in a greater space between the adjacent common boundaries, it would maintain the finished ridge level, therefore consistent with adjacent nos 19 and 23 and involve a hipped roof form with crown. At the front, a two-storey projecting front bay window with hipped roof is proposed (nearest to the north west front corner of the property) as well as a marginally smaller first-floor projecting bay window with hipped roof (nearest to the south east front corner of the property), between which a front porch with flat roof form would be centrally located and project approx 2.0 metres depth x 3.1 metres width x 3.50 metres finished height. The front bay features preserve the established character of development on Farm Avenue. Whilst the front porch, although exceeds the limitations of permitted development, does not project significantly far forward of the front elevation, nor does it undermine parking provision within the front forecourt. The scale, size and height of the proposed front porch is considered proportionate and acceptable in respect of the resulting impact on the visual amenities of the wider street scene and character of the host property.

A single rear dormer with flat roof form centrally located within the roofslope would be set down approx 0.90 metres from the main roof ridge level, set up approx 1.0 metres from the eaves level and in excess of 1.0 metre from the roof hips. It would measure approx 2.30 metres depth x 3.30 metres width x 2.0 metres height. A bespoke timber screen with white gloss paint set within stone surround within which a double height flank opening would be inserted, would be set down approx 1.70 metres from the roof ridge level, set up approx 0.80 metres from the eaves level and in excess of 1.0 metre from the roof hips. It would measure approx 3.0 metres depth x 3.70 metres width x 2.30 metres height. A single side dormer window with hipped roof form on the south east flank roofslope centrally located within the roofslope between which semi-integrated solar panels would be located, would be set down approx 0.40 metres from the roof ridge level, set up approx 1.70 metres from the roof eaves and in excess of 1.0 metre from the roof hips. It would measure approx 2.70 metres width x 2.80 metres depth x 2.60 metres height. The proposed roof additions would appear visually contained within the respective roofslopes and provide a subordinate and proportionate addition to roof in respect of mass and bulk.

A visual sample of external surface materials had been forwarded and confirms the proposed use of the following materials : red clay roof tiles, white upvc fascia and soffits with back aluminium seamless guttering, soft stock red brick, red coloured Albury handing tiles, white timber finish casement style windows, bath stone lintols, cills and sling courses, sandstone patio, trowelled finish addaset resin bounded gravel and driveway path and patio edges granite setts. The above materials and finishes are considered to result in a visually sympathetic and appropriate form of development which compliments the established pattern of development on Farm Avenue.

As such, the proposed scheme is therefore considered acceptable on the grounds of character and appearance.

Impact on living conditions of future occupiers

Policy D6 (a) of the London Plan 2021 states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. D6 (f) Housing developments are required to meet the minimum standards which apply to all tenures and all residential accommodation that is self-contained. Dwellings must provide at least the minimum gross internal floor area and built-in storage area. When designing homes for more than eight bedspaces, applicants should allow approximately 10 sq.m. per extra bedspace

The proposed rebuild would result in the provision of 6 double bedrooms capable of accommodating up to 12 persons across 3 floors with a GIA of approx 456 sq.m against a minimum requirement of approx 178sq.m. This would result in a GIA of more than twice the minimum space standard required and therefore would provide an acceptable level of accommodation for the intended occupancy.

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 m² and is at least 2.15m wide.
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms would meet the above standards.

The nationally described space standard sets a minimum ceiling height of 2.30m for at least 75% of the gross internal area of the dwelling per unit.

The dwelling would exceed the above room standard.

Plans show built in storage provision of approx 20sq.m, which exceeds the minimum requirement.

Impact on the amenities of neighbours

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

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 proposed rebuild at ground floor level would project approx 3.80 metres further rear of the rear elevation at adjacent no 19 (sited to the north west) and approximately align at first floor level. The two-storey projecting rear bay window on the south-eastern rear corner of the property would be set away approx 8.60 metres from the common boundary with no 19 and only project approx 1.40 metres. The exposed flank elevation at ground floor level as seen from no 19 would be less than 4.0 metres depth thus acceptably placed within the limitations of permitted development. The proposed rebuild at ground level would project approx 1.0 metre further rear of the rear elevation at adjacent no 23 (sited to the south

east) and be set approx 1.90 further forward at first floor level.

The proposed rear dormer located within the roofslope would look out onto the rear garden similar to first floor window openings and therefore would have an oblique relationship with adjacent neighbouring rear garden amenities.

Given the above site circumstances, no undue impact is therefore likely in upon the residential amenities of nos 19 and 23 Farm Avenue in regard to loss of light and outlook.

A condition has been attached to ensure that flank openings are obscurely glazed to ensure no consequential loss of privacy, particularly to adjacent nos 19 and 23 Farm Avenue.

Tennis courts are located to the rear of the site at a distance of 20+ metres. No undue impacts upon residential amenity are likely in this case.

Arboricultural Matters and Trees

Policy G7 of the London Plan 2021 states that "Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy"

The submitted GHA Trees Tree protection plan dated December 2020 (see attached) and the Arboricultural and Planning Integration Report: 21 Farm Avenue, London, NW2 2BJ, 30th December 2020 Ref: GHA/DS/122360:20 by GHA trees arboricultural consultancy provide enough information to assess the application.

There are no TPOs and the property is located outside a conservation area.

The proposal requires the removal of G3, T4, T5, T6 and T11 of these trees T11 a Cat B tree is the most significant, a eucalyptus on the left-hand side rear boundary. This tree has been reduced in height due to the proximity of nearby houses and has no meaningful public amenity. Therefore, would not qualify for special protection.

The loss of these trees at the front and rear of the garden can be offset in the medium term with replacement tree planting.

Following additional Tree Officer recommendations, amended site layout and location plan 59-BR-4E demonstrates the following:

1. Front Boundary replacement hedge changed to Privet as this species is very much the character of London front boundary hedges
2. Gate moved over 500mm to the right to allow space for new silver birch tree to be planted and grow.
3. Privet hedges retained on right- and left-hand flank boundaries
4. Note added to drive specification to stipulate that the finish is 'porous' to allow irrigation of hedges and trees and reduce the risk of surface water flooding.

A condition has been attached to ensure that hard and soft landscaping is implemented as shown on the plan Site Layout and Location Proposals dwg no 59-P-4E.

The Tree Officer raises no further objection.

Ecology Matters

Many individual wildlife species receive statutory protection under a range of legislative provisions. In Barnet, the main specially protected species that are likely to be encountered are bats, great crested newts, grass snakes, the common lizard and slow worms.

Para. 180 of the NPPF 2021 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The Government Circular: Biodiversity and Geological Conservation Statutory obligations and their impact within the planning system, August 2005 states that, "The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat".

Legislation dictates that any structures or place which bats use for shelter or protection are protected from damage or destruction whether occupied or not. This legislation has been incorporated into planning policies. This means that planning authorities have a legal obligation to consider whether bats are likely to be affected by a proposed development under both National Planning Policy Framework and Circular 06/2005: Biodiversity and geological conservation, Statutory obligations and their impact within the planning system and as such is a material consideration.

"Making planning decisions without due consideration of priority species is contrary to the Natural Environment and Rural Communities (NERC) Act 2006 which applies to all public organisations, including local authorities. s.40 of the Act states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under s.41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

This requirement has important implications for bat surveys as it means that, where there is a reasonable likelihood of bats being present and being affected by the development, surveys must be carried out before planning permission is considered.

A survey should be undertaken in the first instance to determine the potential for bats on site and/or the presence of bats, after which the planning authority should request that the developers commission an appropriate survey at the correct season within May to September (with two Surveys for a feature given moderate assignment) as per BCT 2016 best practice.

A preliminary bat roost assessment (PRELIMINARY ECOLOGICAL ASSESSMENT 21 FARM AVENUE, LONDON NW2 2BJ Commissioned by: Mr and Mrs A. Butt Report Number: ASW/AB_HA/062/24/2020) December 2020 has been submitted and notes the house has moderate potential for roosting bats. A Bat Emergence survey. ref

ASW/AB/010/25/2021 dated May 2021 was later forwarded and determined that 'No bat roost was found to be present during any of the bat survey visits' Therefore, further bat surveys on the buildings are not required.

The Ecology Officer has raised no further concerns, however recommended conditions to ensure biodiversity enhancement options.

Parking

The site has a PTAL of 2, indicating a poor level of accessibility by public transport. The proposal to provide a detached dwellinghouse should provide a maximum of 2 to 1.5 spaces, in line with the standards in Policy DM17. The proposed provision of 2no spaces, given the poor accessibility of the site, is considered to be acceptable.

The proposals provide cycle parking within an internal utility. This is considered to be acceptable.

Overall, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions.

Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, a condition is attached to ensure an appropriate level of reduction over Part L of the 2013 building regulations is achieved in accordance with the requirements of the London Plan.

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

5.4 Response to Public Consultation

- An uncharacteristic, unneighbourly and disproportionate form of development resulting in the overdevelopment of the site
- Loss of light and outlook
- Parking pressures
- Loss of trees

The above considerations have been addressed in the main body of the report and satisfied by way of conditions.

- Excessive noise and environmental pollution as a result of demolition works
- The Council Environmental Health Officer has been consulted and has raised no comment regarding air pollution, noise or land contamination. However, the Officer has recommended a condition and informative relating to a construction method statement.

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

This application is recommended for APPROVAL SUBJECT TO CONDITIONS.

