

**MEETING**

**PLANNING COMMITTEE C**

**DATE AND TIME**

**MONDAY 11TH OCTOBER, 2021**

**AT 7.00 PM**

**VENUE**

**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)

**Councillors**

Claire Farrier	Linda Freedman	Laurie Williams
Nizza Fluss	Nagus Narenthira	

**Substitute Members**

Geof Cooke	Eva Greenspan	Jennifer Grocock
Nick Mearing-Smith	Alison Moore	Barry Rawlings
Julian Teare		

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.	58 Green Lane Edgware HA8 7PX - 20/0431/HSE (Edgware)	9 - 16
7.	792 Finchley Road London NW11 7TJ - 21/1623/FUL (Garden Suburb)	17 - 28
8.	792 Finchley Road London NW11 7TJ - 21/1624/LBC (Garden Suburb)	29 - 40
9.	The Club House Highwood Hill London NW7 4ET - 21/2888/FUL (Mill Hill)	41 - 58
10.	1511 High Road London N20 9PJ - 20/3162/FUL (Oakleigh)	59 - 86
11.	Any item(s) that the Chairman decides are urgent	

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## Decisions of the Planning Committee C

2 September 2021

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier  
Councillor Nizza Fluss  
Councillor Rawlings (sub for  
Councillor Narenthira)

Councillor Linda Freedman  
Councillor Laurie Williams

Apologies for Absence

Councillor Nagus Narenthira

### 1. CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting and outlined the covid protocols.

The Chairman also explained that agenda item 6 (High Road Through Oakleigh) had been withdrawn by the applicant and agenda item 7 (Land Adjacent to 1 and 1A Booth Road) had been withdrawn by Officers.

### 2. MINUTES OF THE LAST MEETING

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

### 3. ABSENCE OF MEMBERS

Councillor Narenthira, with Councillor Rawlings attending as her 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. HIGH ROAD THROUGH OAKLEIGH LONDON N20 9BH (OAKLEIGH)

Withdrawn by applicant.

**8. LAND ADJACENT TO 1 AND 1A BOOTH ROAD LONDON NW9 5JS (COLINDALE)**

Withdrawn by Officers.

**9. CAPSTONE 9 WILLENHALL AVENUE BARNET EN5 1JN (OAKLEIGH)**

The Committee received the report.

Representations were heard from Dr Chandra Patni, Councillor Rajput and the applicant.

It was also noted that a representation had just been received from Theresa Villers MP in support of the comments received from Stuart Greenberg (in objection).

The Committee voted on the Officer recommendation to approve the application:

For	6
Against	1
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).

**10. 7 NETHERLANDS ROAD BARNET EN5 1BN (OAKLEIGH)**

The Committee received the report.

There were no speakers in attendance.

The Committee voted on the Officer 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).

**11. EXEGEN HOUSE 1 NEW BRENT STREET LONDON NW4 2DF (HENDON)**

The Committee received the report.

A representation was heard from the applicant.

The Officer recommendation was to refuse but it was moved by Councillor Sowerby and seconded by Councillor Marshall that the application be refused in accordance with reason 2 of the officer recommendation:

For (Refusal in line with Councillor Sowerby's motion)	6
Against	0
Abstained	1

**RESOLVED** that the application be refused, in line with Councillor Sowerby's motion and subject to the addendum AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended reasons for refusal as set out by Councillor Sowerby and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

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

None.

The meeting finished at 7.50pm

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**Location** 58 Green Lane Edgware HA8 7PX

**Reference:** 20/0431/HSE

Received: 27th January 2020

Accepted: 30th January 2020

**Ward:** Edgware

Expiry: 26th March 2020

AGENDA ITEM 6

**Case Officer:** Amy Lee

**Applicant:** Mr Houjhr Tu

**Proposal:** Single storey side and rear extension following conversion of the existing garage. Partial extension to first floor catslide roof. (AMENDED PLANS AND DESCRIPTION)

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

19/477/LP/01

19/477/E/01

19/477/E/02

19/477/E/03

19/477/E/04

19/477/RE/P/01 REV: B

19/477/RE/P/02 REV: B

19/477/RE/P/03 REV: B

19/477/RE/P/04 REV: B

19/477/RE/P/05 REV: B

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time above ground floor level in the side elevation of the extension hereby approved, facing No 60 Green Lane

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).

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the western side of Green Lane, consisting of a two-storey detached dwellinghouse. The host dwelling benefits from existing extensions to the rear. The area surrounding the proposed site is primarily residential, consisting of similar two-storey residential dwellings with some in the local area benefitting from various extensions.

The site is located within the Edgware ward. The site is not within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: 20/0430/HSE

Address: 58 Green Lane, Edgware, HA8 7PX

Decision: Refused

Decision Date: 26 March 2020

Description: Roof extension involving hip to gable, rear dormer window and new side gable window

Reference: 21/1096/192

Address: 58 Green Lane, Edgware, HA8 7PX

Decision: Unlawful

Decision Date: 20 April 2021

Description: Single storey rear extension. First floor side extension

### **3. Proposal**

The application seeks approval for a "Single storey side and rear extension following demolition of the existing garage".

The proposed single storey side extension infills the gap left by the removal of the single storey garage and existing rear extension. The single storey rear extension would be the full width of the existing dwellinghouse and project an additional 4 metres beyond the rear wall of the property. The proposed extension has a total depth of 13 metres and a maximum width of 11.9 metres. The proposed side extension has a height of 7.9 metres with a pitched roof and the proposed rear extension has a height of 3.6 metres with a flat roof.

The proposal stated above has been amended as asked by the LPA to reduce the overall depth of the rear extension from 4.9 metres to the recommended 4 metres as stated in the guidance for detached dwellings, The proposal has also been asked to reduce its side elevation roof height as the current proposal suggested a 7.9 metre pitched roof with a loft conversion to incorporate 2No. rooms to the first floor, the LPA have asked the applicant to reduce the roof structure to the original height meaning the proposal will cause no excess bulk, this has been amended.

## 4. Public Consultation

Consultation letters were sent to 3 neighbouring properties. 10 responses were received in relation to the proposed development. These objections have been summarised below;

- Excessive size, exceeds the general planning guidance.
- Increase traffic
- Intrusion of neighbouring privacy
- Would detract from the surrounding character of Green Lane
- Precursor to conversion to HMO

Further consultation was carried out on the application on the basis of revised plans and a revised description of development to incorporate the extension to the cat slide roof at first floor level to provide additional habitable space. Two objections were received following this round of consultation. The comments re-enforced previous objections to the scheme.

## 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.

#### 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: CS1, CS5,  
Relevant Development Management Policies: DM01

## Barnet's Local Plan (Reg 19) 2021

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

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

## Supplementary Planning Documents

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

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### 5.3 Assessment

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

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. This is compliant with policies DM01 and CS5 of the Local Plan DPD.

The Residential Design Guidance SPD states that, for detached houses, extensions with a depth of up to 4 metres are normally considered acceptable. Since the amended proposed rear depth of the extension is now 4 metres, it is considered to be in accordance with the guidance. It is also noted that the dwelling benefits from a relatively large garden. The proposed extension would not be disproportionate to the size of the plot or result in an overdevelopment of the site. It is also worth noting that there are several precedents for single storey and two storey rear extensions along Green Lane.

The proposed single storey side extension will be in line with the existing garage and will adjoin the proposed single storey rear extension which extends 4 metres from the original rear elevation. This will be surmounted by an extension of the existing catslide roof, providing a small area of additional floor space at first floor level. The ground floor of the side extension will be visible to the front scene but remains in-keeping with the character of the original dwellinghouse and does not increase the dimensions. Together with the modest addition at first floor level, the side addition is considered not to have a detrimental impact to the character of the street scene and local area.

Furthermore, the proposed replacement of the garage will not be detrimental as there are many examples on Green Lane who have converted their garages to habitable rooms; therefore, it will not detract from the character of the house or local area.

Overall, it is considered that the proposed extension would not represent a disproportionate or incongruous form of development. It would not have an adverse impact on the appearance of the host dwelling or the local character. As such, it would accord with planning policy DM01 of the Local Plan and the Residential Design Guidance SPD.

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

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

The host dwelling adjoins the neighbouring properties at No.56 Green Lane, No.60 Green Lane and No.2 Princes Close. The proposed single storey extension would protrude 4 metres beyond the rear wall of No.60 Green Lane but would have the same depth as the existing extension at No.56 Green Lane. A protrusion of this depth is in accordance with that normally considered acceptable for detached houses as per the Residential Design Guidance SPD and so is not considered to have an unacceptable impact on light and outlook to the neighbouring properties.

The addition would be approx. 13 metres away from the shared boundary with No.2 Princes Close. Given the depth and relatively low height of 3.6 metres with a flat roof, the proposed extension is similarly not considered to have an unacceptable impact on light and outlook to that property.

With regards to the side extension, there is a gap of approximately 0.2 metre to the shared boundary with the adjoining property at No 60 Green Lane. Although the depth of the proposed extension on this side is 13 metres, given the low eaves height of 2.1 metres and its siting within the boundary, it is not considered that it would be an unacceptably overbearing feature. The majority of the extension is comparable to the existing relationship and the first floor infill to the rear of the existing catslide would only slightly protrude beyond the corresponding rear elevation at No 60.

Overall, taking into account the above considerations, the proposed development is found to have an acceptable impact on the amenity of neighbouring occupiers. The development would therefore accord with planning policy including Policy DM01 of Barnet's Local Plan and the Residential Design Guidance SPD.

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

The majority of the comments submitted in objection to the proposal were with regard to the original scheme - which was deemed unacceptable at a depth of nearly 5 metres. Following the amendments to reduce the depth of the single storey rear extension, the LPA deem the proposal acceptable (as set out in the above appraisal).

Reference has been made to a potential conversion to HMO use. However, such a proposal does not form part of this proposal.

Furthermore, the comment with regard to an increase in traffic was taken into consideration however, the proposal does not alter the demand with regard to Policy DM17. Notwithstanding the conversion of the garage, the hardstanding to the front can continue to provide for the spaces required.

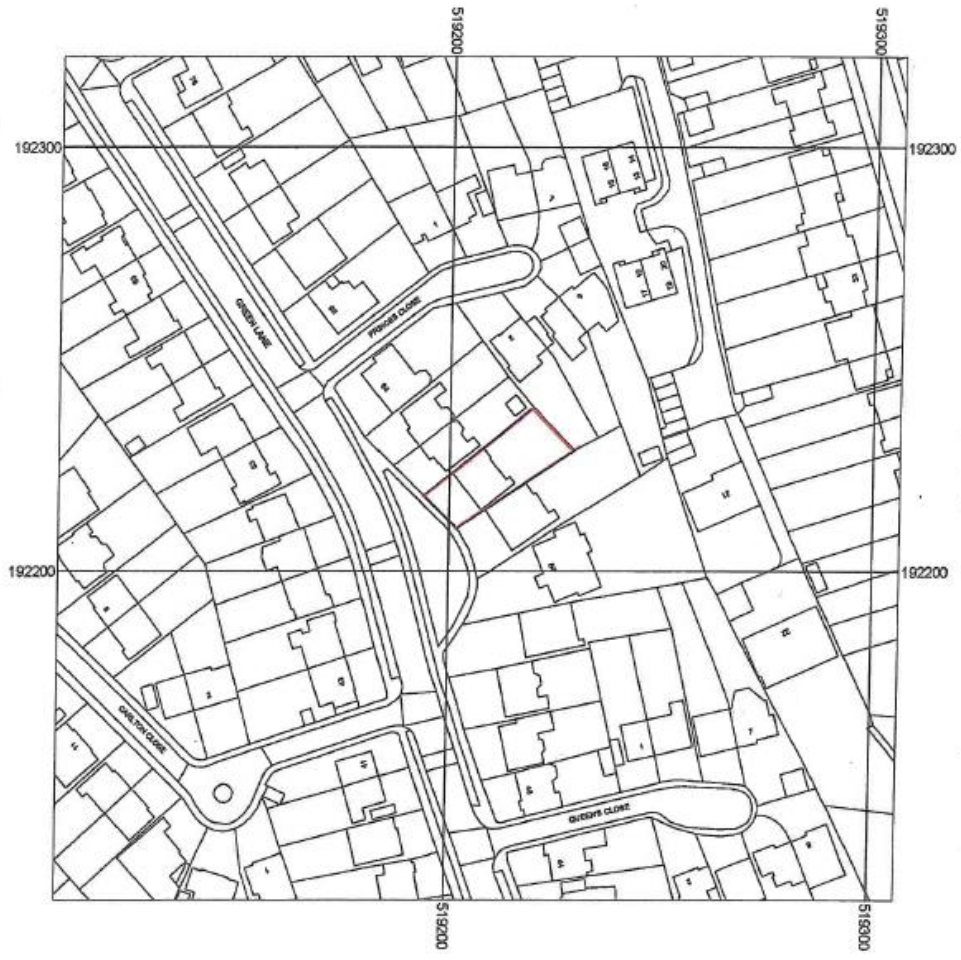
Comments have been made in respect of a corresponding application 20/0430/HSE for roof extensions. This application has since been refused.

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

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

#### **7. Conclusion**

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





**Location** 792 Finchley Road London NW11 7TJ

**Reference:** 21/1623/FUL

Received: 24th March 2021

Accepted: 26th March 2021

**Ward:** Garden Suburb

Expiry 21st May 2021

AGENDA ITEM 7

**Case Officer:** Alissa Fawcett

**Applicant:** N. Mizrachi

**Proposal:** Change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

2113-NMA-00-ZZ-DR-B-00001 Rev P1: Location Plan

2113-NMA-00-ZZ-DR-B-00005 Rev P1: Block Plan

2113-NMA-00-ZZ-DR-B-00010 Rev P2: Existing Arrangement

2113-NMA-00-ZZ-PH-B-00700 Rev P1: Existing Shopfront

2113-NMA-00-ZZ-DR-A-00010 Rev P3: Proposed Arrangement

2113-NMA-00-ZZ-DR-A-00011 Rev P2: Proposed External Seating Area

Design and Access Statement

Heritage Statement

NWV\_1 GFR: Kitchen Vent Proposal

HA Acoustics: Noise Impact Assessment

EMAQ Odour Assessment

## Nationwide Ventilation: INTROzone

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

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

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

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

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

- 4 a) The development shall be implemented in accordance with the details of extraction and ventilation as submitted and approved in the application.

b) The mitigation measures in respect of noise, vibration and odour shall be fully implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 5 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).

- 6 The outside seating area hereby permitted shall be limited to the area shown on drawing no. 2113-NMA-00-ZZ-DR-A-00011 Rev P2 and shall not be open to members of the public before 9am or after 9pm on any day.

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

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

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

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

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

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.

- 4 The flue must be installed with anti-vibration mounts.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is part of a group of terraced properties known as Arcade House. It comprises of 2 storeys with accommodation within the roof, flanked on either side by three storey front gabled projections. It is located on the north eastern side of Finchley Road within the Garden Suburb and forms part of a Primary Retail Frontage, which provides a range of commercial services and uses including retail and financial services.

Arcade House is a grade II statutory listed building with retail units at ground floor and flatted units above. This application relates to the ground floor commercial unit.

The site is also located within the Hampstead Garden Suburb Conservation Area and is subject to an Article 4 Direction.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this

central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

## **2. Site History**

Nil.

## **3. Proposal**

This application seeks consent for the change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window.

Additional odour control details were submitted during the course of the application.

The proposed hours of use are;

Monday to Thursday: 9am to 11pm

Friday: 9am to 2pm (Nov - March) and 9am to 4pm (April - October)

Saturday: Closed

Sunday: 9am to 11pm

## **4. Public Consultation**

Site notice: 06/04/2021

Press notice: 08/04/2021

133 consultation letters were sent to neighbouring properties.

13 letters of objection have been received.

The views of objectors can be summarised as follows;

- Noise disturbance
- Fumes and odour from cooking
- Disruption from deliveries
- Out of character with Conservation Area
- Hours of opening
- Enough food establishments on Finchley Road
- Increased fire risk
- Littering
- Loss of privacy
- Construction noise
- Increases in traffic
- Congestion
- Lack of parking
- Increased rubbish
- Potential for rats
- Impact on young children
- Passages blocked for residents at Arcade House
- Moped delivery people hanging about outside
- No marketing information submitted
- Where will pick up orders wait / park
- Noise and odour information submitted insufficient
- Users of garden at Temple Fortune House have suffered since A3 premises opened, how will this be prevented here.

Other / internal consultations:

Highways: No objection subject to suggested informative. The outdoor seating is on the private property frontage.

Environmental Health: No objection subject to suggested conditions and informatives, following additional acceptable information on odour control measures

The Hampstead Garden Suburb Trust have granted Provisional Consent for the proposals.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was updated in 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM11.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

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

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of Proposals**

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

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

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

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted.

This application seeks consent for the change of use to cafe and minor alterations (including signage and external seating) to the existing retail unit within the host Grade II listed building.

#### Principle of the change of use

The unit is currently a Retail Shop, that used to formerly sell clothing and is currently vacant.

Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class E.

The Use Classes Order specifies classes for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. It is noted that both the existing use A1 and proposed use A3 would fall under the new governing use class E. Under the new use class order the proposal would not constitute development and therefore such a change would not require the express approval of the LPA.



Taking into consideration all of the above, it is considered that the proposed change of use from former A1 to A3 would not have any detrimental impact to the viability and vibrancy of Temple Fortune shopping parade and is of a typical and appropriate use found within a shopping parade. Furthermore, such a change would be supported by recent changes to the Use Class Order.

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

#### External works

The external works proposed include the removal of the previous tenants lighting and awning from the front of the site; the existing shopfront will be repaired & redecorated.

New signage is proposed to the recessed area above the front door. A separate advert application for this element of the proposals will be required.

Vinyl window advertisements will be applied internally to both sides of the front windows advertising the premises, as this is not on the outside of the building and can be easily removed it does not require formal advertisement consent.

A row of external seating for 10 customers is proposed to the front of the unit, positioned 1.8m away from the existing shopfront and lining up with the existing front projection of Arcade House. Adjacent to the external pillars on the front of the site containers for refuse and recycling will be kept during business hours. All equipment will be monitored and maintained during opening hours and taken in at the end of each day.

At the rear of the site, it is proposed to install a new vent through the existing sash window. The vent will serve the internal extraction and ventilation system, which has been reviewed and assessed by the Council's Environmental Health department, who raised no objection to the details.

The external proposals to the listed building are minor in their nature, and not considered to be harmful to either the character and appearance of the host listed building, nor detrimental to the special of the Hampstead Garden Suburb Conservation Area in this town centre location.

#### Internal works

Internally the main area to remain as existing; the unit will be redecorated, and redundant services removed.

A new accessible WC & baby change unit will be provided with drainage connected to existing drainage in basement and non-slip vinyl flooring laid over the existing floor covering and coved skirtings. This is considered to be acceptable and could be removed for future occupiers.

At the rear of the unit within the preparation area, an extract system is proposed to be installed to a specialist supplier's design. The details of the noise and odour mitigation have been assessed by the Council's Environmental Health department who, subject to the additional information provided, are satisfied that the measures to reduce noise and odours.

All the back of house prep / storage / wc areas to be re-finished to Food Standards Agency

& Council requirements.

The internal proposals are not considered to harm the character and appearance of the host Grade II Statutory listed building.

#### Impact on the amenity of neighbouring occupiers

The modest external and internal alterations to the listed building are not considered to be give rise to any loss of amenity to neighbouring occupiers.

In terms of the impact on neighbours from noise from the proposed ventilation and odour system, as detailed above, the Council's Environmental Health department has both assessed the initially submitted noise details and the subsequent odour details and raises no objection to the development on these grounds.

The proposed hours of use reflect religious observance of the Jewish faith and therefore close early on Fridays and do not open at all on Saturday's. This is similar to other premises along the High Street. Other uses such as convenience shops or restaurants could be open with similar hours so this element of the proposals is not considered to give rise to any greater impact on the amenity of neighbouring occupiers in terms of noise and disturbance compared to other uses. Given the presence of flats above the shops, it is considered appropriate to limit the use of the outside seating area to no later than 9pm.

#### Impact on trees

The proposals which are to a commercial unit on the High Street and away from any vegetation will not have a detrimental impact on the health of trees.

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

The concerns raised by objectors are noted.

Any potential noise disturbance and fumes or odour from cooking are mitigated through the introduction of the internal extract and ventilation system which has been reviewed by the Council's Environmental Health department, who raise no objection to the proposals on these grounds.

It is expected that there will be some noise from deliveries, but this would be the same for any business operating on site and not specific to the proposed use.

It is not considered that the proposals are out of character with the Conservation Area; this part of the CA is part of the High Street where commercial and business premises are expected.

The proposed hours of opening are similar to other food premises along Finchley Road and could be opened for similar times if were another use within Class E.

The point raised that there are enough food establishments on Finchley Road is noted but for the reasons given above the application is considered acceptable within the current Use Class Order and the development will not harm the vitality of this part of Finchley Road.

It is not considered that the proposals give rise to any increased fire risk.

The proposals are not considered to give rise to a loss of privacy to the occupiers of the residential units on the upper floors of the building. Access into the unit is kept to the front of the site which is part of the town centre, it is not expected that customers will be accessing the residential parts of the building.

Noise from construction is expected when a premises is taken over by new occupiers. A condition specifying the hours of construction is applied to this permission.

The proposed development has been reviewed by the Council's Highways department who raise no objection to the proposals; it is not expected that the proposed development would result in significant increases to traffic or congestion in the locality. Whilst the immediate roads are subject to a CPZ, there are roads without a CPZ within walking distance and therefore it is not considered that there is a lack of parking in the surrounding area.

Concerns related to increased rubbish and the potential for rats are noted. The new premises will have bins monitored and maintained for the external seating which will be put away at the end of the day. Two bin store areas are provided within the private service road to the rear of the unit. Waste & recycling bins will be located in those areas until removed by a private waste contractor.

The proposed development is not considered to have a detrimental impact on young children.

The existing passages should not be blocked for residents at Arcade House as a result of the development.

It is now more common to see moped delivery people hanging about outside various premises which offer some sort of delivery feature. However, the presence of delivery drivers is not a material planning consideration in this case. Use of the premises as a takeaway facility would normally require planning permission.

In this instance no marketing information was required to be submitted with this application due to the change to the use Class Order in 2020 which allowed for the proposed change of use as proposed.

The comments made that the noise and odour information submitted is insufficient is noted. Additional information to address odour was submitted during the course of the application and the Council's Environmental Health department consider the development will not impact the neighbours in terms of odour.

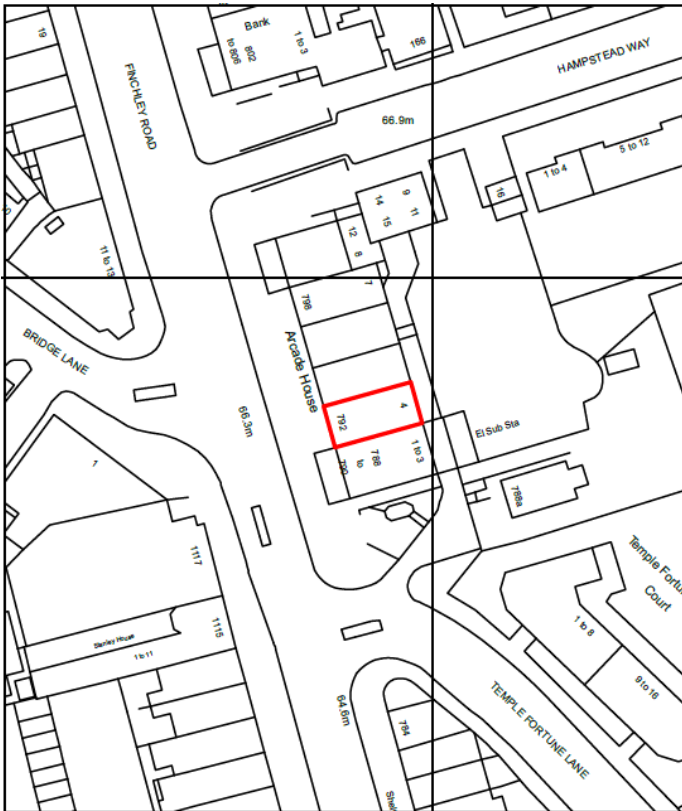
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, the proposed alterations would not

detrimentally impact on the qualities of statutory listed application property, or group of which it forms part, as well as protecting the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.



**Location** 792 Finchley Road London NW11 7TJ

**Reference:** 21/1624/LBC

Received: 24th March 2021

Accepted: 26th March 2021

**Ward:** Garden Suburb

Expiry 21st May 2021

AGENDA ITEM 8

**Case Officer:** Alissa Fawcett

**Applicant:** N. Mizrachi

**Proposal:** External alterations including new signage, external seating and new extraction system with ventilation grille to rear window

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

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

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

2113-NMA-00-ZZ-DR-B-00001 Rev P1: Location Plan

2113-NMA-00-ZZ-DR-B-00005 Rev P1: Block Plan

2113-NMA-00-ZZ-DR-B-00010 Rev P2: Existing Arrangement

2113-NMA-00-ZZ-PH-B-00700 Rev P1: Existing Shopfront

2113-NMA-00-ZZ-DR-A-00010 Rev P3: Proposed Arrangement

2113-NMA-00-ZZ-DR-A-00011 Rev P2: Proposed External Seating Area

Design and Access Statement

Heritage Statement

NWV\_1 GFR: Kitchen Vent Proposal

HA Acoustics: Noise Impact Assessment

EMAQ Odour Assessment

## Nationwide Ventilation: INTROzone

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

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

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

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

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

- 4 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).

## **Informative(s):**

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

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

- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.
- 4 The flue must be installed with anti-vibration mounts.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is part of a group of terraced properties known as (Arcade House). It comprises of 2 stories with accommodation within the roof, flanked on either side by three storey front gabled projections. 1.2 It is located on the north eastern side of Finchley Road within the Garden Suburb and forms part of a Primary Retail Frontage, which provides a range of commercial services and uses including retail and financial services.

Arcade House is a grade II statutory listed building with retail units at ground floor and flatted units above. This application relates to the ground floor commercial unit.

The site is also located within the Hampstead Garden Suburb Conservation Area and is subject to an Article 4 Direction.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees,

hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

## **2. Site History**

Nil.

## **3. Proposal**

This application seeks consent for the change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window.

Additional odour control details were submitted during the course of the application.

The proposed hours of use are;

Monday to Thursday: 9am to 11pm

Friday: 9am to 2pm (Nov - March) and 9am to 4pm (April - October)

Saturday: Closed

Sunday: 9am to 11pm

## **4. Public Consultation**

Site notice: 06/04/2021

Press notice: 08/04/2021

There is no neighbour consultation for a Listed Building application.

One objection was received to the listed building application.

Objections were received in connection with the accompanying planning application, reference: 21/1623/FUL.

The views of objectors can be summarised as follows;

- Noise disturbance
- Fumes and odour from cooking



- Disruption from deliveries
- Out of character with Conservation Area
- Hours of opening
- Enough food establishments on Finchley Road
- Increased fire risk
- Littering
- Loss of privacy
- Construction noise
- Increases in traffic
- Congestion
- Lack of parking
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- Passages blocked for residents at Arcade House
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- Where will pick up orders wait / park
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- Users of garden at Temple Fortune House have suffered since A3 premises opened, how will this be prevented here.

Other / internal consultations:

Highways: No objection subject to suggested informative.

Environmental Health: No objection subject to suggested conditions and informatives, following additional acceptable information on odour control measures

The Hampstead Garden Suburb Trust have granted Provisional Consent for the proposals.

## **5. Planning Considerations**

### **5.1 Policy Context**

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demonstrably' outweigh the benefits.

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

The main issues for consideration in this case are:

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

## **5.3 Assessment of Proposals**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the

Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

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

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

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

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

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

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

This application seeks consent for the change of use to cafe and minor alterations (including signage and external seating) to the existing retail unit within the host Grade II listed building.

Principle of the change of use

The unit is currently a Retail/Shop, that used to formerly sell clothing and is currently vacant.

Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class E.

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Taking into consideration all of the above, it is considered that the proposed change of use from former A1 to A3 would not have any detrimental impact to the viability and vibrancy of Temple Fortune shopping parade and is of a typical and appropriate use found within a shopping parade. Furthermore, such a change would be supported by recent changes to the Use Class Order.

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##### External works

The external works proposed include the removal of the previous tenants lighting and awning from the front of the site; the existing shopfront will be repaired & redecorated.

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A row of external seating for 10 customers is proposed to the front of the unit, positioned 1.8m away from the existing shopfront and lining up with the existing front projection of Arcade House. Adjacent to the external pillars on the front of the site containers for refuse and recycling will be kept during business hours. All equipment will be monitored and maintained during opening hours and taken in at the end of each day.

At the rear of the site, it is proposed to install a new vent through the existing sash window. The vent will serve the internal extraction and ventilation system, which has been reviewed and assessed by the Council's Environmental Health department, who raised no objection to the details.

The external proposals to the listed building are minor in their nature, and not considered to be harmful to either the character and appearance of the host listed building, nor detrimental to the special of the Hampstead Garden Suburb Conservation Area in this town centre location.

### Internal works

Internally the main area to remain as existing; the unit will be redecorated, and redundant services removed.

A new accessible WC & baby change unit will be provided with drainage connected to existing drainage in basement and non-slip vinyl flooring laid over the existing floor covering and coved skirtings. This is considered to be acceptable and could be removed for future occupiers.

At the rear of the unit within the preparation area, an extract system is proposed to be installed to a specialist supplier's design. The details of the noise and odour mitigation have been assessed by the Council's Environmental Health department who, subject to the additional information provided, are satisfied that the measures to reduce noise and odours.

All the back of house prep / storage / wc areas to be re-finished to Food Standards Agency & Council requirements.

The internal proposals are not considered to harm the character and appearance of the host Grade II Statutory listed building.

### Impact on the amenity of neighbouring occupiers

The modest external and internal alterations to the listed building are not considered to be give rise to any loss of amenity to neighbouring occupiers.

In terms of the impact on neighbours from noise from the proposed ventilation and odour, as detailed above, the Council's Environmental Health department has both assessed the initially submitted noise details and the subsequent odour details and raises no objection to the development on these grounds.

The proposed hours of use reflect religious observance of the Jewish faith and therefore close early on Fridays and do not open at all on Saturday's. This similar to other premises along the High Street. Other uses such as convenience shops or restaurants could be open with similar hours so this element of the proposals is not considered to give rise to any greater impact on the amenity of neighbouring occupiers in terms of noise and disturbance compared to other uses. Given the presence of flats above the shops, it is considered appropriate to limit the use of the outside seating area to no later than 9pm.

### Impact on trees

The proposals which are to a commercial unit on the High Street and away from any vegetation will not have a detrimental impact on the health of trees.

## **5.4 Response to Public Consultation**

The concerns raised by objectors are noted.

Any potential noise disturbance and fumes or odour from cooking are mitigated through the introduction of the internal extract and ventilation system which has been reviewed by the Council's Environmental Health department, who raise no objection to the proposals

on these grounds.

It is expected that there will be some noise from deliveries, but this would be the same for any business operating on site and not specific to the proposed use.

It is not considered that the proposals are out of character with Conservation Area; this part of the CA is part of the High Street where commercial and business premises are expected.

The proposed hours of opening are similar to other food premises along Finchley Road and could be opened for similar times if were another use.

The point raised that there are enough food establishments on Finchley Road is noted but for the reasons given above the application is considered acceptable within the current Use Class Order and the development will not harm the vitality of this part of Finchley Road.

It is not considered that the proposals give rise to any increased fire risk.

The proposals are not considered to give rise to a loss of privacy to the occupiers of the residential units on the upper floors of the building. Access into the unit is kept to the front of the site which is part of the town centre, it is not expected that customers will be accessing the residential parts of the building.

Noise from construction is expected when a premises is taken over by new occupiers. A condition specifying the hours of construction is applied to this permission.

The proposed development has been reviewed by the Council's Highways department who raise no objection to the proposals; it is not expected that the proposed development would result in significant increases to traffic or congestion in the locality. Whilst the immediate roads are subject to a CPZ, there roads without a CPZ within walking distance and therefore it is not considered that there is a lack of parking in the surrounding area. People

Concerns related to littering, increased rubbish and the potential for rats are noted. The new premises will have bins monitored and maintained for the external seating which will be put away at the end of the day. Two bin store areas are provided within the private service road to the rear of the unit. Waste & recycling bins will be located in those areas until removed by a private waste contractor.

The proposed development is not considered to have a detrimental impact on young children.

The existing passages should not be blocked for residents at Arcade House as a result of the development.

It is now more common to see moped delivery people hanging about outside various premises which offer some sort of delivery feature. However, the presence of delivery drivers is not a material planning consideration.

In this instance no marketing information was required to be submitted with this application due to the change to the use Class Order in 2020 which allowed for the proposed change of use as proposed.

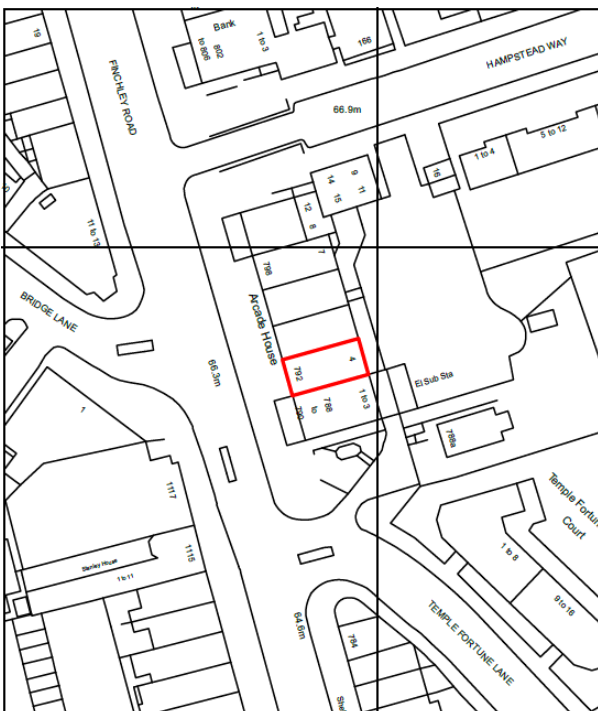
The comments made that the noise and odour information submitted insufficient is noted. Additional information to address odour was submitted during the course of the application and the Council's Environmental Health department consider the development will not impact the neighbours in terms of odour.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

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



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**Location** **The Club House Highwood Hill London NW7 4ET**

**Reference:** **21/2888/FUL** Received: 25th May 2021  
Accepted: 26th May 2021

Ward: Mill Hill Expiry 21st July 2021

**Case Officer:** **Wilf Foster**

Applicant: Mr M Silver

Proposal: Demolition of existing property and the erection of 3no two-storey plus rooms in roofspace dwellings. Associated amenity space, cycle store, refuse/recycling storage and provision of off-street parking [amended]

AGENDA ITEM 9

### **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:

Drawings: 505221-1; 505221-20; 505221-21; 505221-22; 505221-23; 505221-24; 505221-26; GUA-DR-L-002 revP02.

Arboricultural Impact Assessment (Arbtect AIA 01).

Tree Protection Plan (Arbtect TPP 01).

Arboricultural Method Statement, Arbtech, 24 July 2021.

Tree Survey, Arbtect, 16 April 2021.

Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Arbtech, 25 June 2021.

Transport Statement, Public Highway Ltd, 21 May 2021.

Sustainability Statement, Henry Planning.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

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

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

- 6 Before the permitted development is occupied, details of refuse 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

- 7 a) Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed access, including details of visibility splays and heights of boundary planting not exceeding 0.6 metres, shall be submitted to and approved in writing by the Local Planning Authority.

b) Thereafter, 6 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant shall obtain a s184 for all off-site highway works including the construction of the proposed access and renewal of the footway around the perimeter of the site as well as 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.

- 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, 6 (long stay) cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

1. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
2. site preparation and construction stages of the development;
3. 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;
4. 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;
5. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
6. 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;
7. noise mitigation measures for all plant and processors;
8. details of contractor's compound and car parking arrangements;
9. Details of interim car parking management arrangements for the duration of construction;
10. Details of a community liaison contact for the duration of all works associated with the development.
11. Provision of a competent banksman.

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

- 10 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 1 active and 5 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy T6.1 of the London Plan 2021.

- 11 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 12 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 approved tree protection plan 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.

- 13 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 G7 of the London Plan 2021.

- 14 Before the building hereby permitted is first occupied the proposed first floor window(s) in the north west elevation facing Haycroft, Highwood Hill 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 The flat roof of the dwellings hereby permitted shall only be used in connection with the repair and maintenance of the buildings and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

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

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

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D6 and D7 of the London Plan 2021.

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

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

- 20 Before the development is first occupied, the recommendations for enhancements detailed within Section 4 of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, June 2020) shall be implemented in full and retained as such thereafter.

Reason: To ensure the proposed development has an acceptable impact on protected species and makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60

per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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



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

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

Please visit

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

- 3 If a concrete pump lorry is operated from the public highway then, 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.

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

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

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

- 5 All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any excavations that need to be left overnight should be covered/fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming

trapped.

Vegetation clearance be undertaken using hand-tools (such as strimmers) on warm days between March and October, when reptiles and amphibians are active and able to move clear. This work should be completed prior to any heavy plant being brought onto the site for development works.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The site covers a plot of 1150 sqm located on the corner of Highwood Hill and Lawrence Street. It comprises a two-storey detached dwelling in use as 2no self-contained flats, together with a single-storey garage-style building. The site benefits from a generous plot with considerable amenity space to the rear and side of the existing dwelling. There is also dense screening to much of the frontage on the corner of Highwood House and Lawrence Street.

The site does not fall within a conservation area, nor does it contain any listed buildings. A small part of the site fronting the Lawrence Street corner is within the green belt.

### **2. Site and other Relevant History**

Reference: 20/5383/FUL

Address: The Club House Highwood Hill London NW7 4ET

Decision: Withdrawn

Decision date: 24 February 2021

Proposal: Demolition of existing building and redevelopment of the site to provide 3no houses and 2no. flats with associated amenity space, refuse and cycle storage and off-street parking

### **3. Proposal**

The application seeks approval for "Demolition of existing property and the erection of 3no two-storey plus rooms in roofspace dwellings. Associated amenity space, cycle store, refuse/recycling storage and provision of off-street parking [amended]".

The proposed dwellings include a pair of semi-detached properties and 1no detached property. The semi-detached building has a hipped roof, while the detached property has a pitched roof with side gables. All properties benefit from front gables and bay windows, and rear dormer windows.

The proposed dwellings are as follows:

Plot 1: 5-bed/8-person, 244 sqm;

Plot 2: 5-bed/8-person, 244 sqm;

Plot 3: 5-bed/8-person, 208 sqm.

The proposed dwellings would benefit from private rear gardens, comprising between 104 sqm and 133 sqm. The proposals provide 2no off-street car parking spaces for each dwelling, totalling 6no spaces for the development. Cycle stores and refuse/recycling stores are provided adjacent to each dwelling.

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

A site notice was erected on 03 June 2021. Consultation letters were sent to 38 neighbouring properties. Additional consultation letters were sent out following amendments to the proposals on 13 July 2021. A total of 23 responses have been received, comprising 14 letters of objection, 3 representations in support, and 6 neither in support nor objection.

The contents of the letters in objection can be summarised as follows:

- Concerns regarding the scale and appearance of the proposed development;
- The proposals are an overdevelopment of the site;
- Concerns regarding the impact of the proposals on highways and public safety;
- Concerns regarding the proximity of parking areas to neighbouring amenity areas and associated impact on neighbouring amenity;
- The proposals do not provide sufficient off-street parking;
- There is a restrictive covenant on the property;
- Concern regarding impact on the green belt;
- Concern regarding loss of existing trees on site;
- The proposals result in loss of heritage.

#### **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 current iteration of the National Planning Policy Framework (NPPF) was published in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

###### The 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.

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

### Barnet's Local Plan (Reg 19) 2021

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

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the openness of the green belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

## **5.3 Assessment of proposals**

### Principle of development

The existing building has no designation and is not within a conservation area, although it is just outside of the adjacent Mill Hill conservation area. The proposal to demolish the existing building is considered to be acceptable, subject to the re-provision of residential accommodation and a replacement building of appropriate quality. Following the amendments brought forward during the process of the application, the proposed 3no replacement dwellings, including a semi-detached pair of houses and 1no detached house, are considered to be an acceptable form of development in principle, in keeping with the established pattern of development and typology on Highwood Hill.

### Impact on the green belt

A small part of the site fronting the Lawrence Street corner is within the green belt. This area currently consists of an area of hardstanding adjacent to the existing house and vegetation

including low hedging and shrubs fronting the highway. With regards to development within the green belt, Policy DM15 states that "the replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt". It also states that "development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings."

The proposed replacement buildings would not be sited within the designated part of the site. The applicant has provided a plan demonstrating that the overall level of hardstanding within the green belt would be reduced as a result of the proposals. Hedging would be retained along the corner of Highwood Hill and Lawrence Street, while lower level planting would be provided adjacent to the car parking area to ensure appropriate visibility splays. On balance, officers do not consider that, subject to further details of the proposed planting types to be secured by condition, the proposals would result in harm to openness of the green belt or the visual amenities of this part of the site. Additionally, as an engineering operation, the proposed development would not constitute inappropriate development in the Green Belt, as stated in paragraph 150 of the NPPF. As such, there is not considered to be any conflict with Policy DM15 or the NPPF.

#### Impact on the character of the area

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

The south-western side of Highwood Hill comprises two storey semi-detached properties and short terraces. The host property is anomalous in the immediate locality as a detached property, as is the open space to the north side. The proposed development would replace the existing property with a similar detached property adjacent to the corner with Lawrence Street, and provide a new semi-detached pair adjacent to the neighbouring semi-detached pair at Haycroft and Innisfail, Highwood Hill. This is considered to be in keeping with the established typology and character in this part of Highwood Hill. Additionally, it is considered that the site is able to comfortably accommodate the number and size of dwellings proposed, given the unusually large width of this plot.

The design of the proposed dwellings is sympathetic to the form and character of neighbouring buildings, with front gables and bay windows drawing on the local vernacular. The spacing between buildings is considered to be acceptable and would not result in an undue terracing effect or result in a visually cramped appearance. The impact on the streetscene is therefore considered to be acceptable. Furthermore, the footprints of the proposed dwellings are in keeping with the varied building line to the rear of this section of Highwood Hill.

The proposed materials appear to be commensurate in principle, although a condition is attached requiring more precise details to be submitted to ensure that the proposed development would have an acceptable appearance.

It is noted that a good level of natural screening is retained to the Lawrence Street junction by way of a 1.8 metre-high hedgerow. This is sympathetic to the character of this corner and reflective of the green belt designation of this part of the site. While there is a requirement for public safety reasons to have a lower boundary treatment adjacent to the proposed car parking on the Lawrence Street frontage, screening is retained insofar as possible. A landscaping condition is attached to ensure that appropriate planting types and heights are

selected and retained here. Furthermore, additional compensatory planting is proposed to the area of existing hard surfacing adjacent to the existing property. Subject to this, the proposed development is considered to have an acceptable impact on the streetscene on Lawrence Street and the visual amenities of the area.

The proposed dwellings benefit from rear dormer windows. These are compliant with Barnet's Residential Design Guidance SPD regarding extensions to the roof and, as such, are considered to be acceptable features.

Taking into account the scale and appearance of the proposed development and its siting, it is not considered to have an unacceptable impact on the setting of the adjacent conservation area. As such, there is not considered to be any conflict with Policy DM06.

In summary, officers consider that the proposed development would have an acceptable impact on the character of the area and the streetscene, in accordance with planning policy including Policy DM01.

#### Impact on the amenities of neighbouring occupiers

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

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

The neighbouring property to the north-west is located at Haycroft, Highwood Hill. This is the property most likely to be impacted, given the corner location of the host site. The proposed building at Plot 1 would project 4 metres beyond the rear wall of the neighbouring property at ground floor. This is in accordance with the depth normally considered acceptable for a relationship between detached properties, as per the Residential Design Guidance SPD. Given the gap between properties, this is similarly considered to have an acceptable impact. The proposed building would protrude approx. 2 metres beyond the neighbouring rear wall at first floor. Again, taking into consideration the separation between flank walls, this would be compliant with the Residential Design Guidance and is not considered to result in any undue loss of light, outlook, or overbearing to the neighbouring property.

The properties would benefit from relatively generous rear gardens, with depths of at least 12.5 metres. Given the end-to-end gardens with the neighbouring properties on Lawrence Gardens, there would be substantial distance to the rear of the neighbouring properties. It is not considered that there would be any undue impact on neighbouring amenity to Lawrence Gardens.

A condition is attached to ensure that the proposed first floor windows in the north west elevation facing Haycroft, Highwood Hill are obscure glazed to prevent any harmful overlooking to the neighbouring property.

Neighbouring properties to the southwest, being located opposite Lawrence Street at a substantial distance and at a higher level, are not considered to be materially impacted by the proposed development.

Overall, it is considered that the proposed development would have an acceptable impact

on the residential amenities of all neighbouring occupiers, in accordance with Policy DM01.

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

The development would create 3no dwellings. The proposed dwellings are as follows:

Plot 1: 5-bed/8-person, 244 sqm;

Plot 2: 5-bed/8-person, 244 sqm;

Plot 3: 5-bed/8-person, 208 sqm.

The dwellings exceed the minimum internal space standard for the relevant dwelling size, as per the Sustainable Design and Construction SPD.

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

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

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the proposed dwellings would benefit from adequate internal ceiling height.

#### *Light/Outlook*

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All proposed dwellings are dual-aspect and benefit from adequate levels of light and outlook.

#### *Amenity*

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for houses with seven or more habitable rooms, there should be a minimum provision of 85 sqm of outdoor amenity space. The proposals provide private rear amenity space for each dwelling, varying between approx. 104 sqm and 133 sqm. This significantly exceeds minimum standards and is considered to be acceptable.

#### *Privacy*

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

The proposed dwellings are considered to benefit from adequate levels of privacy.

#### Highways

The site has a PTAL of 1b, indicating a poor level of accessibility by public transport. The proposal to provide 3no houses should provide a maximum of between 4.5 and 6 spaces, in line with the standards in Policy DM17. The proposed provision of 6no spaces, given the poor accessibility of the site, is considered to be acceptable.

Highways officers have advised that, given the location of the proposed car parking for Plot 3, which is close to the crossing point on Lawrence Street, visibility splays of 43 metres and low planting a maximum of 0.6 metres high should be retained to ensure highways safety. The submitted transport information is considered to be in accordance with this, and a condition is attached to ensure that this is provided and retained as such. Subject to this, officers are satisfied that the proposed development would have an acceptable impact on

the surrounding highways network and public safety.

The proposals should provide a minimum of 6no cycle parking spaces to serve the proposed dwellings, in accordance with London Plan standards. The proposals include cycle stores for each dwelling, located adjacent to each dwelling. A condition is attached to ensure this is provided.

Overall, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions.

#### Refuse

The proposals include refuse and recycling enclosure adjacent to each dwelling. This is considered to be acceptable, subject to a condition requiring additional details including appearance and capacity of the proposed stores to be submitted and approved by the Local Planning Authority.

#### Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, a condition is attached to ensure an appropriate level of reduction over Part L of the 2013 building regulations is achieved in accordance with the requirements of the London Plan.

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

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

- Concerns regarding the scale and appearance of the proposed development;
- The proposals are an overdevelopment of the site;
- Concerns regarding the impact of the proposals on highways and public safety;

These issues are addressed in the above report.

- Concerns regarding the proximity of parking areas to neighbouring amenity areas and associated impact on neighbouring amenity;

Given the relatively small area of car parking, the distance to neighbouring gardens and properties, it is not considered that this would result in unacceptable harm to neighbouring amenity.

- The proposals do not provide sufficient off-street parking;

These issues are addressed in the above report.

- There is a restrictive covenant on the property;

This is not a material planning consideration.

- Concern regarding impact on the green belt;
- Concern regarding loss of existing trees on site;

These issues are addressed in the above report.

- The proposals result in loss of heritage.

The site does not contain any designated heritage assets and it is not considered that this would warrant any 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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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**Location** 1511 High Road London N20 9PJ

**Reference:** 20/3162/FUL

Received: 13th July 2020

Accepted: 15th July 2020

Ward: Oakleigh

Expiry 9th September 2020

AGENDA ITEM 10

**Case Officer:** Dominic Duffin

**Applicant:** The Woodlands Group Limited

**Proposal:** Demolition of the existing two-storey residential detached building located at 1511 High Road, and erection of three-storey detached apartment block composed out of 8 flats, with associated outbuildings. Provision of cycle store, waste and recycle store

### **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:

- HIGr1511\_PL\_EX\_A\_001 - Site Location Plan
- HIGr1511\_PL\_EX\_A\_002 - Existing Site map
- HIGr1511\_PL\_EX\_A\_100 - Existing Ground Floor Plan
- HIGr1511\_PL\_EX\_A\_100 - Existing First Floor Plan
- HIGr1511\_PL\_EX\_A\_200 - Existing Section AA and BB
- HIGr1511\_PL\_EX\_A\_102 - Existing Roof Plan
- HIGr1511\_PL\_EX\_A\_300 - Existing East and South Elevation
- HIGr1511\_PL\_EX\_A\_300 - Existing: West and North Elevation

HIGr1511\_PL\_GA\_A\_300 - Proposed East and South Elevation  
 HIGr1511\_PL\_GA\_A\_301 - Proposed West and North Elevation  
 HIGr1511\_PL\_GA\_A\_100 - Proposed Ground Floor Plan  
 HIGr1511\_PL\_GA\_A\_101 - Proposed First Floor Plan  
 HIGr1511\_PL\_GA\_A\_102 - Proposed: Top Floor Plan  
 HIGr1511\_PL\_GA\_A\_103 - Proposed Roof Level  
 HIGr1511\_PL\_GA\_A\_002 - Proposed Outbuilding (2)- Bicycle Storage (Long Stay)

HIGr1511\_PL\_GA\_A\_900 - Proposed: Outbuilding (1)- Waste and Gas Meter Room

HIGr1511\_PL\_GA\_A\_103 - Proposed outbuilding (3)- Bicycle Storage (Short Stay)

HIGr1511\_PL\_GA\_A\_200 - Proposed: Section AA, BB  
 HIGr1511\_PL\_GA\_A\_201 - Proposed: Section CC, DD  
 HIGr1511\_PL\_GA\_A\_001 - Proposed: Site Layout Map

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 all the external surfaces of the building and hard surfaced areas 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 SI10, SI1, D13 and T7 of the London Plan (2021).

- 6 Prior to occupation the development, the car parking spaces at ground floor level shall be laid out and implemented within the site in accordance with the approved

plans. The approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 and T.6.1 of the London Plan.

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 and of the London Plan.

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

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

- 9 Before the permitted development is occupied, details of refuse storage and 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 delivery service plan.

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

Before development commences other than for investigative work:

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

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

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

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

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

## Part 2

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

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

11 a) Prior to the occupation of the development a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and policy D14 of The London Plan 2021.

- 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 D.4 and G.7 of the London Plan 2021.

- 13
- a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
  - b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G.7 of the London Plan 2021.



14 a) No development other than demolition works shall commence the applicant has provided details, to be submitted to and approved by the Local Planning Authority, of special foundations that will be able to 'bridge' the rooting areas of protected trees or foundations that can be inserted through the root system without harm.

b) Details of additional measures to reduce the impact of tree debris falling onto the roof and blocking gutters etc must be included within the design features.

Reason: To prevent harm to specially protected trees in accordance with local planning policy DM01, Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G.7 of the London Plan 2021.

15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall 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). Each residential phase of the development shall be maintained as such in perpetuity thereafter.

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

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of

the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

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

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

- 19 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 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).

- 20 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the elevation facing 1513 High road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 21 The property 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.

- 22 The recommended enhancements and mitigation as set out within section 9 of the Tim Moya "Preliminary Ecological Appraisal" (February 2021) report, 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.

- 23 a) No lighting shall be fixed on the external faces of the building hereby approved, unless and until details of external lighting are submitted to and approved in writing by the Local Planning Authority beforehand.

Any lighting must be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>.

b) The lighting shall be installed in accordance with the details approved before first occupation or the use is commenced and retained as such thereafter.

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 effect on protected species in accordance with Policy DM16 of Barnet's Development Management Policies Document (DPD) 2012 and London Plan Policy G.7.

- 24 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site.

Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority beforehand.

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.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy T.7 of the London Plan 2021.

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

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

Please visit

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

- 3 The applicant is advised that if any minor changes are proposed to the existing crossover, a s184 licence will need to be obtained from the LHA.
- 4 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination,

(2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

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

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

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

1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;

2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;

3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;

4) Department of Transport: Calculation of road traffic noise (1988);

5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 7 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines

below.

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

- 8 The five trees in Macaret Close on highway land adjacent to the development site have a total a Capita asset value of amenity tree (CAVAT) value £108,699 as of 2020, their presence within the street scene is of immense importance for the community.

field maple CAVAT £18,675 (T23 applicants plan)  
silver birch CAVAT £3,211 (T22 applicants plan)  
Lime CAVAT £12,098 (T21 applicants plan)  
Lime CAVAT £17,775 (T20 applicants plan)  
Lime CAVAT £56,940 (T19 & T18 applicants plan.)

Section 4.8 of the submitted arboricultural report recognises that the location of the proposed building will require the Highway Authority to maintain the street trees on Macaret Close in order to manage shading of rooms. The Highway Authority will continue to maintain the these trees in accordance with Barnet Council's adopted Tree Policy 2017 any additional works beyond the policy will not be supported by the council.

It is expected that the developer will undertake to do their utmost to ensure that these trees remain unharmed and healthy throughout all construction phases and the authority reserves the right to seek CAVAT compensation if harm occurs to any tree within the close caused by construction activities.

- 9 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.
- 10 the applicant is advised that if a Great Crested Newt is found on site during the pond drainage works, all works must cease immediately and MKA Ecology Ltd must be contacted on 01763 262211. A filter must be fitted over the pond drainage unit to prevent smooth newts being caught in the drainage pump. Any smooth newts present must be caught and removed from the pond before it is infilled.



## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site relates to a two-storey single family detached property located on the west side of High Road at the junction with Macaret Close. The property has previously been extended and a garage adjoins the boundary with 1513 High Road. It lies within Oakleigh ward in an area which is largely residential in character. Located to the north of the site are a row of semi-detached houses set back from the main road. To the south lies the modern development of terraced properties of Macaret Close. The western boundary is adjoined by allotments which are within the Green Belt. Opposite the site is a large purpose-built block of flats. The property is not listed and it is not located within a conservation area. There are a number of mature street trees outside the boundary of the site, lining Macaret Close.

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

Reference 19/8573/QCE

Address: 1511 High Road, London N20

Decision: Pre-planning advice

Decision Date: 23 April 2020

Description: Demolition of the existing residential building and erection of a new detached three-storey building, containing 9 apartments. The proposal is aiming to preserve both front and back areas of the site, adapting them to serve the proposed densified volume.

Reference 18/5281/FUL

Address: 1511 High Road, London, N20 9PJ

Decision: Withdrawn

Decision Date: 23 October 2018

Description: Demolition of existing dwellinghouse and erection of three storey building comprising 9 self-contained flats. Associated car parking, cycle parking, landscaping and refuse and recycling store.

Reference 18/8111/EQN

Address: 1511 High Road, London N20

Decision: Pre-planning advice

Decision Date: 04 May 2018

Description: Demolition of 1511 High Road and the erection of 9 residential Class C3 residential units.

Reference: N05234A

Address: 1511 High Road Whetstone London N20

Decision: Approved subject to conditions

Decision 19/10/1988

Description: Alterations to enlarge existing lean-to roof on side elevation of house to rear of garage.

Reference: N05234A

Address: 1511 High Road Whetstone London N20

Decision: Approved subject to conditions

Decision Date: 19/08/1985

Description: Single storey front extension, part single part two storey side and rear extension. Wall and railings at front side.

Reference: N05234

Address: 1511 High Road, London N20

Decision: Approved subject to conditions

Decision Date: 26/07/1976

Description: Single storey rear extension

### **3. Proposal**

Consent is sought for the demolition of the existing two-storey residential detached building, and erection of a three-storey detached apartment block of 8 flats, including with development within the roof, with an associated outbuilding. Provision of cycle store, waste and recycle store.

The proposal would see the construction of an "L" shaped building with access gained from the High Road to serve 5 parking spaces to the front of the building. Cycle storage and an amenity area would be provided to the rear.

The building would be three storeys in height with a hipped roof and gable features, and a rear projection set down below the main roof level. The building would be finished in brick with a tiled roof. Juliette balconies would be a feature on the facade.

The scheme would provide 8 No. flats as below;

Apartment 1 (1 bed)

Apartment 2 (Studio)

Apartment 3 (2 bed)

Apartment 4 (2 bed)

Apartment 5 (Studio)

Apartment 6 (1 bed)

Apartment 7 (2 bed)

Apartment 8 (1 bed)

### **4. Public Consultation**

Consultation letters were sent to 36 neighbouring properties. 17 responses were received comprising 15 letters of objection and 2 representations. The responses received can be summarised as follows:

- My house is the one which will be effected by the new building I was fortunate to meet Mr Salomon when he paid a visit to the road and was assured by him that the new building would not in any way block the light from my property. The only problem is parking which will no doubt effect Macaret Close.
- Concern about loss of daylight/sunlight to front windows on properties in Macaret Close.
- Concern this proposal will lead to parking stress and overspill parking in the surrounding area.
- Loss of outlook from houses on Macaret Close.
- Loss of privacy to adjoining gardens.
- Concern about impact on trees.
- Concern that trees will be lost which will lead to impact on privacy.

-I would ask that the Planning Committee consider all the comments made on 20/2394/FUL relating to the perceived future parking problems, were you to allow these plans to proceed without increased onsite parking.

-Had residents in Farnham Close or Kingswood Close been informed of this proposed work there would have been more objections.

### Friern Barnet & Whetstone Residents' Association

The mix of apartment sizes does not comply with the proposed Housing Mix Policy intended to be included in Barnet's new Local Plan or with the corresponding policies under the current 2012 Local Plan. Even though the new Local Plan is not yet finalised and adopted its provisions are relevant to any consideration of the proposals for the site as "emerging planning policies".

Those "emerging policies" include policy HOU02 Housing Mix, under which the highest priority for "market homes" for sale and rent is 3 bedroom units, with 2 bedroom units being a medium priority.

The proposal in this application is for a development which comprises only market housing. It contains not a single unit which falls within the highest priority of 4 bedrooms and not a single unit within the medium priority of 3 bedrooms. Instead, it will exclusively comprise lower priority homes of 2 bedrooms or less.

It is requested that the proposal should be refused.

## **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 19) 2021

Barnet's Draft Local Plan Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan

## Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

## **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;
- Green Belt;
- Provision of refuse storage.

## **5.3 Assessment of Proposals**

### Principle of Development at this Location

As discussed above, the site is located in a residential area which includes a mix of single-family dwellings and purpose-built flats. 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.

Although the existing house on the site is of a pleasing design it is considered that the property is not of an outstanding architectural merit, it is not listed or locally listed and therefore its demolition can be supported.

Policy DM01 of Barnet's DMP state that 'Loss of houses in roads characterised by houses will not normally be appropriate'. There are a number of houses located along this part of the High Road but given that there are also a number of purpose built blocks of flats in the near vicinity and the property is located opposite a number of blocks of flats, it is considered that the prevailing character along this part of the High Road would not be compromised by the proposal.

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 mix is as follows = 1 (1 bed), apartment 2 (studio), apartment 3 (2 bed), apartment 4 (2 bed), apartment 5 (2 studio), apartment 6 (1 bed), apartment 7 (2 bed) and apartment 8 (1 bed). It is accepted that larger family dwellings would not be provided, a concern raised by the residents group, which outlines how the emerging plan seeks to secure 3 bed family units. Whilst the weight to be applied to policies in the emerging plan is still limited, the existing plan also prioritises the need for family sized dwellings. The council will always seek to ensure that new schemes provide an appropriate mix, but with site constraints it is not always achievable to cater for larger family homes in terms of parking provision, amenity space, and general amenity considerations. The scheme does include a mix of unit sizes to provide for a range of households within the local community, and in terms of access to local services and public transport links it is a relatively sustainable location for smaller units. In that respect, and on balance, this housing mix is considered acceptable.

### Character and appearance

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. The council consider that it is important that the scheme is appropriate to its setting and does not overdevelop the site to the detriment of the surrounding area.

It is the case that the proposal allows little space for landscaping around the site, but given the type of development and the verdant nature of the site boundaries, there is a trade off which ensures the site would remain in a landscaped setting. There is space for some softening along the front boundary.

The scale of the building takes its reference point from the adjacent semi-detached dwellings, and the ridge and eaves level are the same. The overall bulk and scale are not out of context and would not result in a prominent development. The rear section steps down to pay attention to the reduced scale of properties in Macaret Close.

From a design perspective it is important that the proposed roof does not appear overly dominant, and the brick to window ratio and balconies are appropriate. The gables, set at 45 degrees, and the front gable projections with more pronounced balcony balustrades does break up the front facade reducing bulk. The roof, and brick ratio, are prominent features in the design but the roof configuration is commensurate with the adjoining, albeit semi-detached, structures. The building could make use of this corner plot, which is somewhat standalone and located off the adjacent side-road, and the ridge and eaves would match

the adjoining development. The scheme will see a more prominent structure constructed on the site, but it would not appear strikingly out of character, it can benefit from the corner/bookend plot, the flat developments in the wider area, and there is sufficient detailing to ensure that a bland or of poor design would be avoided. The scheme introduces enough detailing to ensure the development would assimilate successfully into this setting. The development reduces in scale to the rear to respect the reduced scale of Macaret Close. The overall design and layout are considered acceptable.

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

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The proposed ground floor building would not extend beyond the rear single storey projection of No.1513 which adjoins the site. The upper floors would extend approximately 1.7m beyond the rear corner of No.1513 but there would be no loss of light to rear facing windows and the scheme would not appear excessively overbearing or enclosing when viewed from this property. Side facing windows could reasonably be conditioned as obscure glazed.

Whilst the second-floor flats are served by balconies, these are located to the front, and would not infringe significantly on the amenity of adjoining residents.

The properties on Macaret Close are located across the access road, and the rear return of the proposed scheme would have no increased material impact on the residential occupier's amenity. Concern has been expressed that should street trees be removed there would be an impact on existing amenity levels through increased loss of privacy. The rear return retains a gap of 15.5m to the front elevation of the dwellings on Macaret Close and would not appear overbearing. Given the new flats and existing dwelling on Macaret Close would overlook the road serving the development, it is not considered that privacy levels, more keenly maintained to the rear of properties, would be seriously infringed. The front of the houses are north facing and therefore there would be no significant loss of daylight/sunlight.

Concern has also been expressed that the scheme would lead to excessive overlooking of garden areas in Walfield Avenue. However, whilst the rear/flank boundary of the site abuts some gardens at the entrance to Walfield Avenue, given the angle from the building to these rear amenity areas, their depth, and the intervening garden at 1513 High Road, it is not considered serious impact would result, nor that any noise or disturbance associated with the intensification in residential use, would have any serious level of impact.

#### 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.

Apartment 1 (1 Bed): 51.5m<sup>2</sup> - London Plan requirement = 50m<sup>2</sup>  
Apartment 2 (Studio): 50.5m<sup>2</sup> - London Plan requirement = 39m<sup>2</sup>  
Apartment 3 (2 bed): 75.0m<sup>2</sup> - London Plan requirement = 70m<sup>2</sup>  
Apartment 4 (2 Bed): 70.5m<sup>2</sup> - London Plan requirement = 70m<sup>2</sup>  
Apartment 5 (Studio): 50.5m<sup>2</sup> - London Plan requirement = 39m<sup>2</sup>  
Apartment 6 (1 Bed): 63.5m<sup>2</sup> - London Plan requirement = 50m<sup>2</sup>  
Apartment 7 (2 bed): 70.5m<sup>2</sup> - London Plan requirement = 70m<sup>2</sup>  
Apartment 8 (1 bed): 61.0m<sup>2</sup> - London Plan requirement = 50 m<sup>2</sup>

The units all meet the minimum size and some have a more spacious access over the minimum floor area, as above.

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:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 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. Windows in the flank elevation would be in close proximity to existing trees on Macaret Close. Whilst there would be some overshadowing of habitable room windows, it is not considered this would be significantly problematic and any infringement would be to an acceptable level.

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 large area of communal amenity space that is proposed to the rear of the building would exceed by some way the requirement of 95 sq. m for a development of this size. This will provide an appropriate level of private amenity space for the development. The ground floor units to the rear would be served by their own private amenity areas, suitable screening to ensure an appropriate level of amenity could be agreed by condition.

The proposed internal stacking of the units is considered acceptable.

#### Accessibility:

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

#### Highways

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The site fronts onto High Road ( A1000), it lies in an area with a PTAL rating of 2 but 4 bus routes (234,263,34,326) can be accessed from stops within 1-2 minutes walking distance of the site. The site is not in a CPZ and there are no parking restrictions in the vicinity of the site.

The proposed development comprises 8 self-contained apartments (2xstudio, 3x1bed and 3x 2bed). Based on the parking standards in Barnet's Policy DM17, the parking provision for the site should fall within 3 to 9 spaces. The applicant proposes 5 parking spaces including 1 disabled space which is low given the PTAL score of the site. The applicant has been requested by highways officers to provide 7 spaces to meet the needs of the development or provide evidence of availability of parking spaces on-street to accommodate 2 vehicles. In response the applicant undertook Parking Stress Surveys and provided the evidence to Highways. On the two survey nights, the observations concluded that on Wed 9th Sept there were parking stress levels of 49.6% and on Thurs 10th, parking stress levels were 50.9%. Having interrogated the submission, the Highways Officer is content, that the findings indicate parking stress levels are well below a level which would cause concern, with over 100 available spaces indicated on both nights. The surrounding streets could therefore accommodate the overspill as referenced above and the level of parking proposed is accepted.

It is noted that third party submissions reference an application for flats at 1522 High Road, 100m diagonally opposite this site, (20/2394/FUL), which was recently refused consent, the objection details a concern about cumulative impact on parking should both applications be granted consent. It is noted that under this refused scheme, the applicant also undertook parking surveys of the surrounding area. The applicant provided a survey which set out the overnight parking stress surveys and demonstrated the available capacity in the surrounding streets to accommodate, in that case, up to 4 vehicles within 200m of the site. Highways were also content in this case, and the application was subsequently refused for other reasons.



It is therefore considered that two independent surveys have demonstrated parking availability in the immediate area around the site, and it is considered on street parking availability would meet the shortfall.

Based on London Plan standards a minimum of 11 cycle parking spaces is required. 16 cycle parking spaces are proposed in the front garden which is acceptable. Details of cycle parking are requested by way of a condition.

The proposed parking layout relies on the existing vehicle access on to the High Road. Highways would raise no issue if the existing access is retained as there will be no significant change to the existing parking layout/provision given that the front drive can accommodate at least 6 vehicles.

Electric vehicle charging points should be provided in accordance with London Plan standards (20% active and 20% passive). This equates to 1 active and 1 passive points. These are to be secured by way of a planning condition.

The location of refuse storage is acceptable and the details can be secured by way of a condition. However, refuse vehicles will not be able to enter the site and so a management plan is needed to bring the bins to the roadside on collection days.

The development will require a demolition and construction management plan which can be secured by way of a condition.

A "before" and "after" highway condition survey is requested to ensure that the applicant makes good any damage to the highway resulting from the construction works.

### Trees and Biodiversity

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded and that proposals will be required to include hard and soft landscaping. This policy also states that when considering development proposals, the Council will seek the retention and enhancement, or the creation of biodiversity.

Para. 170 of the NPPF states; Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Para 175 states; when determining planning applications, local planning authorities should apply the following principles:

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The council's Trees Officer and Street Trees officer have been consulted on the application and have raised concern about the potential impact that the rear building may have on street trees and trees along the rear boundary.

The existing building has a flank wall towards the street trees on Macaret Close numbered T5, T6, T18, T19, T22 & T23. The impacts that arise from buildings close to trees has been managed within the normal maintenance cycles that L.B. Barnet's Green Spaces deploy.

The following potential impacts are foreseen; damage to trees from construction and significant post development pressure for increased maintenance, resulting in an unacceptable loss of visual amenity.

The arboricultural report states that specially designed foundations are proposed to reduce root loss, however no details have been provided to evidence the feasibility of this approach.

The new building line is 2.5m from the street trees and 1.5m from the highway boundary therefore the trees may require annual maintenance to prevent branches contacting the building, improve natural light and prevent insects etc entering rooms.

If for any reason these street trees are removed then replacement planting would be very difficult to achieve in proximity.

The works listed in 180325-PD-12 - Planning Tree Works Schedule provide the details of all works required to facilitate the development as follows;

Fell - Ground level 8

Lift low canopy - Specified extent 2

Reduce crown by - Specified extent 4

Trees removed within the site boundary must be replaced with new trees. A detailed scheme of landscaping is required to replace tree removed and to ensure the proposed building settles into the local landscape, which can be secured by condition.

The third-party highway trees are permissible under common law rights to prune back to the boundary line. All works must on public highway trees must be undertaken with agreement from L.B. Barnet Green Spaces.

The submitted plans do indicate that the trees along the flank boundary, can, and will be retained. The Trees Officer advises that should consent be granted this should be subject to tree protection measures as well as details of the foundations, which can be agreed by condition. The development can be achieved without harming the street trees significantly, however the concern relates to post development pressure on these trees, which are of high amenity value.

It is considered that, on balance, the scheme is acceptable from a trees perspective, subject to the conditions discussed above. There is some concern about future impacts on the adjoining trees along Macaret Close, the applicant can be advised of this through an informative, however the submission indicates that these trees would be retained, and a refusal for this reason could not be sustained.

## *Ecology*

As the proposed plans require the demolition of a building and land take of habitats for the proposed dwelling and landscaping, a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) should be undertaken by a suitably experienced ecologist and in accordance with current best practice guidelines.

The applicant has submitted surveys "Ecological Scoping Survey" and "Preliminary Ecological Appraisal" by Tim Moya associates. The reports suggested further surveys to ascertain/discount the presence of Great Crested Newts and Bats, both being protected species.

These reports have also been submitted "Great Crested Newt" eDNA Survey by MKA Ecology (16th June 2021) and "Nocturnal Bat Survey" by MKA Ecology (16th June 2021) and have been reviewed by the council's ecologist who have provided formal comments, discussed below.

### Great Crested Newt

#### Results

The pond returned a negative test result, indicating the likely absence of GCN from the pond. Smooth newts were identified by torchlight during the eDNA survey; however, this species is not protected under European law.

#### Evaluation and conclusions

The GCN eDNA test indicates the likely absence of GCN within the pond at 1511 High Road, Barnet. GCN congregate within ponds during spring and early summer, with the majority moving to terrestrial habitat by mid-July. eDNA tests are only accurate when GCN are currently within the waterbody, and eDNA levels are above a detectable threshold. As such, it is recommended that works proceed with caution, and in the knowledge that there is a small risk that the species could be present.

It is advised that if a GCN is found on site during the pond drainage works, all works must cease immediately and MKA Ecology Ltd must be contacted and that a filter must be fitted over the pond drainage unit to prevent smooth newts being caught in the drainage pump. Any smooth newts present must be caught and removed from the pond before it is infilled. The applicant can be advised accordingly. The council advises no further surveys are necessary.

#### Bat Surveys

Bat activity was very low during both the dusk emergence survey and the dawn re-entry survey. Low levels of common pipistrelle activity was recorded at the Site and one noctule pass was recorded. The majority of bat passes were heard but not seen and only one bat was seen for the duration of the surveys.

#### Dusk emergence survey

The dusk emergence survey was completed on 17 May 2021. Sunset was at 20:49. A single common pipistrelle pass was recorded by all three surveyors at 22:03, which was heard but not seen. No other bat activity was recorded during the survey.

#### Dawn re-entry survey

The dawn re-entry survey was completed on 04 June 2021. Sunrise was at 04:46. The first bat, a common pipistrelle, was recorded at 03:25 and was heard but not seen. For the duration of the survey, a small number of common pipistrelle passes and one noctule pass was recorded. One bat was seen flying north above the driveway on site.

## Evaluation

It is proposed that the existing residential property on site shall be demolished and a new apartment building will be constructed. The relatively low bat activity and no evidence of roosts in the building suggests that demolishing the building will not have an impact on bat roosts. However, the presence of bats passing over the Site and in the wider area does provide an opportunity to incorporate biodiversity enhancements into the design scheme, through provision of integrated bat boxes.

These measures can be secured through a condition, and the ecologist advises no further bat surveys are necessary.

Further ecological enhancement measures as detailed at section 9 of the submitted ecological report can also be secured by condition, as can a suitable lighting strategy, and a condition to ensure due care for nesting birds can also be included.

## Green Belt

The allotments that abut the rear of the site are within the Green Belt. Para. 134. of the NPPF outlines that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Given the development would be contained within the site, and the relatively low-level building heights towards the rear, it is not considered the above aims would be offended therefore it is not considered the proposal would have any appreciable adverse impact on the openness of the Green Belt given the open character at this location would still be maintained.

## Accessibility and Sustainability

The application scheme is required by Policy SI.2 of the London Plan (2021) to meet Building Regulation requirement M4(2). A condition could be attached to ensure compliance with these Policies.

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 and the submission indicates this can be achieved. 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 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 London Plan requirements.

The proposed development as documented in the submitted sustainability statement would meet the necessary sustainability and efficiency requirements of the London Plan.

### Noise Impacts

The site is well set back from the main road there are no issues with air pollution from traffic. However, there may be an issue with emergency vehicles so it is considered prudent to have some noise mitigation in houses fronting the main road (A1000). Environmental Health advise on a Construction Management Plan condition due to potential noise and air issues with construction. Also a contaminated land condition is required due to the fact the building was built to replace an old one on site with a different footprint in the 1950-1970 period and this may have resulted in made ground and possible contamination and the rear of the site is to be used for communal landscaping and private gardens. The application can be conditioned accordingly.

## **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. Third Party Representations**

It is considered that third party concerns, relating primarily to parking and neighbour amenity concerns, have been addressed within the report.

## **8. Conclusion**

In light of the above appraisal, it is considered that the proposed development is generally acceptable having regard to all material considerations. It is therefore recommended consent is granted subject to conditions.



