

**MEETING**

**PLANNING COMMITTEE C**

**DATE AND TIME**

**THURSDAY 8TH JULY, 2021**

**AT 7.00 PM**

**VENUE**

**COMMITTEE ROOMS 1 AND 2, HENDON TOWN HALL, THE BURROUGHS, LONDON  
NW4 4BQ**

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

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

Councillor Laurie Williams  
Councillor Nizza Fluss

Councillor Claire Farrier  
Councillor Linda Freedman

Councillor Nagus Narenthira

**Substitute Members**

Geof Cooke  
Nick Mearing-Smith  
Julian Teare

Eva Greenspan  
Alison Moore

Jennifer Grocock  
Barry Rawlings

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

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [planning.committees@barnet.gov.uk](mailto:planning.committees@barnet.gov.uk)

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 8
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.	21/1211/FUL - Telecommunications Mast GLN7363 Totteridge Village London (Totteridge)	9 - 18
7.	21/0730/FUL - Thatcham Court High Road London N20 9QU (Oakleigh)	19 - 44
8.	20/5818/FUL - Meadow Works Great North Road Barnet EN5 1AU (Oakleigh)	45 - 78
9.	21/1112/HSE - 21 Haslemere Avenue London NW4 2PU (West Hendon)	79 - 86
10.	21/0671/ADV - Burroughs Into Church Road And Along Brent Street London NW4 4BQ (Hendon)	87 - 94
11.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee C

27 May 2021

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier  
Councillor Linda Freedman  
Councillor Julian Teare (sub  
for Councillor Fluss)

Councillor Nagus Narenthira  
Councillor Laurie Williams

Apologies for Absence

Councillor Nizza Fluss

### 1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting, explaining the covid secure procedures.

The Chairman also pointed out that 18 Cotswold Gardens had been withdrawn from the agenda, due to one of the speakers not being given sufficient notice of their right to speak.

### 2. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 13 April 2021 be agreed as a correct record.

### 3. ABSENCE OF MEMBERS

Councillor Fluss, with Councillor Teare acting as substitute.

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

None.

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

None.

### 6. ADDENDUM (IF APPLICABLE)

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

**7. 24 - 26 ARCADIA AVENUE LONDON N3 2JU (FINCHLEY CHURCH END)**

Councillor Williams was unable to vote or partake in this item, due to not being present at the beginning.

The Committee received the report.

Representations were heard from Tomas Piaskowski (objector), Lee Manning (objector) and the agent.

The objectors sought permission to hand papers round the table, but this was denied due to covid protocols.

The Committee voted on the recommendation to approve the report:

For	6
Against	0
Abstained	0
Unable to vote	1

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

**8. TREES AUSTELL GARDENS LONDON NW7 4NS (MILL HILL)**

The Committee received the report.

Representations were heard from Lyndsey Brand and the agent.

The Committee voted on the recommendation to approve the application:

For	7
Against	0
Abstained	0

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

**9. 18 COTSWOLD GARDENS LONDON NW2 1QU (GOLDERS GREEN)**

Withdrawn.

**10. 1 & 7 STATION ROAD LONDON NW4 4FA (WEST HENDON)**

The Committee received the report.

A representation was heard from the applicant.

The Committee voted on the recommendation to approve the application:

For	7
Against	0
Abstained	0

**RESOLVED** that the application be approved, subject to s106 planning obligations, the conditions detailed in the report, the addendum AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

None.

The meeting finished at 8.10pm

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**Location** **Telecommunications Mast GLN7363 Totteridge Village London**

**Reference:** **21/1211/FUL** Received: 4th March 2021  
Accepted: 5th March 2021

Ward: Totteridge Expiry 30th April 2021

**Case Officer:** **Jacinta Naicker**

Applicant: NA

Proposal: Removal and replacement of 1No. BTS3900A cabinet (600 x 480 x 700mm) with 1No. Porter cabinet (1450 x 650 x 1452mm), and ancillary development thereto

AGENDA ITEM 6

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Drawing Title - 002 Site Location Plan - Issue A - dated 10/12/2020  
Drawing Title - 100 Existing Site Plan - Issue A - dated 10/12/2020  
Drawing Title - 150 Proposed Site Plan - Issue A - dated 10/12/2020  
Drawing Title - 200 Existing Site Elevation A - Issue A - dated 10/12/2020  
Drawing Title - 250 Proposed Site Elevation A - Issue A - dated 10/12/2020

Report - Design and Access Statement - Ref: 14729/BNT098/RD - prepared by Avison Young - dated 02/02/2021

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 Prior to its installation, details of the painted colour of the lattice tower and all ground based equipment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the surrounding Green Belt.

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

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

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

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

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

application advice service is also offered.

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to Totteridge Village, and falls within the ward of Totteridge.

The site resides within the Totteridge conservation area (article 2(3) land).

### **2. Site History**

Reference: 21/1164/LIC

Address: Totteridge Village, London

Description: The installation of 1no. GPS unit and ancillary development thereto

Decision: Not Exempt

Decision Date: 24/03/2021

### **3. Proposal**

The applicant seeks planning permission to remove and replace existing telecommunications cabinets.

The existing cabinet measures approximately 600mm (height) x 480mm (depth) x 700mm (length) with a new EE Porter Cabinet measuring 1450mm (height) x 650mm (depth) x 1452mm (length).

The proposal will also result in the addition of a GPS Node on the existing lamp post.

### **4. Public Consultation**

Consultation letters were sent to 12 neighbouring properties, with 11 responses received in objection to the application.

The matters addressed in these objections are summarised below:

- Concerns regarding the visual impact of the proposed telecommunications equipment;
- Concerns regarding the potential adverse impacts on a listed building/conservation

area;

- Concerns regarding consistency with local, regional and strategic planning policies;
- Concerns regarding the potential adverse effects on the natural/ecological amenity - specifically the privet hedge located behind the proposed location of the telecommunications equipment;
- Concerns regarding the potential adverse impacts on highways safety;
- Concerns regarding the design of the telecommunications equipment;
- Concerns regarding the proximity of the telecommunications equipment to residential properties; and
- Concerns regarding the size and scale of the telecommunications equipment;

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

The NPPF states that 'good design is a key aspect of sustainable development, 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM18

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

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

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

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

### **5.3 Assessment of proposals**

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Policy CS5 goes on to state that "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design". Policy DM18 seeks to ensure that the development of modern telecommunications equipment is sympathetic to Barnet's suburban townscape and countryside, with the aim of keeping telecommunications equipment to a minimum subject to the criteria set out in policy DM18. Furthermore, DM01 goes on to note that proposed development should represent high quality design to ensure that adequate daylight, privacy, and the outlook of neighbouring properties is protected.

Barnet policy DM18 states that proposals for the installation of telecommunications equipment will be permitted where it can be demonstrated that:

- i. There is no significant adverse effect on the external appearance of the building on which, or space in which, they are located;
- ii. The special character and appearance of all heritage assets are preserved or enhanced;
- ii. The possibility of sharing facilities, such as masts, cabinet boxes and satellite dishes, and erecting antennae on existing buildings or other structures has been fully explored and where practical becomes the preferred location;
- v. Technologies to miniaturise and camouflage any telecommunications apparatus have been explored;
- v. They are appropriately designed, coloured and landscaped to take account of their setting; and
- vi. There is no significant adverse impact on the visual amenities of neighbouring occupiers.

The proposal seeks to remove existing telecommunications equipment to be replaced with new equipment/cabinets to allow for improved telecommunications services. While it is acknowledged that the proposed equipment/cabinet is slightly larger than the existing equipment/cabinet it will not extend beyond the existing building line of equipment, therefore will not encroach any further into the public realm. The proposed equipment/cabinet will extend further toward the property boundary of the neighbouring residential property, however the existing hedging and fencing along this property means the property is already largely obscured from the streetscape. The proposed equipment will have no significant visual impacts on any of the surrounding properties along Totteridge Village/A5109.

The siting of the equipment is within the Totteridge Conservation Area. As discussed above, the proposed equipment/cabinet will be replacing existing telecommunications equipment/cabinet. The proposed equipment/cabinet and new GPS node to be installed on the existing mast will not significantly alter or impact the conservation values of the Totteridge Conservation Area.

The proposal utilises existing equipment/cabinets where possible and will be providing for upgrades to existing telecommunications assets which is considered to be the most

efficient siting of the equipment.

Conditions of consent requiring materiality to minimise and camouflage the proposed equipment will maintain the character of the area.

The proposed equipment/cabinet will not have any adverse impacts on the visual amenity of neighbouring occupiers as it will appear largely similar to the existing conditions of the equipment/cabinet.

Overall, it is considered the proposed removal and replacement of telecommunications equipment/cabinets will not result in noticeable changes to the area.

#### Impact of the proposal on the amenities of neighbours

Following the assessment of the wider character and amenity of the area, any potential adverse effects on neighbouring properties must be assessed. Policy DM01 notes that any proposed development must protect the amenity of neighbouring properties. As such, any potential impact on light, outlook, privacy and dominance towards directly adjoining neighbouring properties.

As discussed above, the proposal will be siting the proposed equipment/cabinets in the same location as existing equipment/cabinets. While the equipment will be increasing in size, the proposed new equipment will not encroach any further into the public realm and will appear visually similar to the existing equipment/cabinets.

For these reasons, the proposed equipment is not considered to result in any significant adverse effects on the residential amenity of neighbouring properties.

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

The application has received 11 responses in objection to the application. The matters addressed have been addressed in the report above, however for completeness they are addressed below.

Visual Amenity - the proposed telecommunications equipment has been located largely within the same area as the existing equipment and is not considered to be to dissimilar to that of the existing equipment. The proposed node to be placed on the existing lamp post will not result in any significant adverse visual amenity effects. The overall development will not have any significant adverse effects over and above that of the existing equipment on the neighbouring properties. The proposed size/scale of the equipment is considered to be appropriate and will not result in significant bulk and dominance effects on the neighbouring properties or as experienced by pedestrians. The proposed conditions with regards to the design/materiality of the equipment will ensure that the equipment will integrate well with the existing environment and will not undermine the existing character and amenity of neighbouring properties or the wider locality.

Conservation Area - the proposed telecommunications equipment will be located within the same area as existing equipment and is not considered to result in any adverse effects/impacts on the identified values of the Totteridge Conservation Area over and above that of the existing equipment. The proposed conditions with regards to the design/materiality of the equipment will ensure that the equipment will integrate well with

the existing environment and will not undermine the identified Conservation Area values.

Local, Regional, Strategic Planning Policy - the proposed telecommunications equipment has been designed to utilise existing equipment as far as practicable. The proposal does not propose new telecommunications equipment to be placed in a new location, rather it proposes for upgraded equipment to be placed within a location which already comprises of telecommunications equipment. As such, the proposed telecommunications equipment is considered to be consistent with the relevant local, regional and strategic planning policies.

Natural Amenity - the proposed telecommunications equipment will have no adverse effects on the existing planting/hedging over and above the existing equipment. The proposed conditions with regards to the design/materiality of the equipment will ensure that the equipment will integrate well with the existing environment and will not undermine the existing planting/natural amenity of the area.

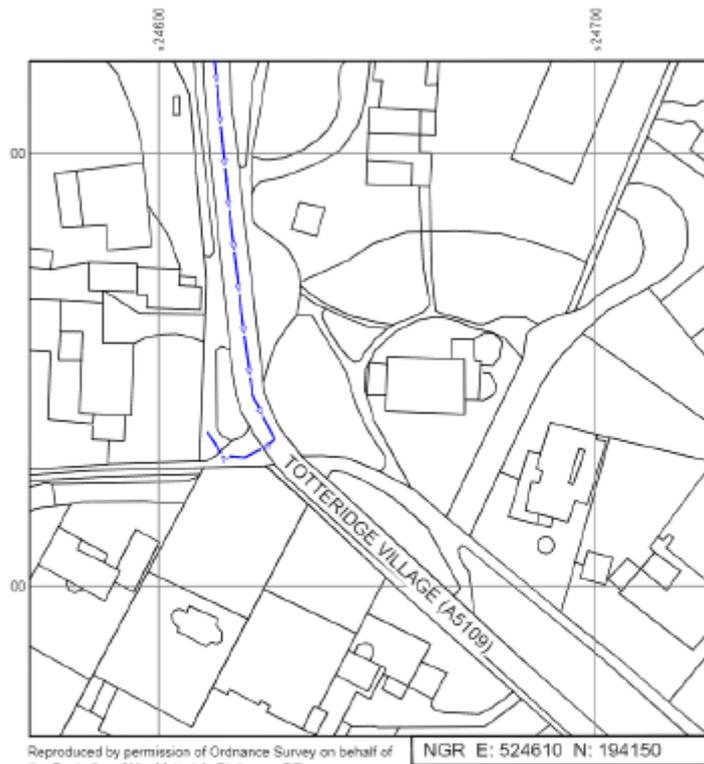
Highways - the proposed telecommunications equipment has been located within the same area as existing equipment. The proposed size and scale of the equipment will not impede highways safety.

## **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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**SITE LOCATION PLAN**



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

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

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

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

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

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

- 4 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 (ROAVR Environmental 20\_5837\_09\_27 Site: Thatcham Court, 10 High Road, London, N20 9QU report and Tree Protection Plan dwg no 20\_5837\_09\_27) approved 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.

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) 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.

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL008 - Rev. 3 submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. 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 the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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 T6 of the London Plan 2021.

- 7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 3 (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 cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T5 of the London Plan 2021.

- 8 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 (2021).

- 9 Prior to occupation of the development, details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 Policy D7 of the London Plan and the 2021

- 11 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 SI5 of the London Plan 2021.

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

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

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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 Before the any of ther flats hereby permitted are first occupied the proposed windows, above ground floor level, in the flank elevations 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).

- 15 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).

- 16 The residential units hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

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

- 1 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any

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

- 2 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.
- 3 Informative: The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 4 The applicant is advised that High Road (A1000 - the whole length) is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 5 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.
- 6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be

eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please visit

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the eastern side of the High Road, between the junctions with Buckingham Avenue and Thatcham Gardens, and is occupied by a three/four storey block of 31 residential flats. The flats are set on a landscaped plot which includes some mature trees, and a row of lock up garages and an amenity area are located to the rear. These ancillary facilities are accessed from Buckingham Avenue. The immediate area is residential in character and the rear of the site abuts dwellings on Thatcham Gardens and Buckingham Avenue. The blocks are finished in brick with uPVC windows. There are blocks of flats opposite the site, and the wider areas also contains flat complexes. Thatcham Court is approximately 200m to the north of Whetstone Town Centre, and a parade of shops is located opposite, across the road entrance to Buckingham Avenue.

### **2. Site History**

Reference: 20/4703/FUL

Address: Thatcham Court, High Road, London, N20 9QU

Decision: Refuse permission

Decision Date: 02.12.2020

Description: Demolition of existing bin and general store and construction of a four storey building providing 3no self-contained flats. Associated parking, cycle store and refuse and recycling store

Reason for Refusal:

1.The proposed development, by reason of the contrasting material finish, colour and visual appearance would have a discordant and would not relate sympathetically with the host building, resulting in a scheme which would be visually jarring, causing harm to the character

and appearance of the existing building which would be out of keeping and detrimental to the character and appearance of the site and the wider locality. As such would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

### **3. Proposal**

This is a revised application following the refusal of consent for application 20/4703/FUL (as above). The development description for that application, as recorded within the Delegated Report, was;

*... "The applicant seeks consent to construct a new residential block, 50mm from the existing structure, adjacent to the entrance to the lock up garages and amenity area on the Buckingham Avenue frontage, effectively demolishing a single storey refuse storage area, and replacing it with a four-storey building.*

The new build would appear as an extension to the existing, albeit retaining a small gap between flank elevations. It would include an entrance hall and ancillary facilities within the ground floor, including cycle and refuse storage areas. Three 1 No. bedroom flats would be developed on the upper floors - one per floor, with the same layouts replicated on each level. The extension would be finished in light buff facing brick with balcony areas to the front, feature brick detailing and a matching flat roof. The building would have a maximum depth of 12.5m and a maximum width of 7.0m.

3 parking spaces would be provided to the front of the extension, replacing an existing grassed area and removing some vegetation. The front elevation would extend beyond the existing adjacent front elevation of the flats"...

This application differs in that the material finish has been altered from the original 'light buff facing bricks with a Flemish bond pattern' to a 'red blend facing bricks with a running bond pattern. The feature brick header offset pattern to the front elevation has been replaced with a feature of green glazed bricks to all elevations.

The same number and layout of units would be provided, with ancillary facilities on the ground floor, and 3 parking spaces, would once again be provided. Balcony areas would once again be provided to the front elevation.

Therefore, the only significant change would be the new materials finish to the structure.

### **4. Public Consultation**

Consultation letters were sent to 120 neighbouring properties. 33 responses were received comprising 33 letters of objection. The responses received can be summarised as follows:

- Concern about disruption and disturbance particularly during the construction phase
- The proposed scheme would result in an over-development of the site.
- Concern about loss of open space. Green space around the building for the benefit of residents will be lost.
- Concern about loss of area to dry linen and loss of expenditure by residents in upgrading/maintaining the area.
- Concern about increased parking, which will lead to increased parking stress in the wider area, congestion and pollution.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.
- Concern that the proposal does not differ from the refused scheme.
- Concern about the noise and disruption during the construction phase.
- Loss of light to adjoining garden on Buckingham Avenue. The new proposed building would be 4 stories high and look directly into our garden and house resulting in a loss of privacy.
- The space for the current bins and additional bins will cause further congestion, increase traffic and make it very difficult for refuse collecting.
- Increased pressure on local services.
- Concern the design will be out of place amongst 20th Century development, and out of keeping with Buckingham Avenue.
- The height is discordant, not sympathetic & visually jarring to the existing building of Thatcham Court & to the houses in Buckingham Ave
- The proposed scale and massing is inappropriate.
- The proposed development would not be a sustainable form of development and is a poor design. A four storey addition will appear out of place.
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area.
- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.
- Concern about impacts on the health of residents, particularly elderly residents.
- Concern this proposal will lead to waste storage issues.
- Concern about highway safety and vehicles being able to safely enter the site.
- The proposal will lead to a loss of trees and greenery.
- There is no right of access from the bin store across privately owned land belonging to one of the flats.
- Concern about access along pavements with increased parking and congestion.

A letter of objection was also received by the Rt. Hon. Theresa Villiers M.P for Chipping Barnet making the following comments;

Constituents living in Thatcham Court are contacting me with their objections to the above planning application.

Concerns they raise include;

- Loss of green space, which has proven to be particularly important during the pandemic.
- the amount of parking being provided is insufficient given the difficulties already being faced by existing residents.
- Concern that the clothes-drying area is to be demolished.
- what the developer describes as a "central courtyard" is made up of individual gardens/patios belonging under leases to individual flats and is therefore not a communal area.

Additionally, I note that a number of residents in Buckingham Avenue have objected because the proposed four storey building would overlook their properties causing a loss of privacy and also obstruct the light.

While I note from the present application that the developers have tried to address the reasons for the refusal of their previous application, I still believe that this building will look out of place with the existing building and is an overdevelopment of the site.

I would be grateful if the committee determining this application would take all my constituents' comments into consideration before reaching a decision. Please also inform the committee that I oppose the application and believe that it should be rejected.

## **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 19th February 2019) 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, CS4, CS5, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

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

## Supplementary Planning Documents

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Planning History;
- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage.

### **5.3 Assessment of Proposals**

#### Planning History

As detailed above this application follows the refusal of consent for a similar scheme under application 20/4703/FUL. Any new submission would need to overcome the previous concern which related to the design of the building. Whilst some third-party comments state that the same application has been made, a fundamental change is a change to the finished design and materials of the proposed addition. This issue, and whether officers consider an appropriate design has now been achieved, will be discussed in more detail under the character and appearance section below.

#### Principle of development

##### *Flats/Previously Developed Land*

Under the previous application the following was stated;

*"The site is occupied by Thatcham Court, an existing flat complex and the wider area also includes purpose built flat developments. As a result, flatted developments are considered to form part of the character of the area. The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan. The reuse of a previously developed site more efficiently, in close proximity to a town centre, with provides a range of services and access to public transport links, are characteristics of a proposed development with many sustainable attributes".*

It is considered that the principle of flats, and any attempt to use the site more efficiently can still be accepted. It is acknowledged that some neighbours have concern this amounts to an over-development, but officers consider the general principle to develop flats within the existing site to be acceptable.

#### *Density*

Under the previous application the following was stated;

*"The wider site is occupied by 31 residential units, this scheme would see that increase to 34. A density range of 106 units per hectare would be provided which would be above the London Plan Density Matrix for a suburban site with a PTAL rating of 2 (35-95 units per hectare), the existing density on site is 103 units per hectare so the increase is marginal. However, it is acknowledged that the density range given in the London Plan is intended as a guideline and not to be applied mechanistically, and will not form part of the New London Plan's make up. A development's impact on the character and appearance of the area, whether suitable residential units are provided, issues around neighbour amenity and parking provision are often a more key indicator of appropriateness with a proposed development.*

The London Plan 2021 has now been adopted and density ranges no longer apply. As previously discussed design, amenity, parking provision and how a proposal can successfully assimilate within a setting are often better indicators of appropriateness with new development.

Policy GG2 states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

"proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling"

and;

"apply a design-led approach to determine the optimum development capacity of sites "

The site is close to the town centre and the range of goods and a services on offer and there are public transport links which make the site sustainable, and suitable to explore the potential to increase density. Whilst it is accepted local residents and occupants of the existing complex have raised a number of concerns, it is considered the principle of increasing the density can be accepted and tested against other policy requirements, to ascertain if a suitable development could be accommodated, taken into account the comments received.

### *Unit 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" with a preference for larger family sized dwellings (3- and 4-bedroom family units). The scheme proposes only 1-bedroom 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. The site is not within a town or local centre, but is adjacent to Whetstone Town Centre, and the development on the site, and wider area does have some urban characteristics. It is accepted that there would be some constraints to providing family sized dwellings on this site in terms of parking provision, amenity space, and general amenity considerations. Site

constraints would not accommodate larger units, and the application proposed will increase the number of units on the complex, effectively increase local housing supply, and as such this mix can be accepted, given the above characteristics and the flexibility the policy allows.

### *Conclusion*

Given these positive sustainable attributes of the site, and the mixed residential nature of the immediate surroundings, it is considered that the principle of this development can be agreed, subject to all other material considerations. As discussed above, a key consideration will be how the development would assimilate within the established character of the area. This will be discussed below.

### Character and appearance

The National Planning Policy Framework 2018 (and revised version 2019) reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy DM01 seeks to preserve, protect and enhance the character of the Borough. It states amongst other priorities, that:

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

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'.

The analysis of the previous application stated the following;

*"Thatcham Court is a stand-alone purpose-built block of flats. As discussed above, the immediate area also contains flat developments and it is not considered that a scheme proposing flats would appear out of place.*

The existing built form consists of a central section facing the High Road, which is 4 storey in height, and is finished in brick with uPVC windows. Two 3 storey rear returns extend along the Buckingham Avenue and Thatcham Gardens frontages. It is notable that the Thatcham Garden frontage, extends for a much greater distance than that facing Buckingham Avenue, the shorter side being where access to the garages and rear amenity area is achieved.

There has been significant local comment in relation to the scheme, and not least from existing occupants of Thatcham Court, and one concern has been that the scheme would be a poor addition at the site. The scheme would result in the loss of an existing refuse storage building, and an area to the rear which is used by residents to dry clothes. Aesthetically the existing built form does not contribute to the overall aesthetic of the building.

One concern is that part of the landscaped grounds and some vegetation around the flats would be lost to accommodate the proposed parking spaces. The proposed development is supported by a Tree Survey which concludes the scheme does not require the removal of

any trees on the development site, and all can be retained providing precautionary measures through tree protection are taken. This could be secured by condition. The lost space would be minimal, and a well landscaped site would remain, with the building set in relief behind a grassed frontage. The three parking spaces, located adjacent to the access to the rear of the complex, would not be strikingly out of character and replacement planting could also be agreed.

The scheme proposes a four-storey development, when the overall height of the adjoining building is three-storey. As discussed above, the building does have a four-storey section to the front. The front elevation has a symmetry in that the four-storey section is flanked by the front elevation of the three storey returns. However, the addition of a four-storey element on a different elevation would not impact this and it is not considered that this step up would appear particularly discordant. It is accepted that the character along Buckingham Avenue consists of two storey, detached dwellings, but this additional would be seen in the context of Thatcham Court, and would not detract from the uniformity and settled pattern of development along this road, which is a positive attribute of the area.

As opposed to following the existing form, detailing and design of Thatcham Court, this scheme markedly proposes something different in finish and detailing. The proposed balconies are a character trait of the existing building and raise no concern, albeit the scheme proposes an exposed balcony, and the use of a different style of window to bookend the building on this elevation, the projection beyond the building line, are not considered particularly offensive, given that the general style of flat developments has advanced somewhat since Thatcham Court was developed.

Most controversially, the standard brown brick finish would not be replicated, the applicant instead favouring a light buff facing brick, a much lighter shade.

Para. 130 of the NPPF advises that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

Para. 127. States that decisions should ensure (inter alia) that developments:

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);.

It is therefore acknowledged that any approach to design will involve a balancing of allowing appropriate innovation, whilst being mindful of a need to be sympathetic to local character.

Whilst the existing building is now somewhat dated when contrasted with the more modern flat developments around the district, and further afield, it has an identifiable character, and its uniformity and well-kept landscaped setting make a mainly positive contribution to wider character. Whilst the elevation treatments do include red and brown facing bricks, the light buff will introduce another finish and would be contrasted against adjoining brown brick.

As discussed above, the scheme is essentially an extension to the existing building, and a proviso to ensure an appropriate finish, in the interests of the character of the existing building and wider area, is usually that a similar finish is used with any addition. It is considered the use of materials in this case would result in a discordant extension to the building and the new development would appear incongruous when contrasted against the

existing development. Whilst the balconies, brick detailing and contrasting windows could be justified, and the council is mindful to be unduly restrictive on design, it is considered the scheme would appear out of place, causing harm to the character of the existing building and as such the wider area. As a standalone building, the scheme is well designed, but as an effective extension to an existing building it is considered, in its conflict with existing, to appear out of place.

It can therefore be concluded that the concern with the previous submission was the use of contrasting materials on an effective extension to the building. Under this submission the applicant proposes a brick which is more in keeping with the adjoining development and proposes a green glazed brick feature, referencing the existing hanging tile on the building. Once again, it is acknowledged that many local residents, and occupants of Thatcham Court, have formed the view that this extension would appear out of place. However the newly proposed materials, details of which could be secured by condition, are much more in keeping with the existing building, and the strikingly discordant relationship evident last time has been removed. Officers consider the above analysis, in terms of height, mass, setting and finishes is still relevant, with the key difference that the concern relating to materials finish has been addressed. In that respect, it is considered the new scheme could increase housing supply on the site, without causing harm to the character of the existing building, and would assimilate successfully into this setting. It is considered the previous concern has been overcome.

The council's Trees Officer has been consulted and advises that no trees will be directly impacted by the building. Three car parking spaces at the front of the building remove a small section of amenity grass and a large established privet thicket. This feature, being a shrub cannot be protected by way of TPO, however the loss of visual amenity and wildlife habitat must be compensated for with new tree and shrub planting. The submitted arboricultural report provides enough information to ensure the existing trees will not be harmed, if fully implemented. Landscaping to the front of the building can provide replacement planting to help soften the visual massing of the proposal and offset the loss of the shrubs, and this could include new tree planting. There is no objection subject to tree protection condition and a condition agreeing details of hard and soft landscaping.

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

The analysis under the previous application stated the following;

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

*The scheme would remain flush along the existing rear elevation and would not materially impact on rear facing windows or lead to excessive overshadowing or loss of daylight/sunlight. Whilst there are rear amenity areas, an existing scenario is that they are surrounded by third party residential units and the new development would not materially change this existing scenario.*

The scheme will project 2.0m beyond the existing front elevation, though it would be set off the corner of the building by 1.6m. This ensures that adjoining windows would receive an adequate supply of daylight/sunlight, which would remain relatively unaffected by this development. Concern has been raised that the proposed balcony areas could give rise to a loss of privacy to adjoining windows, but the balconies are set at an angle and would not

result in a loss of amenity to adjoining residents. Suitable screening could further protect existing amenity levels.

The site is adjoined to the rear by No.2 Buckingham Avenue. However the new addition retains an adequate separation distance to the common boundary of 13.0m, and loss of amenity would not be a concern.

Neighbours in Thatcham Gardens have also raised concern in relation to impact on amenity, but the scheme would be located 30.0m from the nearest property on the close and there would be no serious impact.

It is appreciated that the same concerns have been raised by occupants of the building and the adjoining residential properties. However officers still consider there would not be a serious impact on amenity, for the reasons outlined above. The flank of the development retains a suitable distance to No2 Buckingham Avenue, in line with policy, and the garages provide a further buffer. It is not considered there would be a material impact on the amenity of residents on Buckingham Avenue. As discussed above, balcony areas are proposed, whilst they are set off the boundary and angled to adjoining windows, there is the potential for impact on the amenity of adjoining residents, particularly through the outside use of balconies close to habitable room windows. A condition agreeing a form of screening between the windows and the balcony areas would reduce this impact to an acceptable level and is considered reasonable and necessary to apply.

#### Living standards for future occupiers

##### 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 11.5m<sup>2</sup> and above is calculated as a double, and a bedroom measuring 7.5m<sup>2</sup> to 11.4m<sup>2</sup> is calculated as a single.

Each of the proposed flats 1bed/2 person units would need to meet the highlighted minimum internal space standards as demonstrated below:

1 Bed/2 person: London Plan requirement = 50m<sup>2</sup> - 55 sq. m provided.

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

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

All proposed double bedrooms would meet the above 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. None of the flats would be single aspect north-facing.

#### 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 5m<sup>2</sup> per habitable room. A room measuring 20m<sup>2</sup> or more is calculated as two habitable rooms.

The proposed units are all served by individual balcony areas. This will provide 2.5m of private amenity space, each unit would require a provision of 10 sq. m per unit (30 sq. m in total). Officers are content that some area of private amenity space would be provided, particularly important and brought into sharp focus during the recent pandemic. There is also access to public amenity space in the wider locality, and the town centre and public transport links to other areas of public amenity provision, are also close by providing other options. Thatcham Court is set in a landscaped plot, which in itself could act as ancillary communal open space for all residents. The council can also consider a s106 contribution equivalent to the shortfall to upgrade existing local public amenity provision, but it is considered that the combination of above would ensure a suitable provision.

#### Accessibility:

The proposed development will have to be designed to comply with M4(2) standards. This could be secured via condition.

#### Highways

The site is located on the northern side of the T-junction between High Road (A1000) and Buckingham Avenue, N20. A1000 forms part of the Strategic Road Network (SRN) maintained by Highways England (HE). It is occupied by a single-storey building containing a general storage area and a bin store in relation to the existing part-three, part four storey residential building (Thatcham Court). The facilities also provide an external drying area.

The existing storage facilities are located at the courtyard which is directly accessed by a private vehicular driveway running from Buckingham Avenue, N20 to the south. Additionally, the existing driveway serves an electrical substation and a number of private garages lined up along the eastern boundary of the site.

The section of A1000 in the vicinity of the site and Buckingham Avenue are not subject to formal parking controls and waiting restrictions. However, there are Double Yellow Lines (DYLs) on the northern side of Buckingham Avenue, N20 at the T-junction preventing car vehicles from parking there at any time.

Buckingham Avenue, N20 is a predominantly residential road comprising up to two-storey detached and semi-detached residential properties, whilst there is a mix of residential,

commercial, retail and business office units on the A1000 heading south. The site lies on the edge of Whetstone Town Centre and in close proximity to local amenities and shops.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 2 which is regarded as poor accessibility. There are two Transport for London (TfL) Bus stops adjacent to and opposite the site (Buckingham Avenue and Friern Mount Drive) that are accessed by 7 bus routes (34, 234, 263, 326, 626, 634, N20). Totteridge and Whetstone London Underground station facilitating Northern Line services is located within walking distance from the site to the south.

#### DEVELOPMENT PROPOSAL:

The proposal is for the demolition of the existing storage unit to erect a four-storey building consisting of 3x1 bedroom residential flats (Use Class C3). A total of 3 off-street car parking spaces will be provided to the southern side of the building footprint in proximity to the private driveway entry.

#### Assessment of Vehicular Parking Provision:

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the proposed development would be required to provide between 0 and 3 off-street parking spaces.

Based on the PTAL rating for the site as 2 (poor accessibility), 2.4 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 3 car parking spaces on site is compliant with the residential parking requirements of DM17 policy. The London Plan would have a maximum parking requirement of 2.25 spaces and the proposal also exceeds this.

#### Vehicular Parking Layout:

The submitted vehicle tracking plan No. TR001 - Rev. A shows that each one of the three proposed car parking spaces on site can be accessed from Buckingham Avenue, N20. The car vehicles will get to the right branch of the driveway within the courtyard and reverse back into the parking spaces. It is also demonstrated that car vehicles will be able to egress the site in a forward gear. The applicant is advised that car vehicles should not reverse straight out on Buckingham Avenue, N20 as this may cause waiting and queuing of other vehicles approaching the site.

#### Cycle Parking and Storage:

According to the Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL009 - Rev. 3, the proposed cycle store will be located at the ground floor level accessed via 2 sets of doors including the main entrance. It will secure 3 long-stay cycle parking spaces which is compliant with the London Plan Cycle Parking standards. However, the applicant will need to provide design details for the cycle parking spaces, such as the types and dimensions of the stands as well as the gaps between those, and the cycle storage facility in accordance with the London Cycling Design Standards (LCDS). This information will be secured by a condition.

#### Refuse Collection Arrangements:

Drawing No. 20003-GRA-ZZ-ZZ-DR-A-PL009 - Rev. 3 shows that the proposed bin store will be located close to the northern side of the ground floor and therefore beyond 10 metres

away from public highway. The applicant is advised that a refuse collection area will need to be designated at the back of the adjacent footway where the bins will be taken to on collection days. If the refuse collection vehicles are expected to access the courtyard via the private driveway to empty the bins, the developer will need to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council in case of any damage caused on the driveway. Additionally, the access and egress of waste removal vehicles to the site's courtyard may require the construction of the vehicular crossover and the private driveway in accordance with Barnet Council's adoptable standards. Taking the above into consideration, the applicant will be requested to provide details for the refuse collection arrangements by a way of a condition.

#### Demolition, Construction Management and Logistics Plan (DCMLP):

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

#### RECOMMENDATION:

In light of the above highways recommend the application is subject to these conditions.

#### Refuse and Recycling

The applicant submission confirms the following re: waste storage;

The existing refuse strategy for Thatcham Court consists of 3 waste euro bins located within the bin store (Figure 046), which is accessed via the courtyard. Additionally, alongside the access road, there are 11 wheelie bins for recycling and 2 wheelie bins for garden waste (Figure 047). The proposed refuse strategy (Figure 048) re-provides a bin store within the ground floor which has the capacity for six 1100 litres euro bins. Access is provided to the bin store for the 3 new residential units via the main entrance. Additional access is provided for existing units of Thatcham Court via the courtyard. The proposal for the six euro bins is as follows:

- o 3 waste euro bins for existing Thatcham Court residential units
- o 1 recycling euro bin for existing Thatcham Court residential units
- o 1 waste euro bin for the 3 new residential units
- o 1 recycling euro bin for the 3 new residential units

By providing a new recycling euro bin for the existing Thatcham Court residential units within the bin store, this will allow for the wheelie bin provision alongside the access road to be reduced to 7 wheelie bins for recycling and 2 wheelie bins for garden waste.

The council's Streetscene has assessed this provision and find this approach is acceptable to meet the needs of residents.

#### Third Party Representations

Some of the third-party representations in terms of design, character, amenity, impact on neighbouring properties, over-development, quality of accommodation, parking/highway safety, refuse storage etc. have been considered within the main body of the report, and the level of public objection is acknowledged. Other issues are discussed below;

- The dwellings will be too close to an electrical sub-station and has the potential to cause serious health issues for any residents.

Some concern has been raised that the proximity of the development to the existing electrical sub-station, housed on the opposite side of the access road to the lock up garages would pose health risks to future occupants. Officers have consulted the council's Environmental Health section on this point and been advised that the main concern is from live electricity, but in this case the sub-station is enclosed within a locked ancillary store building. The electro-magnetic fields at a distance of 4.0m would have no serious impact.

- Concern about loss of area to dry linen and loss of expenditure by residents in upgrading/maintaining the area.
- Concern the proposal would impact on the rights of leaseholders by building over gardens and demolishing the bin store/drying area
- There is no right of access from the bin store across privately owned land belonging to one of the flats.

A continued concern of residents relates to the loss of the clothes drying area. Whilst acknowledging the concern, Officers previously concluded that this would be a civil, leasehold matter. Anything that relates to the development or use of land is capable of being a material planning consideration, but ordinarily disputes around property rights, covenant or leasehold agreements are not material planning considerations. The Planning System generally takes the view that these issues are capable of resolution outside the planning process, and it is difficult to envisage how a reason for refusal on this issue could be sustained. It is also difficult to conclude that a condition agreeing a replacement would meet the tests of a planning condition in terms of reasonableness, necessity and relevance to planning, when in terms of necessity the council would have to entertain refusal on this issue, should a condition not be used.

- what the developer describes as a "central courtyard" is made up of individual gardens/patios belonging under leases to individual flats and is therefore not a communal area.

The consideration of rear amenity areas has been considered in the neighbour amenity section of the report.

- Loss of green space, which has proven to be particularly important during the pandemic.
- The proposal will lead to a loss of trees and greenery.

Whilst this concern is noted, the loss of green space is very modest, further planting can be agreed by condition, and this loss must be balanced against the planning merits of the proposal which are considered in this case to outweigh the loss.

- Concern about disruption and disturbance particularly during the construction phase
- Concern about access along pavements with increased parking and congestion.
- Concern about highway safety and vehicles being able to safely enter the site.

Conditions can be used which can to some degree alleviate disturbance during the construction phase of the development. The council's Highways Officer advises that the level of parking provision associated with the development is acceptable, and it is not considered that this scheme would increase local parking stress or lead to hazardous parking.

- Concern about impacts on the health of residents, particularly elderly residents.

It is acknowledged that a number of elderly residents have raised concern with this proposal. Officers have judged the scheme on its planning merits and conclude that an acceptable development could be provided, subject to conditions. This will include conditions to manage disturbance during construction, and whilst there is sympathy with residents of the block, it is considered that disturbance can be minimised, and that a policy compliant scheme would result.

- Concern this proposal will lead to waste storage issues.

The council's Refuse section advise that the proposed waste storage arrangements are acceptable.

- Concern the design will be out of place amongst 20th Century development, and out of keeping with Buckingham Avenue.
- The height is discordant, not sympathetic & visually jarring to the existing building of Thatcham Court & to the houses in Buckingham Ave
- The proposed scale and massing is inappropriate.
- The proposed development would not be a sustainable form of development and is a poor design. A four storey addition will appear out of place.
- The proposed scheme would result in an over-development of the site

It is considered issues around design, layout, massing, character have been addressed and considered within the design/character section of this report.

- Concern about loss of daylight/sunlight to adjoining residents and its importance to health and well-being.
- The proposal will lead to a loss of privacy for adjoining flats.
- Overshadowing of adjoining garden areas.
- Concern about the noise and disruption during the construction phase.
- Loss of light to adjoining garden on Buckingham Avenue. The new proposed building would be 4 stories high and look directly into our garden and house resulting in a loss of privacy.

The concerns relating to amenity are noted, but it is considered this scheme can be accommodated without impacting excessively on existing amenity levels, as considered above.

- Increased pressure on local services.

It is not considered a refusal on this ground could be sustained, given the need for housing locally, the London Plan desire to consider increasing the density on existing sites, and the above analysis which concludes that this 3 unit extension could be accommodated on this site.

- Concern that the proposal does not differ from the refused scheme.

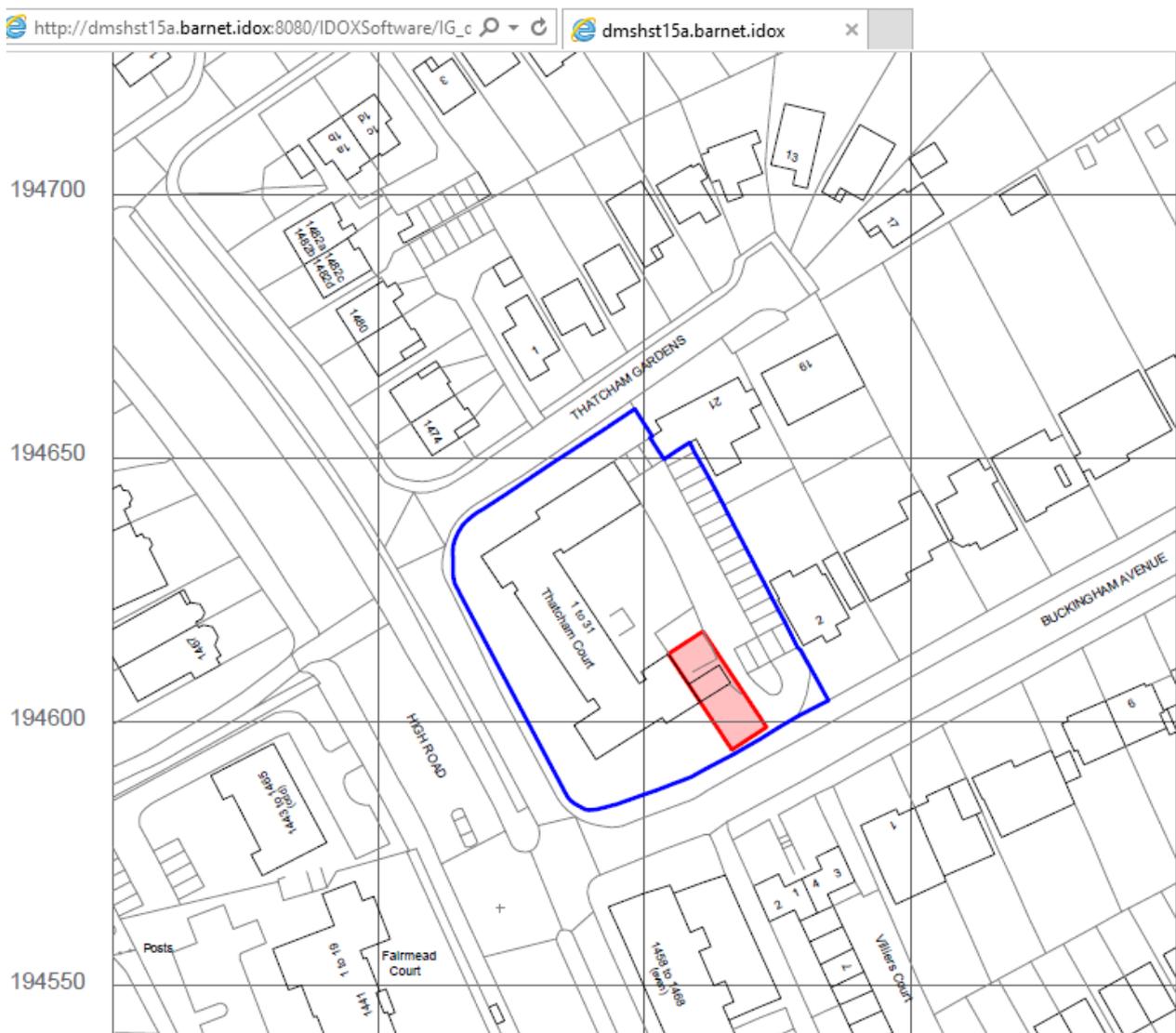
As detailed above, a fundamental difference is the materials finish, which aims to address the previous reason for refusal.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed design of the development has overcome previous concerns, and as there are no new issues to determine otherwise, it is therefore recommended consent is granted subject to conditions.





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**Location** **Meadow Works Great North Road Barnet EN5 1AU**

**Reference:** **20/5818/FUL** Received: 2nd December 2020  
Accepted: 9th December 2020

Ward: Oakleigh Expiry 3rd February 2021

**Case Officer:** **Dominic Duffin**

Applicant: Mr Stuart Morris

Proposal: Demolition of 12no. employment units and erection of eight new dwellings with associated amenity, refuse, parking and communal play area

**AGENDA ITEM 8**

**OFFICER'S RECOMMENDATION**

Approve subject to s106

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

**RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 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;

£200,000 contribution as mitigation for the loss of employment space in line with policy DM14 of the adopted Location Plan

The first instalment of £100,000 to be paid prior to commencement and

The second instalment of the £100,000 to be paid on 50% completion of the Development

## **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: and documentation

Location Plan (MW105),  
Proposed Site Plan (MW102 Rev A March 2021),  
Existing Block Plan (MW104),  
Site Sections (MW106),

Elevations - proposed- House Type A (MW108),  
Floorplans - proposed- House Type A (MW100),  
Elevations - proposed- House Type B (MW109),  
Floorplans - proposed- House Type B (MW101),

Planning, Design and Access Statement 01/12/2020  
CONSTRUCTION LOGISTICS / MANAGEMENT PLAN, November 2020, Paul Mew Associates  
Air Quality Assessment dated Nov 2020 - Ref:16-2877  
Internal Daylight Analysis Report, Nov 2020, -Ref:16-2877  
Daylight, Sunlight and Overshadowing Report dated November 2020, Ref:16-2877

Drainage Strategy/SUDS Appraisal, October 2020, Ref: 16-2877 Rev B  
Economic Statement - Woodhouse Estates  
Land Contamination Statement, October 2020, ref: 16-2877 Rev B  
Transport Statement Nov 2020 Paul Mews associates  
Building Condition Survey received 09 December 2020  
Noise Impact assessment November 2020 ref: 16-2877 Rev C  
Utilities Appraisal October 2020 ref: 16-2877

Flood Risk Assessment and Drainage Strategy January 2021 ref: 16-2877  
Preliminary Ecological Appraisal March 2021 ref: 16-2877 Rev A  
Stage 1 Road Safety Audit - Designers Response, Ref: PMA35/JAJ/RSA1, March 2021, Paul Mews Associates  
Stage 1 Road Safety Audit Report, Ref: PMA35/JAJ/RSA1, March 2021, CJ Safety Audit  
Energy Statement November 2020 Ref:16-2877  
Bat Activity Survey 2021, Amphibian, Reptile & Mammal Conservation Limited

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

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

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

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

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

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

- 4 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 D3,D4, 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 S10, S11, D13 and T7 of the London Plan (2021).

- 6 Notwithstanding the parking site layout plan submitted with the planning application, a plan showing details of the off-site highway works including relocation of lighting column, delineation of the public highway boundary and reinstatement of the footway adjacent to the site entrance shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall be required to enter into a s278 agreement with the council for any off-site highway works. This must include the reinstatement of any redundant crossovers to footway.

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

- 7 Prior to the occupation of the development, evidence that the internal road has been constructed to adoptable standards shall be submitted to the local planning authority or a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 16 (long stay) and 6 (short stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 9 Notwithstanding the parking site layout plan submitted with the planning application, prior to occupation, 10 parking spaces will be implemented as shown Drawing No MW 102 . Thereafter, 10 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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.

- 10 Before the permitted development is occupied, details of refuse storage/collection

arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved refuse storage and collection arrangements.

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

- 11 Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 2 active and 1 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T.6 of the London Plan

- 12 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 policy D4 and G7 of the London Plan 2021.

- 13 The recommended enhancements and mitigation as set out within the Syntegra March 2021 report at section 6.2, shall be implemented in full and adhered to throughout the site preparation, demolition, construction and post-implementation process, incorporated into the design, and managed in perpetuity.

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.7.

- 14 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.  
Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

Reasons: In the interest of good air quality in accordance with Policy SI.1 of the London Plan 2021.

- 15 a) 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.

b) 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

c) 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).

- 16 The scheme shall proceed in accordance with the measures outlined in the submitted Syntegra Noise Report (November 2020) and the recommendations shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 201

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy SI.1 of the London Plan 2015.

- 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 they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

- 19 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 SI5 of the London Plan 2021.

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

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

- 21 No dwelling shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens or methods to screen balcony areas adjacent to neighbouring properties, The screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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).

- 22 The development hereby approved shall not be occupied until detailed design drawings and details of construction phasing based on the principles of Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The submitted information should include the following;

1. Supporting hydraulic design calculations to correspond with the SuDS design layout; the applicant needs to carry out an assessment of the proposed drainage network during the 30-year design rainfall in accordance with the Design and Construction Guidance (March 2020) (conditioned)
2. Evidence of Thames Water agreement for rate of discharge to their system
3. SuDS maintenance programme
4. SuDS on-going maintenance responsibilities and,
5. SuDS detailed design drawings

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policy SI.13 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 October 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to secure contributions relating to loss of employment space, in order to mitigate the impact of the development. Therefore, in the absence of a Section 106 agreement, the proposal would not address the impacts of the proposed development contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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

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

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

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £\_\_ payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/](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 shall carry out a "before" and "after" condition survey of around the perimeter of the site. The "before" survey shall be submitted to the highways section 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 the highways section. 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.
- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a site which consists of part garden/part commercial land, accessed from Dale Close, a residential cul-de-sac consisting of two storey, traditional semi-detached and terrace dwellings. The immediate area around the site is predominantly residential with mainly traditional dwellings, as described above, suburban in character. The site is within the Oakleigh ward.

The commercial element of the site, which is part of the Meadow Works undesignated industrial area, consists of a mix of largely corrugated commercial units, accessed by a through road passing from Great North Road and linking with Dale Close. The buildings are in a generally dilapidated/ageing condition and are somewhat in contrast to the predominantly residential character of the area. The site is not within a conservation area and there are no nearby listed buildings. The site is within Floodzone 1 but within a Critical Drainage Area.

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

Reference: 20/0335/QCE

Proposal: The proposal is for 8 no. new build houses, incl associated roads, amenity etc The removal and relocation of 11 of the 50 existing commercial units on the wider site. 1100m2 of change of use from commercial to residential.

Decision: Advice Issued (21st September 2020).

Reference: 18/1511/FUL

Proposal: Demolition of existing buildings and redevelopment of site to provide a total of 57 self-contained flats (comprising 42x two-bed flats , 15x one-bedroom flats) within 1no. three to four storey block with basement (to front of site) and 1no. three storey block (to rear of site). Provision of 60 parking spaces and 144 cycle spaces at basement and ground floor levels. Associated amenity space, refuse/recycling storage and electricity sub-station. Access via Great North Road and Dale Close

Decision: Refused - Appeal against non-determination dismissed (21.01.20) - Appeal dismissed (21.01.2020)

Reference: B/00016/11

Proposal: Extension to the time limit for implementing outline planning permission N02856T/07 dated 25/03/08 for 'Redevelopment of site, retaining employment and A3 use with access off Great North Road, erecting nine 3-bed town houses to rear creating a separate access off Dale Close (OUTLINE).

Decision: Approved (28/12/07).

Reference: N02856T/07

Proposal: Redevelopment of site, retaining employment and A3 use with access off Great North Road, erecting nine 3-bed town houses to rear creating a separate access off dale close. (OUTLINE)

Decision: Approved (28/12/07).

### **3. Proposal**

Consent is sought to demolish 12 of the industrial units on the site and construct 8 no. new dwellings. A portion of the employment use at the site would be retained, those to the east towards Great North Road. The western side of the site, accessed from Dale Close, and including the rear portion of a number of gardens on Hillier Close., would be developed

8 no. new build houses comprising 3 no. 4 bedroom dwellings and 5 no. 3 bedroom dwellings would be provided. Each house has a private rear garden and a 3m<sup>2</sup> private front facing balcony. The following housing mix is proposed;

House type A - 112m<sup>2</sup>, 4b 6p house (3 storey).

House type B - 100m<sup>2</sup>, 3b 5p house (3 storey).

The dwellings would be 3 storey, finished with a contemporary aesthetic, and finished with London Stock brick, a rendered ground floor and zinc roof. The eaves level would be 7.5m with a ridge height of 9.0m

The site has been configured with a terrace of 3 no 4 bed houses on the West section of the site and a terrace of 5 no 3 bed houses on the East section of the site.

10 parking spaces would be provided to the front of dwellings. and a children's play area has been included in the South East corner of the site.

#### 4. Public Consultation

Consultation letters were sent to 91 neighbouring properties. 16 responses were received comprising 6 letters of objection and 9 letters of support and 1 representation. The responses received can be summarised as follows:

##### *Objection*

- Concern about the use of materials and zinc roof.
- Concern about the loss of employment space.
- The proposal will impact the amenity of residents on Wycherley Crescent and Hillier Close.
- Proposal will result in the loss of garden land.
- There is not enough parking to serve the development
- Need for Electric Charging Points.
- The proposed houses are too many, too high and above all too close to the properties of Wycherley Crescent.
- The scheme proposes eight 3-storey town houses; yet another attempt to introduce 3-storey housing into a 2-storey area, creating a precedent for further increases in the scale of buildings in this area.
- The whole scheme will create overlooking, overshadowing loss of outlook and security issues for residents of Wycherley Crescent living in proximity to Meadow Works.
- The loss of mature trees on the garden land will destroy the habitat of a variety of bird species.
- Concern about disturbance during the construction phase.
- Concern that there has been poor communication with neighbours.
- The proposed dwellings will be out of character at this location.
- Concern a right of access road is being blocked up and incorporated into the plans.
- Our property and those of neighbours will suffer direct loss of visual amenity and access to sunlight.
- Overlooking and privacy issues - three storey townhouses overlooking standard two storey houses with small private gardens.
- Security of Wycherley Crescent houses will be compromised.
- Irrespective of future promises, change of use will cause irretrievable loss of primary industrial jobs at a time when they are most needed.
- The site owners have neglected the site in order to justify redevelopment.
- Utilities such as water already is unable to cope effectively.
- Please consider the security impact of the side entrance gate to the rear of the properties, where detailed.

##### *Support*

- Welcome the provision of family homes in the area.
- Proposed employment units are of poor quality for modern business practices.
- Proposal will be of benefit to the residents of Dale Close who have witnessed amenity concerns with the existing use.
- The proposal will be much safer for the residents of Dale Close than having industrial units at the end of the road.
- Support this long-needed development of a run-down site.
- Welcome the reinstatement of Dale Close as a cul de sac.

- The application will remove a site which has become an eyesore causing high levels of noise and disturbance for neighbours.
- This new proposal is in keeping with the area and will enhance Dale Close and create a more calm and environmentally friendly street.

A letter of support was also received by the Rt. Hon. Theresa Villiers M.P for Chipping Barnet making the following comments;

I write in support of this application which I gather is also backed by the Barnet Residents' Association and the Barnet Society, although both make points about some of the design and materials for the houses which they feel could be improved in order to be more in keeping with the character of the surrounding residential properties.

I also note the points made by one resident about the need for additional parking spaces to be allocated to the new dwellings. I share the view that 10 parking spaces for eight dwellings is insufficient given that these are four bedroom family homes many of which will have two cars if not more. Perhaps these points can be considered by the planning committee?

However, for too long this site has been an eyesore and the proposal to provide eight family dwellings is to be welcomed. Additionally, the restoration of Dale Close as a cul-de-sac will be a relief to the residents who for many years have had to put up with their road being used by site traffic as access to Meadow Works.

I would be grateful if you could make the planning committee aware of my support for this application when it is determined. I believe that this proposed development will improve life significantly for Dale Close residents and I also welcome the new homes which will be provided.

A letter of support was also received from Cllr Sachin Rajput making the following comments;

I write in relation to the current planning application at Meadow Works in Oakleigh Ward which is under consideration.

I am broadly in favour of this proposal and am of the view that this will benefit the immediate locality. Residents living in Dale Close in particular who are generally affected by site traffic going through their road into the Meadow Works industrial estate will find relief from the same if the application is granted which is welcoming.

If Officers are minded to recommend this application for approval, consideration should be given to adequate screening as concerns neighbouring residents in the immediate locality.

Can Officers please kindly advise if and when this matter will be going to committee as I would like to address the committee in support of the same.

The Barnet Society supports this application;

Although we regret some loss of sunlight to, and view from, houses in Wycherley Crescent, we welcome new family homes and gardens in keeping with local townscape, and the improvement they would make to traffic, pollution, amenity and security in Dale Close.

We do, however, have a few comments:

- The choice of red zinc for the roofs is unusual for housing and could be reconsidered. Zinc

sheets do not relate to local housing styles but more to the recent undesirable industrial units on the site now being removed. The older historical Meadow Works industrial buildings have slate roofs. Relative to roof tiles or slates, zinc sheets may be more difficult for residents to maintain, and often create internal noise transmission problems when it rains unless properly sealed with acoustic insulation.

- The only exception to the generally good streetscape design are the large lounge windows on the ground floor. These will not be at all private, and will necessitate permanent internal blinds or tall external planting in the front gardens to screen living rooms from public view.
- Although there are solar cells on roofs and the Design & Access refers (on p.8) to an Energy Strategy, this is not included in the application.
- The loss of employment space is unfortunate, and the marketing and commercial report referred to in the D&A Statement (p.4) is absent. However, it appears that the units being removed were very low quality and possibly unused for some time, and the majority of the remainder of the site is being retained for employment use.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The National Planning Policy Framework (Revised 19th February 2019) 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, CS8

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM014, DM16, DM17.

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

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

### Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)
- Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)
- Planning Obligation SPD (adopted April 2013)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Impact on Trees/Ecology;
- Provision of refuse storage.

## **5.3 Assessment of Proposals**

Principle of Development at this Location:

Loss of Employment

Policy DM14 of the Local Plan advises on schemes which propose alterations to existing employment sites. Policy DM14 sets out that loss of a Class B use on such a site will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term, and a suitable period of effective marketing has been undertaken.

This application has been accompanied by a Marketing and Commercial Report by Woodhouse Estates, commissioned in October 2020. The application submission relays how the site has 49 lettable units, 12 of the units would be lost from employment use under this application, demolished, and replaced by 8 houses. It is stated that 6 of these units are unoccupied and the 5 occupied units would be rehoused or offered rehousing within the remaining industrial area. There would however be a net loss of 12 industrial units. It is stated that as of October 2020, occupancy across the whole Meadow Works site is as follows: 39 units occupied/10 units vacant.

In relation to the 12 units affected by the proposed development, the submission details that 4 units are occupied and 8 units are vacant.

There has been recent planning history at the site, this has included consent to develop this western section of the site to provide 9 No. dwellings (B/00016/11 & N02856T/07). There has also been a recent appeal determination (APP/N5090/W/18/3216659) following an appeal for non-determination of an application (18/1511/FUL) for the following development;

"Demolition of the existing buildings, change of use from B1 (light industrial), B8 (warehousing) and A3 (cafe) to C3 (residential), comprising 15 one bed flats, 42 two bed flats, 60 car parking spaces and 144 cycle parking spaces".

Under the appeal application, which was for the redevelopment of the entire Meadow Works site for residential use, the Inspector stated the following;

...."The appellant's argument is that the site is not in a location where the local employment market is focused - namely a more established industrial area, town centre or main concentration of industrial activity in proximity to the M1 - and the surrounding residential context and restricted access render the site a more isolated and lower quality industrial area. Be that as it may, a detailed financial analysis has not been presented to substantiate that the above factors would result in yields too low to support refurbishment of the somewhat dilapidated site. No marketing exercise for the employment use of the site is presented. Moreover, there is a lack of assessment of local employment needs"....

"...Given the above, the proposal would be contrary to Policy DM14 of the DMP, which, sets out that loss of a Class B use on such a site will only be permitted where it can be demonstrated that the site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term, and a suitable period of effective marketing has been undertaken"....

...."It is acknowledged that the superseded 2009 Barnet Employment Land Review recommended the site for release for alternative uses. Moreover, if sufficiently robust justification were provided for the proposed loss of employment use and floorspace on the site, a £635,068 financial contribution would be required, as calculated by the Council, based on the Barnet Delivering Skills, Employment, Enterprise and Training from Development Supplementary Planning Document (2014). The appellant has indicated that they would be willing to pay this sum, and has submitted an unsigned draft Unilateral Undertaking with this included"...

Meadow Works site provides circa 35,850 sq ft of floorspace, the proposed scheme would see the loss of 12 units by the development proposal, which combined, provide approximately 6,690sq ft of floor space, a loss of approximately 18% of the entire employment site. It is stated that 8% would relate to occupied units and existing tenants could be rehoused within the remaining site as part of a phasing of the development.

### *Marketing Campaign*

The Woodhouse Estates submission outlines that;

*"The client has consistently marketed the site through several high footfall online portals such as EG Property Link, Gumtree for the last 5 years (see Appendix 3 for adverts for the*

*last 5 years) demonstrating that the client has activity marketed the units throughout and sought tenants to fill vacant units.*

The most recent paid for advertising campaign lasted 18 weeks and produced the following results:

1. Direct email enquiries: 74
2. Viewings: 15
3. Rented units: 2

We would expect 20+ enquiries a week on average, for units of this type, so the level of interest in the local area is below average".

Of the 15 viewings, 2 units were subsequently let. Of those declined, concerns related to the quality of units, ceiling heights, lack of parking.

The Woodhouse Estates report indicates that for the previous 4 years, whilst there has generally been good levels of occupancy at the site, the proposed units for demolition (Units 38-49 inclusive) have witnessed long periods of vacancy, with some units remaining vacant for this entire period.

A Condition Survey, accompanied by photographic records has also been submitted. This record does highlight a proliferation of corrugated metal units, limited in size, with a general dilapidated and poor appearance, located to the west of the wider site.

In summary, the Woodhouse Estates report concludes;

"...

1. There has been a consistent number of vacant units over the past 5 years despite being competitively priced with ongoing marketing activity. This indicates there is a surplus supply for the amount of demand from businesses in the local area
  2. Should the proposed 12 units be removed, in the event planning is granted, the remaining number of rentable commercial units will meet local demand for this size and type of space
  3. Based on the past four years of occupancy / vacancy rates, only 8% of floor space will be lost
  4. The majority of the unoccupied units sit within the area of the site proposed for re-development; this is mainly due to their poor condition; and
  5. The 4 tenants in the part of the site affected by the proposed development will be relocated within the site as part of a phased relocation, ensuing there will be no job losses
- This report concludes that the proposed development of Meadow Works Industrial Estate will not lead to any material loss of employment opportunities in the area; however, will meet ongoing local area demand for these types of units.

The supporting text to Policy DM14 states that *"Outside Locally Significant Industrial Sites, the Industrial Business Park and the Business Locations, all employment spaces will be protected where viable to enhance Barnet's local economy and support enterprise potential.* Employment spaces are defined as Class B1, B2 and B8 under the Use Classes Order. Effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Once this can be satisfied then partial loss for residential and employment use may be permitted. The impact on local employment will be considered and re-provision, preferably of small business units will be favoured which can secure an equivalent amount of floorspace and level of employment. A financial contribution will be required for employment training where this cannot be delivered

satisfactorily on site. Further details are set out in the SPD on Contributions to Enterprise, Employment and Training".

*In addition to demonstrating a lack of viability in the short, medium and long term, proposals to redevelop employment spaces need to demonstrate why a site is no longer suitable.*

The following factors should be evidenced:

- o is the building purpose built for employment or has it been adapted?
- o does the size of the building make it suitable for small or medium enterprises (SME's)?
- o is the site or building part of a wider employment area and would the loss affect the continued operation of neighbouring uses?
- o how accessible is the site by road and public transport?
- o is the site suitable for another employment use such as office space?
- o is the existing building obsolete/not fit-for purpose to meet modern day commercial requirements.

Further to this, policy CS8 (Promoting a strong and prosperous Barnet) states that the Council will support businesses by safeguarding existing employment sites that meet the needs of modern business and encouraging development that improves the quality of existing provision.

With reference to the first consideration, the applicant has included adverts for units placed on "Gumtree" advertising units to let of varying sizes and at various prices. It is notable that it is difficult to tie any of the advertised units to the Meadow Works site, by way of an attached address or contact details. Whilst reference has been made to 74 direct email queries, none have been submitted in support of the application. The applicant has since provided further detail stating;

"When I started managing the site in Spring 2020 one of my first actions was to try and increase revenue in order to mitigate current monthly losses. Part of this strategy involved trying to increase site occupancy through additional marketing communications. Please note, my background is advertising and marketing with 15 years' experience in various sectors so felt equipped to manage this personally rather than through a third party.

Having reviewed previous communications, I felt the following was needed:

- 1) A more generic comms. approach i.e. not to focus on one specific size unit given most small businesses are unsure of exactly what space they need; both in terms of size, amenities etc.
- 2) In relation to the above point, given the visual look of the vacant units, more generic imagery would drive better initial engagement.
- 3) Focus spend on a more targeted website with strong search functionality i.e. location searches etc.

I therefore produced 3 adverts, which were posted on the commercial lettings site EG Property Link. These contained generic images and highlighted 3 different size units to showcase variety.

This paid for marketing campaign was live for 6 months and produced the following result:

- Direct email enquiries: 74
- Viewings: 15
- Rented Units: 2

Engagement in the ads was lower than I would normally expect, but I am told, higher than previous campaigns. However, unit uptake was in line with previous marketing campaigns for the site. From the above and previous results, I concluded that Meadow Works is currently meeting the immediate area's demand for the type of industrial unit the site offers; meaning we are likely to permanently run at 80% occupancy with 10 vacant units".

Under the appeal determination, the appellant made a case that the site was essentially not suitable for employment use, and was outside a more established industrial area, town centre or main concentration of industrial activity and the surrounding residential context and restricted access render the site a more isolated and lower quality industrial area. Whilst some of the marketing information submitted dates back 4 years, none was submitted at appeal to address this key consideration under Policy DM14.

It does not appear any local advertising with Letting Agents was undertaken. Woodhouse Estates, or local agents, do not appear to have been involved in any commercial marketing of the site, however the applicant points to his own marketing and some limited success in getting units let.

The evidence on marketing therefore amounts to the Woodhouse Estates submission, detailing advertising on Gumtree, with extracts from website feeds which are difficult to link to the site, but with the further information provided by the applicant and his own attempts to let the units over the last year.

The appeal determination outlined a specific concern that the site had not been effectively marketed 1 year ago (Determination date: 21st January 2020). There is some concern that no real evidence has been provided covering the last 6-9 months that demonstrate effective marketing of the site to address this concern.

The Inspector had further concern that no detailed financial analysis has not been presented to substantiate that yields would be too low to support the refurbishment of the somewhat dilapidated site and that there was a lack of assessment of local employment needs.

The submission has been supported by a Condition Survey which details that some of the units are in a poor state of repair, but there is no analysis as to whether a refurbishment could secure the long term viability of the site.

The submission indicates there would be no loss of employment as occupied units could potentially be rehoused within the retained section of the site. However, 12 units would still be lost and if there is the potential for these units to remain in viable use, this could have a material impact on local employment provision.

Some concern therefore exists that the continued use of the section of the site to be replaced by housing or employment purposes, has been given every opportunity to continue in this use.

#### *Short, Medium and Long term Viability*

The NPPF at Para 121 (Making Effective use of Land) states that;

Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

As detailed above Policy DM14 provides criteria in order to ascertain whether a site is suitable for modern employment practices (discussed below).

- o is the building purpose built for employment or has it been adapted?
- o does the size of the building make it suitable for small or medium enterprises (SME's)?

The buildings on the application site were built for employment purposes, but are now generally smaller units in relatively poor condition, and the site seems to have expanded on a relatively ad hoc basis. That is not to say that the units could not be of use to future occupants, and the wider site is relatively well occupied. Whilst smaller and medium sized occupiers could avail of the premises, it is fair to say that more modern purpose-built units would provide a more attractive proposition.

- o is the site or building part of a wider employment area and would the loss affect the continued operation of neighbouring uses?

The site is not designated for employment but as discussed above, the area for redevelopment is part of a wider site providing employment. The units on the eastern side of the site are more substantial in size, some are brick built, and the occupancy levels are higher. It is not considered the loss of the 12 units would necessarily impact the viability of the rest of the site. The continued operation of the other stand-alone businesses should be able to continue. The applicant also advises that occupiers within the units to be lost, could be rehoused within the remaining section of the site. It is not considered the loss of 18% of the site, would have a significant impact on the remaining site, and there may be some benefit in consolidating the eastern section of meadow Works for employment.

- o how accessible is the site by road and public transport?
- o is the site suitable for another employment use such as office space?

The site is not within an established industrial area, town centre or main concentration of industrial activity in proximity to the M1. The site has a PTAL rating of 3 which indicates average levels of access to public transport. 7 bus routes (307, 384, 107, 326, 234, 263 & 34) can be assessed from stops within 1-5 minutes walking distance of the site. The site could be described as entirely in accessible, although it is more isolated than some of the more established industrial areas, and the building stock is of a poorer quality and the site has limited access and ancillary facilities.

A further concern is the surrounding residential context. The site has a direct access onto Dale Close and there is no doubt that this arrangement, would not only be an impediment to redevelopment to other employment uses, but the two uses would sit uneasy together, and it is clear from representations that the B uses of the site result in levels of noise and disturbance which would not be usually the case within a residential road. The proposal would remove the road access onto Dale Close and could reinstate the cul-de-sac nature of the road.

o is the existing building obsolete/not fit-for purpose to meet modern day commercial requirements.

The applicant has submitted a Condition Survey of the premises and it is the case that the units for removal are somewhat dated and appear to be in a state of disrepair. The materials finish of corrugated steel and internal fit-out would not particularly amount to sought after premises. The application site is cramped and ancillary facilities such as parking and forecourt storage provision are limited. As discussed above, adjoining uses further restrict the site, in terms of its suitability for employment purposes.

### *Conclusion on Loss of Employment*

It is evident that previously under the 2009 Employment Land Review, the council were open to considering other uses for the site and it is considered that, particularly the western section, is an incompatible use with the adjoining residential properties. There is some concern with regards to the marketing of the units, however the above analysis concludes that the loss of 12, fairly dilapidated units, would not have a significant impact on local employment provision, and a fairly substantial employment use would remain.

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential-led mixed-use development in appropriate locations. Paragraph 118 of the NPPF advises that LPA's should give great weight to the benefits of reusing previously developed sites. The location of the proposed development on a previously developed site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

The loss of employment use and floorspace on the site, would require a financial contribution, as calculated by the Council, based on the Barnet Delivering Skills, Employment, Enterprise and Training from Development Supplementary Planning Document (2014), and this could mitigate the employment loss. On balance, it is considered the redevelopment of the site can be accepted and the loss of 12 units to residential can be accepted.

The council's Employment/Learning section has provided comment on the application. The calculated Financial Contribution requirement, for the 621SQM, Loss of Employment Floorspace is;

- That the Site's Planning Application, Section 13 confirms 621SQM of Loss of Employment Floorspace equating to 51.75 jobs.
- The required financial compensation/ contribution for this Loss of Employment Floorspace is  $£5340 * 51.75 = £276,345$

During negotiations with the council, it was agreed that whilst some of the Commercial Units; B1(c), are rentable upon the Applicant's Marketing (email dated 07/02/21), they are mostly dilapidated. There was therefore agreement to;

- o Request a Financial Contribution of £200,000 by way of a S106 agreement to be paid as follows;
- o The first instalment of £100,000 to be paid prior to commencement
- o The second instalment of the £100,000 to be paid on 50% completion of the Development

- o The Planning Application and upon undertaking our SPD-SEET tests, is not required to discharge any Employment and Skills requirements as defined with Table Part 1a

The securing of this contribution through S106 - a planning obligation - would mitigate the loss of employment floorspace in this case.

### Density

Policy D6 of the London Plan notes that schemes should optimise housing density or be refused.

The site has a PTAL Rating of 3. The predominant character of the area is residential and in that respect a housing scheme would in principle be a suitable land use given the prevailing character of the immediate environs. A density range of 40 units per hectare would be provided which is commensurate with the low-density character of the area. In any case the density range given in the London Plan has now been removed. 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.

### Unit Mix

National and London Plan (2021) 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 this 8 unit scheme is as follows;

3 no. 4 bedroom dwellings and 5 no. 3 bedroom

It can be noted that a strong provision of family sized units is provided with this scheme, indeed the entire provision is for family sized units, and this is to be welcomed.

### 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 on schemes providing 10 or more units. As the proposed development relates to 8 dwellings this requirement is not triggered.

### *Conclusion*

In light of the above, the replacement of the existing buildings with a residential scheme can be accepted subject to a contribution towards employment training, owing to the loss of the employment space. The scheme characteristics will need to comply with other material indicators in terms of the appropriate level of development that the site can sustain. Other considerations are discussed below.

## Impact on the character and appearance of the site and wider area

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

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

Context will therefore be of high importance involving a site by site assessment. With regards to the immediate surrounds, as discussed residential dwellings, suburban and traditional in design, very much predominate. The scheme would adjoin Dale Close, effectively extending this cul-de-sac, but with a separation at the access. Dwellings in Dale Close correspond with the prevailing character of the wider area in their traditional scale, form, layout and design.

The proposal would replace the existing employment units with Townhouse type dwellings with full floor space over three floors is proposed. Under the recent appeal determination, the Inspector concluded that the substantial brownfield nature of the site offered the opportunity for a more bespoke development which need not simply replicate the twentieth century suburban pattern and style found locally. Whilst a more reduced site would be developed under this application, and Dale Close's character would increase in importance, there would be no in principle issue with a more modern development, which could remain divorced from Dale Close. The change in character when entering the site from Dale Close, means that it could represent a standalone status, and there is the potential to allow a bespoke scheme which does not slavishly follow the more traditional, older properties, found locally.

Short runs of terrace, as proposed, do make up the character of the wider area. The scheme proposes a largely brick finish, with balconies to the front, and zinc cladding to the upper floor flanks and roof. The materials would provide a mix of contemporary and traditional influences, and the more traditional designs in the older residential dwellings are referenced as opposed to replicated.

The zinc roof finish is perhaps the most contentious element in the finish, but as discussed above, this scheme will provide its own streetscene, it is divorced from surrounding development somewhat, and it is not considered the introduction of contemporary elements results in a poor aesthetic. A scheme of this nature, using good quality materials, which can be secured by condition, but with a more bespoke design, raises no in principle objections. It is not considered that a replication of development on Dale Close would be entirely necessary given the site is divorced from this street.

3 storey is proposed, but as discussed above, the scheme is sufficiently divorced from Dale Close dwellings in order to avoid any poor relationship, both developments could co-exist without any undue impact on the character of the wider area.

The properties would have a shallow frontage onto the public roadway, but again on a standalone development this raises no serious concerns, private amenity space would be located to the rear. A communal amenity area and children's park is a positive trait and provides a good sized, usable, public space for occupants of any new scheme.

Garden land would also be lost with regards to the proposal in order to provide rear amenity space for the eastern 3 dwelling terrace. The council's Local Plan acknowledges the

important character role that gardens play in the suburban setting and care should be taken to ensure that this is not to the detriment of the character of the wider area. It appears that enough garden space would remain to serve the relevant properties on Hillier Close, and undue harm could be avoided in terms of character, as this space would essentially be substituted to provide gardens for the new dwellings. Shorter garden areas serving dwellings is the dominant character of Hillier Close.

#### Quality of accommodation for future occupants:

Policy DM01 of the Development Management Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance, both updated 2016) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

#### *Dwelling size:*

##### 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 11.5m<sup>2</sup> and above is calculated as a double, and a bedroom measuring 7.5m<sup>2</sup> to 11.4m<sup>2</sup> is calculated as a single.

A mix of 3 and 4 bedrooms are proposed, with the following London Plan requirements;

House type A - 4b 6p house (3 storey) London Plan requirement 112 sq m. Floor Area: 112m<sup>2</sup>

House type B - 3b 5p house (3 storey) London Plan requirement 99 sq m. Floor Area: 100m<sup>2</sup>

Based on the above, the proposed dwellings would meet the requirements of the London Plan and Barnet's Sustainable Design and Construction SPD (2016) for the relevant dwelling sizes.

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

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

All proposed bedrooms would meet the above standards.

##### Floor to ceiling height:

Policy D.6 of the London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

Each of the proposed flats would meet the above standard.

*Dwelling layout and outlook:-*

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximises the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties.

The proposed provision of dual aspect dwellings would result in a good level of outlook and the layout of the dwellings is acceptable. Although some of the ground floor windows are close to the proposed footpath/road, there is a short section of defendable space to the front, and on a cul-de-sac development it is not considered this would significantly impact on amenity.

*Amenity Space:*

External Amenity Space: Para. 2.3.1 of the SPG states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

The proposal would provide approximately 615 sq m of amenity space, approximately 490 sq m of private amenity space, and 125 sq m of public amenity space. All the proposed dwellings would benefit from private amenity space, and some would have reasonably generous rear gardens.

For houses, amenity space should be provided in the form of individual rear gardens. The requirement for dwellings is as follows;

*For Houses:*

- 40 m<sup>2</sup> of space for up to four habitable rooms
- 55 m<sup>2</sup> of space for up to five habitable rooms
- 70 m<sup>2</sup> of space for up to six habitable rooms
- 85 m<sup>2</sup> of space for up to seven or more habitable rooms

All the units would have access to at least 48 sq. m of private amenity space, garden sizes range from 48-77 sq. m. The 3 bed units would have a requirement of 55 sq. m and the 4 bed 85 sq m. Whilst some of the units would have an under-provision (3 bed 3-7 sq. m, 4 bed 10-15sq, m shortfall) this is supplemented with the public space, which is a real asset to the scheme, and this is considered a suitable provision to meet the needs of future residents of a 3- and 4-bedroom scheme. The communal amenity space and play area would ensure a good level of amenity space provision for future residents.

*Accessibility:-*

The proposed development would be required to be designed to comply with M4(2). This can be secured via condition.

### *Privacy and overlooking:-*

It is not considered there would be any potential for harmful or significant overlooking with the garden areas, they would remain usable and of benefit to future occupiers.

### *Daylight and sunlight:-*

On the basis of the proposed layout, arrangement and design of the units, in addition to the orientation of the proposed dwellings, it is considered that the proposed development would provide adequate daylight and sunlight to future occupiers.

### *Conclusions on the amenities of future occupiers:-*

It is considered that with appropriate conditions a suitable level of amenity would be provided for future occupants and this aspect of the proposal can be agreed.

### Impact on amenity of neighbouring occupiers:

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.

The proposed development retains a good separation distance to other dwellings on Dale Close, and with the flank to flank relationship there would be no serious infringement on amenity.

A Daylight/Sunlight Report has been submitted in support of the application by Syntegra. This concludes that in terms of daylight and sunlight, assessed openings on Hillier Close and Wycherley Crescent would receive suitable levels when assessed against BRE Guidelines. The submission does note some level of overshadowing of adjoining gardens in Wycherley Crescent but concludes any impact to be acceptable.

With regards to the dwellings abutting the rear gardens of the 3 block terrace, a distance of 10.0m would be retained to the common boundary with the abutting properties on Hillier Close (No.37, 39 and 41). The rear elevation to rear elevation distance would exceed 21.0m (27.0m) and given the separation distances and the fact that garden areas on Hillier Close would still remain generous, it is not considered that there would be a significant infringement on amenity. Whilst there would be some overshadowing of the rear sections of gardens, this would not cause significant impact and the scheme would not appear excessively overbearing or lead to a loss of daylight/sunlight to rear facing windows. The proposed arrangement is acceptable.

Rear Gardens on Wycherley Crescent (No.6 - 20) abut the northern boundary of the site and the side elevation of the northern most dwellings would be located close to the common boundary. Whilst the dwellings are 3 storey in height they would be located at the bottom of reasonable depth gardens, which range in depth from 13.0m - 17.0m.

Whilst there would be some overshadowing of garden areas, it is not considered that there would be a significant loss of amenity with this relationship. Overlooking of adjoining properties on Wycherley Crescent would not be a concern, rooflights are high set within the roof plane, and it is not considered the dwellings would appear excessively overbearing. It is not considered that there would be a significant loss of outlook from rear garden areas, and as discussed above, they are a reasonable depth. Whilst overshadowing of garden areas is recognised, and there would be some impact on amenity, it is considered this scheme could be implemented whilst ensuring adjoining properties did not suffer adverse impacts on amenity, to a level which would warrant refusal.

### Highways and Parking:

#### Highway Comments:

The site fronts onto Dale Close which is off Great North Road (A1000). It is not in a CPZ and it lies in an area with a PTAL score of 3 (average). 7 bus routes (307, 384, 107, 326, 234, 263 & 34) can be assessed from stops within 1-5 minutes walking distance of the site.

The proposal seeks to provide 8 new residential dwellings (5x3bed, 3x4bed). Based on Policy DM17, a maximum parking provision should be 9.5 - 13.5 spaces. The applicant proposes 10 parking spaces which is acceptable. The newly adopted London Plan standards would require a maximum of 98 parking spaces. Based on the site's PTAL of 3, the provision of 10 car parking spaces is acceptable in the view of Highways Officers. The applicant has submitted swept path drawings which show that family car can enter and exit these spaces safely. The minimum aisle width of 6.0m is also ensured. The swept path drawings also show that refuse vehicles will be able to turn around safely within the site.

However, some of the parking bays are close to the bend on Dale Close and also given that internal road will be a shared surface, a safety audit of the internal road layout is requested. It is recommended that the walkway adjacent to the parking spaces are 2.0m wide. The applicant has carried out a safety audit and submitted a revised plan reconfiguring the layout and extending the footpath from Dale Close. In order to achieve a better arrangement this results in the omission of 1 parking space. Highways accept the findings of the audit and this has been reflected Dwg No. MW102 Rev A.

Based on London Plan cycle parking standards, a minimum of 16 cycle parking spaces are required. 22 cycle parking spaces are proposed in the form of 2 long stay spaces in the rear garden of each property and 6 short stay spaces for visitors. Two of the properties have no direct access to the rear garden for cyclists. If cycle parking is to be provided in the rear garden then direct access is required. The short stay spaces are also located at the far end of the development and Highways would recommend that they are relocated to a more prominent and accessible location. The cycle parking proposals are therefore not acceptable in their current form. All long stay cycle parking must be provided in a secure, covered, lockable and enclosed compound while short stay cycle parking must be provided in a covered, secure and sheltered environment. Also, the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition is therefore recommended.

Arrangements for servicing and deliveries appear to be acceptable as lorries and larger vehicles will be able to enter and exit the site in forward gear. Also the refuse vehicles will be able to reach within 10 metres of each bin store. The location of the bin stores are acceptable. As refuse vehicles are expected to service the site, the internal access road is

unlikely to be adopted however it should be constructed to adoptable standards and evidence of this submitted to the council for approval. This can be conditioned.

Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure which equates to 2 active points and 2 passive infrastructure for future provision. Hence, a total of 4 electric vehicle charging points are required (2 active and 2 passive) in accordance with London Plan standards. The location and type of charging points to be installed are requested. This can be conditioned.

The demolition and construction logistics and management plan work has been submitted by the applicant. Officers have reviewed the plan and comment as follows:

- a) a site logistics plan is requested
- b) the maximum number of vehicle movements per day
- c) wheel washing facility is requested
- d) most direct route for construction lorries from the A1000 is recommended especially as a maximum of 4-6 daily deliveries are expected
- e) incentives to encourage workers to travel to the site by public transport
- f) details of interim community liaison officer requested
- e) appropriate signage to be displayed
- g) highway authority to be contacted for loading licences etc

An updated demolition and construction management and logistics plan is requested by way of a condition.

A "before" and "after" condition survey is requested by way of a condition.

Highways would raise no objection to the scheme subject to appropriate conditions and the application can be conditioned accordingly.

### Drainage Comments

The LLFA request a Flood Risk Assessment, as, though the site is in Floodzone 1, it is within a Critical Drainage Area. The applicant has submitted a Flood Risk assessment and the LLFA confirm no objections subject to a condition.

### Environmental Health

The Environmental Health officers have been consulted and as there has been noise and fume complaints occasionally from Meadow Works the proposed noise barrier is considered a good idea. Further detail could be agreed by condition.

Environmental Health agree with the conclusions of the Syntegra Noise and air quality report and recommend the noise mitigation proposed is conditioned.

A construction and method statement will be necessary.

All plant and machinery will need to minimise emissions by registering with the GLA NRMM website.

A contaminated land condition is recommended: part 1 is completed with the Syntegra desk top study which recommends a site investigation.

The application can be conditioned accordingly.

## Ecological Considerations

The proposal will result in the loss of some garden land and the demolition of buildings. The submission is supported by an ecological appraisal (Syntegra March 2021) and a Bat Survey (Amphibian, Reptile & Mammal Conservation Limited) These confirm no bat presence on site, and that there was no evidence of other protected species. It is considered that the information provided is sufficient to support the above application. As such, no further surveys are required.

However, 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 qualified licensed bat ecologist had been consulted and advice sought on how best to proceed legally. 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 2017 (as amended).

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

Ecological enhancements in the form of bird and bat boxes are recommended.

## Sustainability

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 10% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. The submitted Energy Statement confirms savings of at least 35%. This level of reduction is considered to comply with the requirements of Policy SI.2 of the London Plan (2021) and the 2016 Housing SPG's requirements and a condition could be attached to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with 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.

## Barnet and Mayoral Community Infrastructure Levy:

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) and is liable for charge under the Mayoral CIL.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sqm 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 sqm on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

## Section 106

As discussed above, employment contributions owing to the loss of the existing Class B use, are considered necessary and could be secured through a S106 Agreement, on any approved scheme.

### 5.4 Response to Public Consultation

- The proposal will impact the amenity of residents on Wycherley Crescent and Hillier Close.

It is considered that the scheme design, and the use of conditions, will prevent serious overlooking of adjoining plots.

- Concern about the use of materials and zinc roof.
- The scheme proposes eight 3-storey town houses; yet another attempt to introduce 3-storey housing into a 2-storey area, creating a precedent for further increases in the scale of buildings in this area.
- The proposed houses are too many, too high and above all too close to the properties of Wycherley Crescent.
- The proposed dwellings will be out of character at this location.

As discussed within the report, it is considered the proposed development will form a separate entity within the wider area, and there is scope for variation.

- Concern about the loss of employment space.
- Irrespective of future promises, change of use will cause irretrievable loss of primary industrial jobs at a time when they are most needed.

Addressed within the report, it is considered any loss of employment can be mitigated, and agreed as acceptable for the material reasons outlined above.

- Proposal will result in the loss of garden land.
- The loss of mature trees on the garden land will destroy the habitat of a variety of bird species.

Discussed within the report above. Ecological enhancements can be secured by condition, and no protected species have been found during ecological investigations.

- There is not enough parking to serve the development
- Need for Electric Charging Points.

Addressed within the highways section above.

- The whole scheme will create overlooking, overshadowing loss of outlook and security issues for residents of Wycherley Crescent living in proximity to Meadow Works.
- Our property and those of neighbours will suffer direct loss of visual amenity and access to sunlight.

- Overlooking and privacy issues - three storey townhouses overlooking standard two storey houses with small private gardens.
- Security of Wycherley Crescent houses will be compromised.
- Please consider the security impact of the side entrance gate to the rear of the properties, where detailed.

Addressed within the report. It is considered that the scheme would not significantly infringe on the amenity of adjoining occupiers. The above analysis acknowledges some impact on properties on Wycherley Crescent, but any impact would be limited.

- Concern about disturbance during the construction phase.
- Concern that there has been poor communication with neighbours.

Disturbance can be mitigated with condition. Whilst there is no requirement to consult with neighbours, third party representations outline some contact was made.

- Concern a right of access road is being blocked up and incorporated into the plans.

Any issues of right of access would be a civil matter between the parties involved. It appears access can be retained to garages at the entrance to the site.

- The site owners have neglected the site in order to justify redevelopment.

The council has nothing to substantiate that the site was deliberately neglected.

- Utilities such as water already is unable to cope effectively.

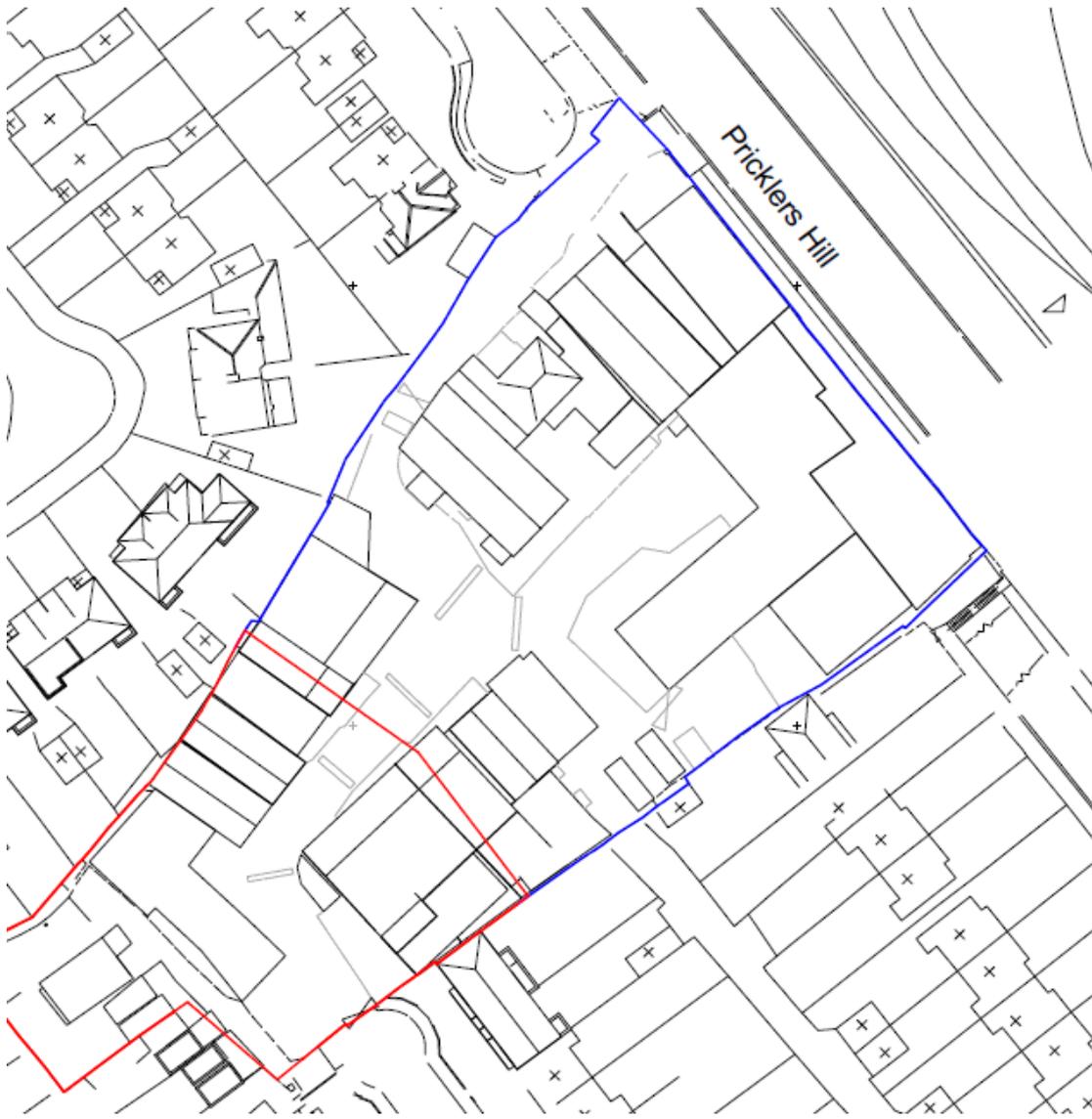
No information available to suggest that local utilities could not serve an 8 unit development.

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

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

## **7. Conclusion**

In light of the above appraisal, it is considered that the proposed development is acceptable. It is therefore recommended for approval subject to conditions and suitable legal agreement to secure contributions to mitigate the loss of employment space.



**Location** 21 Haslemere Avenue London NW4 2PU

**Reference:** 21/1112/HSE

Received: 2nd March 2021

Accepted: 2nd March 2021

**Ward:** West Hendon

Expiry: 27th April 2021

AGENDA ITEM 9

**Case Officer:** Radhika Bedi

**Applicant:** Braude

**Proposal:** Single storey rear extension with rear patio

### **OFFICER'S RECOMMENDATION**

Refuse

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

- 1 The proposed single storey rear extension by reason of its siting and excessive rearward projection would result in an incongruous and discordant addition, out of context with the established rear building line and wider pattern of development and would introduce development detrimental to the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)

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

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

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

2 The plans accompanying this application are:

Drg No GA 01 02-Rev A - Block Plan  
Drg No GA 01 01-Rev A - Site Location Plan  
Drg No GA 03 100-Rev B - Existing Ground Floor Plan  
Drg No GA 03 101-Rev B - Existing First Floor Plan  
Drg No GA 03 102-Rev B - Existing Roof Plan  
Drg No GA 05 01-Rev A - Existing North Elevation  
Drg No GA 05 02-Rev A - Existing South Elevation  
Drg No GA 05 03-Rev A - Existing West Elevation  
Drg No GA 05 04-Rev A - Existing East Elevation  
Drg No GA 03 100-Rev A - Proposed Ground Floor Plan  
Drg No GA 03 101-Rev A - Proposed First Floor Plan  
Drg No GA 03 102-Rev A - Proposed Roof Plan  
Drg No GA 05 05-Rev A - Proposed North Elevation  
Drg No GA 05 06-Rev A - Proposed South Elevation  
Drg No GA 05 07-Rev A - Proposed West Elevation  
Drg No GA 05 08-Rev A - Proposed East Elevation

## **OFFICER'S ASSESSMENT**

This application has been brought before the Committee at the request of Cllr Prager for the following reason:

*I do not believe that the proposal would be incongruous or disproportionate in character terms - which is the proposed reason for refusal*

### **1. Site Description**

The application property is a detached dwellinghouse located at 21 Haslemere Avenue, in the West Hendon ward. The application property is not listed nor located on land designated as a Conservation Area. There are no protected Trees on or adjacent to the application site.

### **2. Site History**

Reference: 20/5999/HSE  
Address: 21 Haslemere Avenue, London, NW4 2PU  
Decision: Approved subject to conditions  
Decision Date: 8 February 2021

Description: Part single, part two storey rear extension including removal of chimneys. Single storey side and front extension incorporating new front porch and bay window. Conversion of the existing garage into habitable room, insertion of window to replace the existing garage door. New side windows [AMENDED DESCRIPTION]

### **3. Proposal**

This application proposes a single storey rear extension with rear patio.

The proposed single storey rear extension would measure 4.9 metres in depth, 10.1 metres in width, with a maximum and eaves height of 3.3 metres due to the flat roof.

The patio measures as 3 metres in depth at the left-hand boundary, 1 metre at the right-hand boundary, 10.2 metres in width and 0.26 metres in height.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties;  
No objections were raised throughout the consultation period.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

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

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

## Barnet's Local Plan (2012)

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

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

Relevant Development Management Policies: DM01.

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

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

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

## Supplementary Planning Documents

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

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

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

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

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

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

## 5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- 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

### Preliminary Matters

It is noted that the previous grant of planning permission, 20/5999/HSE comprises an approved rear extension with a depth of 3.6 metres - consistent with the adjoining properties. The previous application originally proposed a rear extension of 4.9m in depth however, this was amended in response to concerns from the LPA regarding the impact to the character of the host property and surrounding area.

### Potential impacts upon 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 DM01, CS05 (both of the Barnet Local Plan) and D3 (of the 2021 London Plan) - including the advice pursuant to Policy DM01 as set out within the Residential Design Guidance SPD (2016).

The Development Plan requires that all proposals should preserve and enhance the local character of the area. The Residential Design Guidance SPD stipulates that a depth of 4 metres is normally considered acceptable for a single storey rear extension on a detached dwellinghouse, but that in any event, they should respect the proportions of the existing house, remain subordinate and should not be overly-dominant. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account.

The single storey element of this proposal would be of a maximum depth of 4.9m and thus, the proposal would not be compliant with the ordinary expectations of the guidance pursuant to Policy DM01 - resulting in a disproportionate addition of excessive depth.

With regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Although there are some properties set around the curve in the road toward the southern end of Haslemere Avenue with larger ground floor rear extensions, they compliment each other and do not form the immediate context for the host dwelling - which is otherwise consistent and forms an established rear building line.

As such, the additional depth of this proposal relative to the neighbouring properties, is considered to be of harm with regard to the character and appearance of the host property and surrounding area.

The patio, although not being set in from either boundary, is not considered to be out of character of the local area, with many neighbouring properties benefitting from an existing patio of a generous size. In addition to this, the height of the proposed patio at 0.26m would result in a limited profile and therefore would be of negligible impact in the way of character.

Both the single storey rear extension and patio would not be visible from the front, consequently resulting in no impact on the street scene.

Notwithstanding that fact, officers consider that the proposed ground floor rear extension would remain of intrinsic detriment to the established character and appearance of the host property and surrounding area for the reasons outlined.

#### Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (DM01 of the Barnet Local Plan and policies D3 and 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. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the impact of the proposal on daylight and sunlight.

The ground floor rear extension and patio are not considered to be of detrimental impact regarding either neighbouring property due to the existing single storey rear extensions on each property. As a result, the rear building line extends a maximum of 2.3 metres further than the neighbouring property's rear building line and as such, is not considered to be of unacceptable harm in the way of a loss of sunlight and outlook - being consistent with the expectations of the Residential Design Guidance SPD.

In terms of privacy, the patio is of a small nature and low height at 0.26m and therefore, adequate privacy is considered to be retained between the residents. No windows are proposed to the side elevations of the extension.

Therefore, it is considered that the extension would have an acceptable impact on the residential amenity of neighbouring occupiers.

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

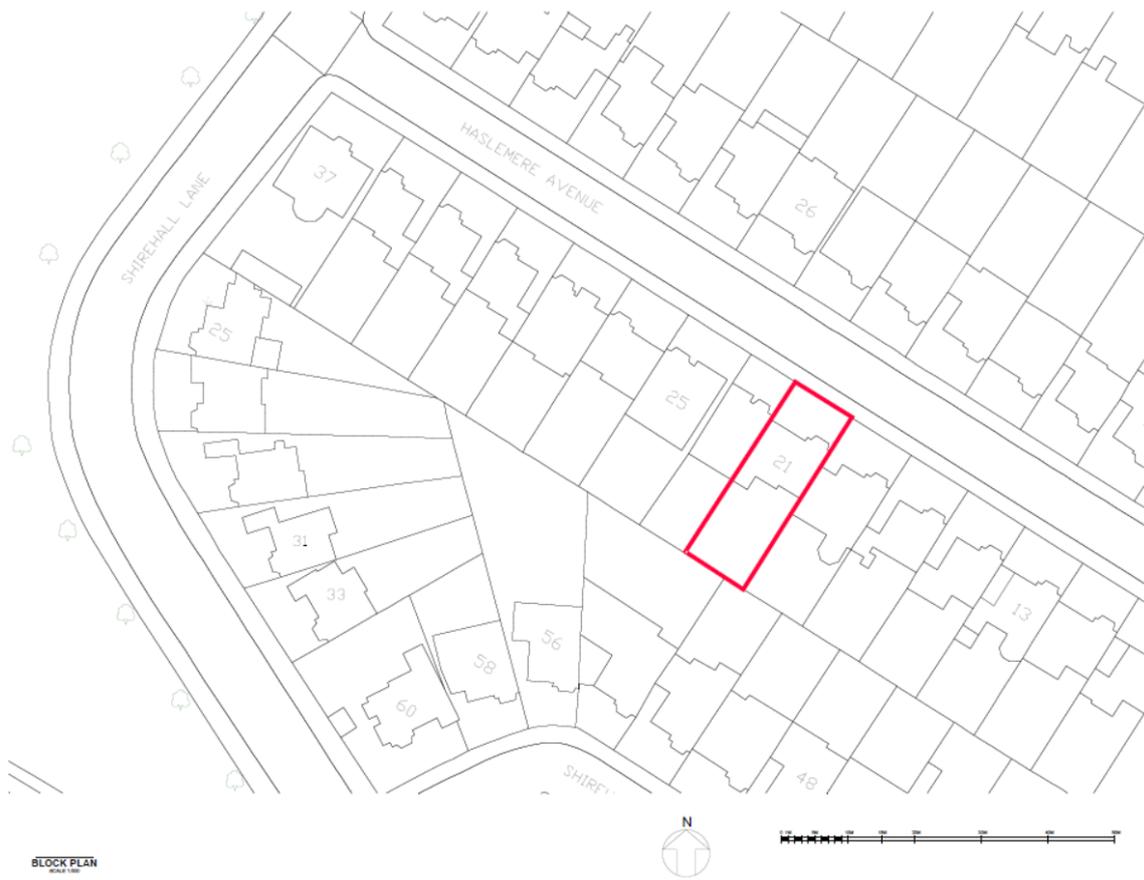
N/A

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development does not comply with the guidance and would have an unacceptable impact on the character and appearance of the application site, and locality. As such, this application is recommended for REFUSAL.



**Location** **Burroughs Into Church Road And Along Brent Street London NW4 4BQ** **AGENDA ITEM 10**

**Reference:** **21/0671/ADV** Received: 8th February 2021  
Accepted: 8th February 2021

Ward: Hendon Expiry: 5th April 2021

**Case Officer:** **Olivia Fuller**

Applicant: Miss Lizzie Miller

Proposal: Installation of up to 34no PVC lamppost banners [Amended Description]

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

Location Plan Supplied by Stanfords: Order Ref OI1441836 (uploaded 10 Jun 2021)

Banner Size/Lower Banner Arm (uploaded 08 Feb 2021)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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**

This case has been called to the Committee at the request of Cllr Fluss for the following reason:

*Due to the clutter and adverse impact it [the proposal] will have on the street scene*

### **1. Site Description**

The application site relates to several lampposts which run from the Burroughs Into Church Road and along Brent Street.

The post identified as No 19 falls within the Hendon - Church End Conservation Area. To the western end of the site, Nos 12, 13 and 14 stand opposite Listed Buildings, with No 16 outside a Locally Listed Building.

However, it should be noted that these posts already bear banners not dissimilar to those being proposed.

### **2. Relevant Planning History**

Reference: H/04381/12

Address: Middlesex University, various pavement locations on The Burroughs, London, NW4

Decision: Approved subject to conditions

Decision Date: 29 August 2013

Description: Installation of 9no. non illuminated banners on street lighting columns.

### **3. Proposal**

This proposal seeks consent for the installation of up to 34no. PVC lamppost banners and has been amended during the lifetime of the application.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m.

### **4. Consultation**

No objections were received in the lifetime of the application.

The Local Highway Authority was consulted during the lifetime of the application and raised no objection to the scheme.

The Head of Network and Infrastructure - Environment has provided the following statement pursuant to the recent tranche of applications of which this forms part:

*Bay Media are acting on behalf of the Council's Highways Team, in terms of providing one element (lamp post banner advertising) of the Councils recently adopted Advertising Policy, as already agreed by the Councils Environment Committee. This is part of the Environment Committees agreed savings targets over the next 5 year period as this agreement with Bay Media provides the Council with guaranteed annual income which ensures that the Council are achieving best value from the efficient use of existing Highway Assets.*

Bay Media have worked closely with the Planning Team in order to identify suitable sites that seek to avoid conservation areas and locations near listed buildings and therefore the applications now being considered are for less sites than originally identified as being potentially viable advertising sites within the borough. This recognises the need for sensitive deployment of commercial advertising in the borough.

It is also important to understand that these applications are looking to establish an inventory of lamp posts which could potentially be utilised for the attachment of commercial advertising banners and hence provide flexibility on available sites across the borough. There are very few occasions where we would foresee all sites being booked at the same time. The creation of an inventory of approved sites allows Bay Media flexibility to sell to clients looking for specific sites for directional purposes and is something that has worked well in other boroughs where Bay Media are operating advertising schemes, such as the neighbouring boroughs of London Borough of Harrow and the London Borough of Camden.

For this application we foresee the type of client buying the banners to be local businesses and educational institutions, who have already shown a keen interest in this format of advertising as it is the most economical advertising format available to them. In addition to the deployment of commercial advertising it is also envisaged that Bay Media will assist the Authority to utilise the same lighting columns to deploy public messaging banners and local event promotions at appropriate times. This has already occurred in respect to specific COVID messaging and for the Barnet Medieval Event where banners have been installed for the past two years along Barnet High Street and are planned again in support of this years event.

The initial concession with Bay Media is for a 5-year period and has a requirement for all campaigns and clients being vetted and approved prior to installation by an Authorised Council Officer within the Highways Team of the London Borough of Barnet. There are also standard requirements such as meeting the advertising standards/codes to avoid any inappropriate forms of advertising being displayed.

## **5. Planning Considerations**

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

#### National Planning Policy Framework

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 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

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, CS5.
- Relevant Development Management Policies: DM01, DM17.

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

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

### Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

## **5.2. Preliminary Matters**

Within the lifetime of the application, 1no. lamppost banner was removed from the proposal due to its siting in relation to 93-95 Church Road, which is designated as a listed building. It is considered that the removal of 1no. lamppost banner would not materially

alter the scheme. As such, a further consultation was not undertaken for the change of the development description from 'Installation of up to 35no PVC lamppost banners' to 'Installation of up to 34no PVC lamppost banners'.

### **5.3 Assessment**

As set out by Paragraph 132 of the NPPF, the LPA can only control the display of advertisements based on two criteria. Advertisements applications of this type can only be assessed in respect of the interests of amenity and the impact on public safety. Therefore it is important to note that any other issues cannot be a factor in the determination of such advert applications.

#### **Public Safety**

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

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

This application seeks consent for the installation of up to 34no. PVC lamppost banners.

The highways department raised no concern over the proposal in terms of the impact on the highways and public safety.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. They would not be illuminated, nor would they present moving images.

Whilst it is accepted that a majority of the advertisements would be sited in prominent locations, in close proximity to the highway, it is considered that given the static nature and siting above ground level, the proposal would not distract passing drivers or impede on pedestrian safety. The impact individually would also be comparable to the existing situation along Church Road outside of the university.

Several conditions are to be attached to permission to ensure public safety: any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public. In addition, a condition

requiring that no advertisements shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance. In terms of public safety, the proposal is considered acceptable, subject to conditions.

## **Visual Amenity**

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

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

Following a detailed review of each of the site locations, 1no. advertisement was removed from the scheme. This was due to its siting in relation to 93-95 Church Road. Concerns were raised that the advertisement would impact on the setting of the listed property.

Only one banner is situated within a designated conservation area and those along the Burroughs are opposite Listed and Locally Listed Buildings. However, these already host comparable banner advertisements and as such, their continued use is not considered to be of greater detriment to those heritage assets.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. The advertisements would be located above head height and given their scale, are not considered to adversely impact on the visual amenity of local residents.

Brent Street and Church Road form part of the Brent Street Town Centre. This is a predominantly commercial area, with numerous advertisements noted within the streetscene, mainly serving commercial premises. Given the character of the area, the proposed advertisements would not appear alien in their setting. Taking that into consideration - along with the existing advertisements - it is considered that the proposal would be in keeping with the streetscene, in compliance with Policy DM01.

Whilst it is accepted that the proposal would result in an increase in the number of advertisements within the streetscene, given the design, scale and type, it is not considered that the proposal would adversely impact upon the character and appearance of the surrounding area.

It is not considered that the proposed advertisement would generate any additional harm to the visual amenity of the local area, above and beyond the existing. The proposal is thus acceptable in this regard.

## **6. Response to public comments**

N/A

## 7. Equalities and Diversity Issues

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

## 8. Conclusion

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

