

MEETING

PLANNING COMMITTEE C

DATE AND TIME

THURSDAY 25TH NOVEMBER, 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
Nizza Fluss

Linda Freedman
Nagus Narenthira

Laurie Williams

Substitute Members

Geof Cooke
Alison Moore

Eva Greenspan
Barry Rawlings

Nick Mearing-Smith
Julian Teare
Jennifer Grocock

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **Monday 22nd November at 10AM**. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	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.	Brent Cottage Brent Park Road London NW9 7AP 21/2485/FUL West Hendon	9 - 58
7.	107 West Hendon Broadway London NW9 7BN 21/0932/FUL West Hendon	59 - 102
8.	163 Sunny Gardens Road London NW4 1SG 20/3282/HSE Hendon	103 - 116
9.	170 Holders Hill Road London NW7 1LU 20/5478/FUL Finchley Church End	117 - 150
10.	O/s 836 High Road London N12 9RE 21/4178/FUL Woodhouse	151 - 158
11.	O/s 836 High Road London N12 9RE 21/4191/ADV Woodhouse	159 - 166
12.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee C

11 October 2021

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)

Councillor Claire Farrier
Councillor Linda Freedman

Councillor Nagus Narenthira
Councillor Laurie Williams

Also in attendance

Councillor Julian Teare (Substitute)
Councillor Nick Mearing-Smith (Substitute)

Apologies for Absence

Councillor John Marshall

Councillor Nizza Fluss

1. MINUTES OF THE LAST MEETING

The Chairman of the Committee, Councillor Stephen Sowerby welcomed all attendees to the meeting and outlines the Covid-secure measures that would be in place throughout the meeting.

It was RESOLVED that the minutes of the previous meeting held on 2 September 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies received from Councillor Nizza Fluss who was substituted by Councillor Nick Mearing-Smith.

Apologies received from Councillor John Marshall who was substituted by Councillor Julian Teare.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The addendum was published and circulated to the Committee. Items contained within the addendum would be dealt with under individual agenda items.

6. 58 GREEN LANE EDGWARE HA8 7PX - 20/0431/HSE (EDGWARE)

The Committee received the report and Officers presented the item.

Governance Service read out the written statements from Mr Braham and Mr Patel in objection to the application. Representations were heard from the agent.

Members had the opportunity to question the speaker and Officers. Following discussion, the Chairman moved to vote on the Officer's recommendation to approve the application as outlined in the Officer's report.

Votes were recorded as follows:

For	7
Against	0
Abstention	0

RESOLVED – that the application be approved as outlined in the Officer's report.

7. 792 FINCHLEY ROAD LONDON NW11 7TJ - 21/1623/FUL (GARDEN SUBURB)

The Committee received the report and Officers presented the item.

Representations were heard from Miss Laura Polanco Vega (objector). The agent/ applicant were not present.

Members had the opportunity to question the speaker and Officers.

Following discussion, the Chairman moved a motion which was seconded, to defer the item to the next available Planning Committee meeting, in order to give the applicant an opportunity to assess and mitigate against noise and disturbance from the future use of the building as a café. The assessment shall include the potential impact on upper floor residential occupiers.

Votes were recorded as follows:

For	4
Against	2
Abstention	1

RESOLVED – that the application be deferred as detailed above.

8. 792 FINCHLEY ROAD LONDON NW11 7TJ - 21/1624/LBC (GARDEN SUBURB)

RESOLVED – that the application be deferred as detailed under item 7.

9. THE CLUB HOUSE HIGHWOOD HILL LONDON NW7 4ET - 21/2888/FUL (MILL HILL)

The Committee received the report and Officers presented the item. Representations were heard from Mr Raj (objector) and the applicant. Members had the opportunity to question the speakers and Officers.

Following discussion, the Chairman moved to vote on the Officer's recommendation to approve the application as outlined in the Officer's report and addendum. Votes were recorded as follows:

For	7
Against	0
Abstention	0

RESOLVED – that the application be approved as outlined in the Officer's report and addendum.

10. 1511 HIGH ROAD LONDON N20 9PJ - 20/3162/FUL (OAKLEIGH)

The Committee received the report and Officers presented the item. Representations were heard from the agent.

Members had the opportunity to question the speaker and Officers.

Following discussion, the Chairman moved to vote on the Officer's recommendation to approve the application as outlined in the Officer's report and addendum. Votes were recorded as follows:

For	7
Against	0
Abstention	0

RESOLVED – that the application be approved as outlined in the Officer's report and addendum.

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

None.

The meeting finished at 8.30 pm

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Location **Brent Cottage Brent Park Road London NW9 7AP**

Reference: **21/2485/FUL** Received: 4th May 2021 **AGENDA ITEM 6**
Accepted: 12th May 2021

Ward: West Hendon Expiry 11th August 2021

Case Officer: **James Langsmead**

Applicant: Alaris Properties Ltd

Proposal: Redevelopment of the site comprising of a part 1, part 8 and part 9 storey building (plus a basement level) to provide 63no. self-contained residential units and associated car parking; secure cycle parking; refuse and delivery bay; refuse storage; plant; landscaping and amenity space.

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

Provision of 12no. units (7 London Affordable Rent and 5 Intermediate). Early and late review mechanism.

4. Carbon Offset contribution

Contribution of £55,507.00 towards the Council's carbon offset fund.

5. Skills and Employment

On-site or Off-site contribution towards skills and employment.

6. CPZ Contribution

Contribution of £7,500.00 towards the review and extension of CPZ.

7. Restriction of Parking Permits

Contribution of £2392.01 towards the amendment of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

8. Travel Plan and Monitoring contribution

Submission of a Residential Travel Plan and a monitoring contribution of £15,000.00.

Contribution of £9,450.00 (£150.00 per unit) for travel incentives

9. Parks and Open Space Improvement Works in lieu of amenity space

Contribution of £12,700.00 Index Linked towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet, or other appropriate area within the Borough.

10. S.278/S.184 Works

Associated highway works under S278/S184

1. provision of two vehicular crossovers
2. provision of dropped kerbs/informal crossing point (location to be agreed)
3. Removal and replacement of street trees (to be agreed with tree officer)
4. Resurfacing of the footway along the site frontage

11. Loss of Street Trees

Compensation for the loss of the street trees removed to accommodate the development has been calculated at £15,000.00

12. Monitoring of Legal agreement

Contribution towards monitoring of the legal agreement.

RECOMMENDATION II:

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

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

Plans:

- IF20-01 001 Location plan
- IF20-01 002 Rev C Proposed Site plan
- IF20-01 003 Proposed Block plan
- IF20-01 010 Rev B Proposed Basement
- IF20-01 100 Rev D Proposed Ground Floor
- IF20-01 101 Rev A Proposed 1st floor
- IF20-01 102 Proposed 2nd floor
- IF20-01 103 Proposed 3rd floor
- IF20-01 104 Proposed 4th floor
- IF20-01 105 Proposed 5th floor
- IF20-01 106 Proposed 6th floor
- IF20-01 107 Proposed 7th floor
- IF20-01 108 Proposed 8th floor
- IF20-01 109 Proposed Roof plan
- IF20-01 200 Proposed North West Elevation
- IF20-01 201 Proposed South West Elevation
- IF20-01 202 Rev A Proposed South East Elevation
- IF20-01 203 Proposed North East Elevation
- IF20-01 204 Proposed Street Elevation long
- IF20-01 300 Proposed Section AA
- IF20-01 301 Rev C Proposed Section BB
- IF20-01 400 Existing Site plan
- DR-001 Rev B - Surface Water Drainage Strategy
- DR-003 Rev A - Surface Water Drainage - Details
- AW.001.1200 Rev B - Landscape Roof Level General Arrangements
- AW.001.900 Rev C - Landscape Illustrative Masterplan
- AW.001.1100 Rev C - Landscape Eighth Floor General Arrangements

Documents:

- Daylight and Sunlight Report - 26 April 2021 - produced by Waldrams
- The Brent Cottage Landscape Strategy Document Revision 5 - 18.08.2021
- Brent Cottage - Urban Greening Factor Assessment (ref: 551595mcApr21FV02_UGF) - 19 August 2021 - Produced by Greengage
- Traffic and Pedestrian Counts Survey (Excel) - 7th July 2021 - Produced by Auto Surveys Ltd
- Schedule of Residential Units - Brent Park Road - 27 July 2021
- STORM SEWER DESIGN by the Modified Rational Method - 22/06/2021 - Pitman Associates Ltd
- Flood Risk Assessment (ref: RMA-C2127_4) - 22nd June 2021 - Produced by RMA Environmental
- Design & Access Statement - April 2021
- Wind Microclimate Review - 29th April 2021 - Produced by Urban Microclimate
- Utilities Appraisal (ref: RMA-C2127c) - produced by RMA Environmental
- Environmental Noise Assessment Ver. 1.1 - 28.04.2021 - produced by Entran Ltd
- Energy and Sustainability Statement Rev. B - April 2021 - produced by JS Lewis Ltd
- Draft Parking Management Plan - April 2021 - produced by YES Engineering Group Limited
- Draft Delivery and Servicing Plan - April 2021 - produced by YES Engineering Group Limited
- Air Quality Assessment Rev. 1.1 - 22.04.2021 - produced by Entran Limited

- Planning Statement - April 2021 - produced by Maddox Planning
- Transport Statement - April 2021 - produced by YES Engineering Group Limited
- Outline Construction Logistics Plan - April 2021 - produced by YES Engineering Group Limited
- Brent Cottage - Preliminary Ecological Appraisal - 3rd April 2021 - Greengage Ltd
- Biodiversity Impact Assessment - April 2021 - Greengage Ltd
- Draft Travel Plan - April 2021 - produced by YES Engineering Group Limited
- Fire Statement (Report Ref: 012/071021) Revision 1 - undated - produced by Know Fire Ltd

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) Notwithstanding the details shown on the hereby approved plans and documents, prior to any works above slab level, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall be 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 D1, D4 and D8 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 Notwithstanding details shown on the hereby approved plans, prior to occupation of the development, a final internal layout plan showing details of 37 off-street parking spaces, including disabled parking provision, adaptable enlarged spaces, and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 6 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (8 active and 29 passive). 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

- 7 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SD1 and D10 of the London Plan 2021.

- 8 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 119 cycle parking spaces (116 long-stay and 3 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 9 No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Statement 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 Statement submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of

access, access and egress arrangements within the site and security procedures;

- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractor's 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.
- xi. 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 and policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

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

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

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

- 11 Before the permitted development is occupied an updated Delivery and Servicing

Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 12 Before the permitted development is occupied an updated Parking Management Plan (PMP) 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.

- 13 Prior to the occupation of the development, a, Manufacturer's specification and warranty, Maintenance Agreement, repair response times and a traffic light warning system for the operation of the car lifts and shutters must be submitted to and approval by the Local Planning Authority.

Reason: In the interests 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.

- 14 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, in accordance with Policy DM17 of Barnet's Local Plan Development Management Policies (adopted September 2012).

- 15 The noise mitigation measures outlined in the Environmental Noise Assessment by Entran Ltd dated 24.04.2021 shall be implemented in their entirety, prior to 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 the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and D14 of the London Plan 2021.

- 16 The level of noise emitted from any mechanical ventilation plant associated with the development 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 D14 of the London Plan 2021.

- 17 a) No development, except site clearance, shall commence until a scheme for protecting the proposed development from vibration associated with the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority.

The vibration protection scheme shall include such combination of land separation, vibration control techniques and other measures, as may be approved by the Local Planning Authority, in the light of current guidance on vibration levels. The said scheme shall include such secure provision as will ensure that it endures for so long as the development is available for use and that any and all constituents parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

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

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic vibration in the immediate surroundings, in accordance with Policy DM04 of Barnet's of the Development Management Policies DPD (adopted September 2012)

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

Reason: To safeguard the character and visual amenities of the site and wider area

and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan.

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

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

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

Reasons: In the interest of good air quality in accordance with Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) and Policy SI1 of the London Plan 2021.

- 20 a) Prior to carrying out works above slab level, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

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

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

- 21 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.

Tree and shrub species selected for landscaping/replacement planting must provide long term resilience to pest, diseases and climate change. A 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 immediately 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.

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

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

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

23 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

- 24 No development shall commence until an Ecological Management Plan, has been submitted to and approved by the Local Planning Authority. The plan should be in accordance with the recommendations laid out in the Preliminary Ecology Appraisal and Biodiversity Impact Assessment and shall be implemented in full and shall thereafter be so maintained.

Reason: To ensure the proposed development does not prejudice the adjacent SSSI and that onsite ecological features are created, enhanced and managed; and, and to ensure the proposed development does not prejudice existing protected species and ecological features in accordance with Policies DM16 of the Barnet Local Plan (2012) and Policies G5 and G6 of the London Plan 2021.

- 25 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall include details of the construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments and will demonstrate consultation with the Asset Protection Project Manager at Network Rail.

The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the structural integrity and safety of the railway siding and railway line is not prejudiced by the development in accordance with Policies D9, D10 and D11 of the London Plan 2021

- 26 Details of any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development.

Reason:

To protect the safety and function of the railway network.

- 27 a) Notwithstanding the approved plans, prior to the occupation of the development, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved play equipment should be implemented no later than 3-months post practical completion of the entire development.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016), the Planning Obligations SPD (adopted April 2013) and Policy S4 of the London Plan 2021.

- 28 a) The development shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and acoustic fencing, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of the development 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 and railway network in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 29 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To avoid significantly impact / cause failure of local underground sewerage utility infrastructure.

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

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best

practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

- 31 Prior to the first occupation of the development, the dwellings shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the above mentioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

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

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

- 33 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 34 Notwithstanding the provisions of any development order made under Section 59 of

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

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

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

- 35 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).

- 36 Prior to works above slab level, a final fire statement shall be submitted to and agreed in writing by the Local Planning Authority. In addition to the details within the Fire Statement (Report Ref: 012/071021; Revision 1 - undated - produced by Know Fire Ltd) hereby approved, the final fire statement shall contain:

- detailed sections of the different external wall types and specified attachments that make up the building and the products and materials to be used
- details of the fire evacuation procedures for the occupiers of the development

The development shall be implemented and managed in perpetuity in accordance with the details approved.

Reason: To ensure that sufficient precautions have been taken with respect to fire safety of the building, in accordance with Policy D12 of the Mayor's 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.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the

final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

Please visit

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

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

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

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

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

Further details and the application form can be downloaded from:

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

5 Applicants and agents are encouraged to sign up to the Considerate Contractors

Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 6 Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 7 If a pump lorry is to be operated from the surface of the public highway, 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.
- 8 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.
- 9 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.

- 10 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.
- 11 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.

- 12 The applicant is advised that due to the large number of schools and school children in the area, site deliveries during the construction period should not take place between 0800hrs - 0900hrs and 1500hrs - 1600hrs. Careful consideration must also be given to the optimum routes for construction traffic and the Traffic and Development section should be consulted in this respect.
- 13 Drainage associated with the site should not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.
- 14 The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged.
- 15 The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 16 The application does not include a specific glint and glare study to ascertain the effect the proposal will have on the operation of the adjacent railway particularly in terms of signal sighting and driver distraction. Reflective surfaces and building materials can cause significant problems for train drivers and railway operations (please see attached example from The Shard in London). The applicant should supply further details at the discharge of condition stage.
- 17 Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in Bridge strikes. Vehicles hitting railway bridges cause significant disruption and delay to rail users. The site is adjacent to the railway bridge on Brent Park Road which has a limited clearance of 10.9 which could be problematic if large construction vehicles associated with the site are to be routed under the structure. Consultation with the

Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developers expense.

RECOMMENDATION III:

1 That if the above agreement has not been completed has not been submitted by 31 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing, carbon off-set, highways mitigation, and loss of street trees. The proposal would therefore not address the impacts of the development, contrary to Policies CS5 and CS9 of the Local Plan Core Strategy (adopted September 2012), policies DM01, DM04, DM10 and DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013)

MATERIAL CONSIDERATIONS

Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised 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 Revised 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 2041. 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 development in London achieves growth that is socially and economically inclusive and environmentally sustainable.

The following Policies are relevant:

- GG2 (Making Best Use of Land),
- SD1 (Opportunity Areas),
- G5 (Urban Greening),
- G6 (Biodiversity and access to nature),
- G7 (Tree and woodlands),
- D1 (London's form, character and capacity for growth),
- D2 Infrastructure requirements for sustainable densities,
- D3 (Optimising site capacity through the design-led approach),
- D5 (Inclusive design),
- D6 (Housing quality standards),
- D7 (Accessible housing),
- D8 (Public realm),
- D9 (Tall buildings),
- D10 (Basement development),
- D11 (Safety, security & resilience to emergency)
- D12 (Fire safety)
- D13 (Agent of change),
- D14 (Noise),

H1 (Increasing housing supply),
H4 (Delivering affordable housing),
H5 (Threshold approach to applications),
H6 (Monitoring affordable housing),
H10 (Housing size mix),
S4 (Play and informal recreation),
T5 (Cycling),
T6.1 (Residential Parking),
SI1 (Improving air quality),
SI2 (Minimising greenhouse gas emission),
SI5 (Water infrastructure),
SI12 (Flood risk management),
SI13 (Sustainable drainage),
DF1 (Delivery of the plan and Planning Obligations).

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 (Adopted 2012):

CS NPPF (National Planning Policy Framework - Presumption in favour of sustainable development)
CS1 (Barnet's Place Shaping Strategy - Protection, enhancement and consolidated growth - The three strands approach)
CS3 (Distribution of growth in meeting housing aspirations)
CS4 (Providing quality homes and housing choice in Barnet)
CS5 (Protecting and enhancing Barnet's character to create high quality places)
CS7 (Enhancing and protecting Barnet's open spaces)
CS9 (Providing safe, effective and efficient travel)
CS11 (Improving health and wellbeing in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Relevant Development Management Policies:

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Brough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's

many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

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

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

Supplementary Planning Documents

- Delivery Skills, Employment, Enterprise, and Training from Development through S106 SPD (October 2014)
- Green Infrastructure SPD (October 2017)
- Planning Obligations SPD (April 2013)
- Residential Design Guidance SPD (April 2016)
- Sustainable Design and Construction SPD (April 2016)
- Affordable Housing SPD (February 2007)

PLANNING ASSESSMENT

Site Description

The application site is comprised a parcel of land known as Brent Cottage located off Brent Park Road.

The site has been used to house a number of static caravans for a number of years for residential use - evidenced as far back as 2008 by available historic imagery.

The surrounding area is mixed in character, with no predominant use class. That said, there is a greater presence of commercial properties within the immediate vicinity of site, with new residential development coming forward to the north west.

To the north, opposite the site lies a builders merchants and the Torah-Vodaas School which is accommodated in a four-storey building that used to be office premises. Directly adjacent to the west of the site is the Thameslink railway, to the south is the London Brent Cross Travelodge and to the east adjacent to the site is a bathroom supply and tile shop.

The site does not contain any statutory listed buildings, and is not within a conservation area. The site falls within the Brent Cross - Cricklewood Regeneration Area (Opportunity Area) designation, wherein Policy CS2 of Barnet's Local Plan Core Strategy DPD Document (2012) applies.

Proposed Development

This application seeks planning permission for the erection of a part single, part 8 and part 9 storey building, including a basement, to facilitate accommodation for 63no. self contained flats with private amenity space by way of balconies, and 316sqm of communal amenity space.

Parking is proposed at basement level, providing 36no. spaces (including disabled parking spaces), accessed by car lift. A single car parking space and secure cycle parking, for 6no. mobility scooters and 42no. bicycles would be provided at ground level.

It should be noted that during the lifetime of the application the scheme was reduced from 64no. residential units to 63no. units, in order to accommodate the Housing Officer's request for a larger affordable housing unit and also to address that the refuse and recycling area was not large enough to accommodate the requisite number / size of refuse and recycling provisions.

Site History

No relevant prior planning history.

Public Consultation

Consultation letters were sent to 13 neighbouring properties. 47 responses have been received, comprising 48 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site
- Insufficient parking
- Impact on road congestion
- Incompatible with the school
- Impact on surrounding and existing users
- Site is too constrained / small for this type of development
- Narrow road
- Construction traffic will create further congestion
- Site should remain as parking / storage
- Site should only be developed for a single house
- Area is industrial, it is not appropriate for residential in this location
- The existing area already struggles with traffic
- Adverse impact on children of the school
- Travel Plan does not have adequate regard for the school
- Traffic and road safety implications for children and cyclists
- Insufficient access and egress arrangements i.e. One access and exit.
- No indication of how they will work with the school to secure children's safety
- Not clear if a traffic assessment has taken place on the effect on the A5 roundabout
- Not a sustainable location
- Severe congestion at rush hour peak times (start/close of the school day)
- Human traffic creating undue congestion and safety implications
- Detrimental to the function of the school and local merchants.
- Security risk, as the development will overlook the school.

- Infrastructure does not have the capacity to accommodate the site
- The needs and rights of existing users in the area would be ignored, if the development is approved.
- Increase in vehicular pollution

Responses from Internal/External Consultees

Environmental Health

No objections, subject to conditions relating to contaminated land, air quality and noise mitigation.

Drainage / Lead Local Flood Authority

No objections, subject to condition.

Traffic and Development

No objections subject to conditions and the completion of a legal agreement. Comments detailed further within the assessment of the application.

Highways England

No objections.

Travel Plan Team

No objections. Travel plan should be secured by legal agreement and obligations sought for £15,000.00 toward travel plan monitoring; and £150.00 per unit for travel incentives.

Metropolitan Police Service

No objection, subject to a condition requiring the building to achieve the Secure by Design Accreditation.

Thames Water

Waste comments: No objection, subject to a condition.

Water comments: No objection, subject to a condition.

Affordable Housing

No objection, subject to a legal agreement committing to the agreed 19% affordable housing contribution.

Arboricultural Officer

No objection, subject to conditions and a financial contribution of £15,000.00 towards street tree planting off-site, secured by S.106 agreement.

Ecology

No objection, subject to conditions ensuring that the recommendations of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment.

Natural England

No objection, subject to conditions.

Network Rail

No objection, subject to conditions relating to works in proximity to the operational railway environment (asset protection and drainage); and, boundary treatments, landscaping and lighting. Informatives also provided.

TFL

No objection in principle. Conditions recommended for a construction management and logistics plan, and a delivery and servicing plan, which should be in line with TFL's guidance.

Green Spaces

No objection, subject to a financial contribution of £12,700.00 towards off site landscape improvements, in lieu of amenity space shortfall, secured by S.106 agreement.

Environment Agency

No comment.

OFFICER ASSESSMENT

Principle of development

The site falls within one of three regeneration and development areas designated within the current Barnet Local Plan (2012) under Core Strategy Policy CS3, where it is envisaged that that a significant number of new homes (16,000 across the three areas) will be provided between 2011/12 and 2025/26. Although still in gestation, this regeneration site remains a part of the Regulation 22 draft of Barnet's updated Local Plan document.

The 2005 Brent Cross Cricklewood Development SPG sets out the vision, framework, and design guidelines for the regeneration area. The SPG is actively encouraging and supporting regenerative sustainable development in this area; with an estimated 10,000 new homes to come forward, a new town centre and market square, new transport interchanges, provision of new public open space, and enhancements to existing green spaces

The Brent Cross - Cricklewood Regeneration Area, is also identified strategically in the London Plan as an Opportunity Area for the creation of new jobs and homes. The Mayor's London Plan Table 2.1 sets out the indicative capacity of Opportunity Areas in London. The Brent Cross/Cricklewood Opportunity Area has an indicative capacity set out in the London Plan of 9,500 homes.

In light of the above, subject to compliance with relevant local plan policies and other

material considerations, it is considered that there would be no objection in principle to the redevelopment of the site for the erection of an entirely residential scheme in this location.

Principle of Tall Buildings

Policy D9 of the Mayor's London Plan (2021) establishes the expectations for the location and impact of tall buildings, requiring Borough's to identify where tall buildings may be an appropriate form of development. It further stipulates that development proposals should address visual impacts (immediate, mid and long range views of the building); spatial hierarchy of local / wider context; architectural quality and materials; harm to significance /setting of heritage assets; functional impacts (i.e. safe access/egress, maintenance and management to minimise disturbance and inconvenience; avoidance of overcrowding/isolation of the development; avoid overloading of local infrastructure; maximisation of jobs, services, facilities and economic activity; avoid interference with aviation, navigation, telecoms and detrimental effect on solar energy generation on adjoining buildings); environmental impacts (wind, air movement, noise; sunlight penetration and temperature conditions); and cumulative impacts.

Barnet's adopted Core Strategy (2012) Policy CS5 and development management Policy DM05, identify that tall buildings (greater than 8 storeys or 26 metres) may be acceptable in the Brent Cross - Cricklewood Regeneration Area, subject to them demonstrating

- i) An active street frontage, where appropriate;
- ii) Successful integration into the existing urban fabric
- iii) A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline
- iv) That there is no harm to heritage assets and their setting
- v) That the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

In principle, it is considered that tall buildings are acceptable in this location, subject to the above criteria, and other relevant design considerations, which will be considered within the design / layout section of this assessment.

Impact on the character of the area

Density:

The Council's approach to density is set out in Policy CS3 of Barnet's adopted Local Plan Core Strategy DPD Document (2012) which refers to the superseded density matrix of the London Plan (2016), however, it subsequently states that the Council will seek to optimise density to reflect local context, public transport accessibility and provision of social infrastructure. It is considered that the latter three principles of this policy broadly align with the objectives of Policies GG2, D2, and D3 of the Mayor's London Plan 2021, which requires developments to make the best use of land, through a design-led approach - i.e. density being informed by good, sustainable design that reflects and respects local character and distinctiveness. Policy D6, inter alia, states that particular consideration given to the site context, its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure.

With regards to public transport accessibility and access to social infrastructure, the application site is located within an area that has a PTAL rating of 2, which is regarded as poor, although the area immediately adjacent to the site, on the junction between Edgware Road and Brent Park Road, is classified as PTAL 3 (moderate). Despite the PTAL ratings,

Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). All of these public transport nodes are accessible by pedestrian friendly routes. Accordingly, it is considered that there are no objections to the scheme when having regard to the public transport and social infrastructure accessibility dimensions of both the London Plan and Local Plan density criteria.

The site is situated within an urban area, immediately surrounded by the A5 and M1 / North Circular interchange, the Midlands Mainline rail route and a number of commercial units, although it is close to the extensive ongoing developments (residential/mixed use residential) at West Hendon Broadway. Read in conjunction with the wider urban landscape, where there are a number of high density residential developments, it is considered that the residential density proposed would not be out of keeping with the surrounding context.

Overall, it is considered that the proposed development would be of an acceptable density.

Design / Layout:

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states 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 development is proposed as a single part 1, part 8 and part 9 storey building, the basement of which occupies the entirety of the application site's extent. The ground floor of the building however occupies significantly less of the site's extent, and this is slightly reduced from first floor (2nd storey) upwards, reducing again in size at the 8th floor (9th storey). The areas around the building at ground floor level are used for landscaped amenity space enhancements, both private and communal, which help add visual interest and soften the mass of the building at ground/street level.

The staggered footprint, created through a combination of the buildings projections and returns, winter garden recesses and balconies, all help to break up the massing of the building's visible 8 storey height. Design of the footprint and massing in this way creates visual interest that achieves a proportionate and satisfactory spatial relationship between the development and its visible site extents, but also an acceptable relationship with neighbouring adjacent buildings of which are not as tall (i.e. circa 4-5 storeys in height) as the proposed building. A sectional drawing across the wider area has been provided within the Design & Access Statement which illustrates that the building would fit in with the surrounding wider built environment, where there are similarly tall buildings in West Hendon Broadway, just a short distance away. As such it is considered that the proposed building would comfortably sit within the wider context without appearing overly dominant and out of keeping with the surrounding area. Overall, it is considered that the layout, massing and height, avoids creating an overdeveloped and visually cramped form of development.

With regards to articulation and materials, the architectural expression follows a very logical approach, with windows, balconies and winter gardens at regular intervals between brickwork in a clear linear pattern. The development is proposed to be a contemporary industrial style building which is predominantly finished in a grey / dark brickwork and dark

cladding and significant glazing. In principle, the materials are considered to be acceptable, and the extent of glazing and lighter mortar (brick pointing) will create the required lighter contrast to break up the dark tonality of the buildings elevations. The recess of the top floor and its cladding in a lighter and different type of material reduces the bulk and mass of the building at its 8th storey. Comparative to surrounding buildings within the immediate street scene and nearby, which are comprised of brickwork, metal and other forms of cladding of varying colour palettes, it is considered that the proposed development's proposed material selection would not be demonstrably out of keeping with the character and appearance of the surrounding area.

Notwithstanding the above assessment, it is recommended that further details and samples of the final materials to be used in the external elevations are required to be submitted to, and agreed in writing by the Local Planning Authority, through a planning condition. This is to ensure that an acceptable palette of materials is selected that will achieve a satisfactory visual appearance for the building upon its completion, and for the future to come.

Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies.

Impact on the residential amenities of neighbours

Part of the 'Sustainable development' imperative of the NPPF 2021 is pursuing improvements to amenity through the design of the built environment (para 127). In addition, Policy DM01 of Barnet's Development Management Policies DPD (2012), as well as the Sustainable Design and Construction SPD (2016), provide further requirements and guidance, to avoid and mitigate against harmful impacts on neighbouring residential amenities.

The application site does not abut any residential curtilages, and thus, the closest residential properties would be circa 130 metres north-east on Dallas Road - on the other side of the railway and M1 flyover; and, 160 metres west/north west at Verulam Court, off Woolmead Avenue (adjacent to the A5). The most immediate neighbouring buildings are occupied for commercial (TBK Tiles factory outlet at Elite House, Edgware Road, Busy Bee Builders merchants at 1A Brent Park Road; and Travel Lodge at Denmark House, Edgware Road) and educational (Torah Vodaas School, Brent Park Road) purposes.

The application is supported by a daylight and sunlight assessment which indicates that the nearest residential receptors would not be unduly impacted in this regard by the proposed development. Such is the distance from the nearest neighbouring residential receptors (circa. 130m), that even despite the proposed building's part 8, part 9 storey height, it would not have any demonstrable impact on their residential amenities.

Officers are satisfied that the proposed development would not adversely impact the amenities of neighbouring residential occupiers, in accordance with Policy DM01 of Barnet's adopted Development Management Policies DPD (2012) and Policy D9 of the Mayor's London Plan (2021).

Impact on existing businesses / community uses

Whilst amenity impacts (e.g. loss of light, overshadowing, loss of privacy, overlooking and overbearing impact and sense of enclosure) are not a material planning consideration for commercial and educational uses, it is material to consider the impact that the development could have on existing businesses and community facilities.

Paragraph 182 of the National Planning Policy Framework (2021) states that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and it subsequently places the responsibility on the applicant to provide suitable mitigation, where this may be identified as an issue. This policy has been transposed and adopted within the Mayor's London Plan (2021) Policy D13 (Agent of Change), with a particular focus on design-integrated mitigation and management of noise and other nuisance.

It is noted that several objections have been received from interested parties of the Torah Vodaas school, opposite the application site. The majority of these objections focus on the impact that the development will have on the safety, function, and convenience of the local highway network (with particular regard parents and children accessing and egressing the school), and these matters are considered elsewhere in this report, however, several objections cite concerns about the development's incompatibility with the school - with regards to the children's security and safeguarding (from overlooking of the school); and, the impact of the development on the function and 'needs' of the existing merchants and businesses within the area.

With regard to the specific matter of overlooking of, and security of, children that attend the school, there are no specific local plan policies or adopted guidance that provide minimum overlooking metrics to minimise associated impact. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users' and, in respect of tall buildings, Policy D9 (Tall buildings) of the Mayor's London Plan (2021) states that "*where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy*". There are minimum overlooking distances set out within the Council's adopted Sustainable Design and Construction SPD (2016), with respect to overlooking distances between proposed development and residential development, to ensure the protection of privacy for both existing and proposed residential receptors. Although not strictly applicable in this instance, the minimum criteria set out in Table 2.4 (Daylight, Privacy [minimum distance], Outlook and Light Pollution Requirements - Pg 12) of the SDC SPD (2016) provides a useful benchmark for assessing overlooking / loss of privacy. It establishes that there should be 21m between properties with facing windows, and at least 10.5m to rear-side neighbouring gardens.

The principal part of the school as observed from the street sits on the corner of the junction of Brent Park Road and Edgware Road. Four storeys in height, it is the tallest element of the school building and is the part of the school which contains the most windows. This part of the school building sits entirely opposite Elite House (No.50 Edgware Road) which is adjacent to the application site. The corner-to-corner distance from this element is circa 25m, meaning that there would be an acceptable distance relationship in terms of overlooking, if the residential standards were to be applicable. In addition, it sits at an oblique angle, and thus would be outside any perpendicular views from windows/balconies facing north-west or south-west. The parts of the school that are immediately opposite the site are lower in height (circa 2 storeys in height), with very few openings on the facing elevation. There is a standard door opening on the ground floor and a secure vehicular-style, undercroft access to the internal courtyard; and, a two-pane width first floor window, surrounded by a small projecting balcony. The distances from the windows/balcony area to this part of the school building are circa 18 - 21m, which again, considered to be acceptable, using the SPD's residential standards as a benchmark. Whilst the windows and balconies can overlook the

street outside the school, where children and parents frequent to access the school, this falls within the public realm, and thus, it is considered overlooking of this area could not be reasonably objectionable.

The application building will be notably taller than the school building, and it may be possible for some overlooking of the central courtyard area that is used for play time by the school. Notwithstanding, the distances at a minimum of 24m and 27m, are such that there would not be an unacceptable compromise of child security. In addition, the active frontage of the building will positively bring an element of natural surveillance to an area which currently has very little natural surveillance, ensuring that security is actually increased, rather than compromised.

A daylight and sunlight report has been provided in support of the application which indicates that the playground would meet the standards of the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) (the "BRE Guidelines") with regards to sunlight and daylight, and would therefore not be unacceptably impacted by the proposed development.

With regards to the impact of the development on the function and needs of existing merchants and business, Busy Bee Builders merchants opposite, and the immediately adjacent Tiles & Baths Direct / TBK Tile Factory Outlet are the only commercial operators that are likely to present implications to the future occupiers i.e. by means of noise disturbance and general operational disruption (e.g. through deliveries and collections by larger commercial vehicles).

In particular the latter of the two neighbouring commercial sites has a rear servicing and delivery area that would be immediately overlooked by the development. Notwithstanding, the location of the site, i.e. surrounded by a number of busy roads and the railway line, is going to be subject to a high ambient noise level at all times, with large vehicles passing nearby and trains passing relatively frequently. Accordingly, in order to protect these established commercial uses and avoid undue pressures on their operational function as a result of the introduction of a sensitive use (residential development), there is a need to ensure that the building materials including insulation and glazing, are of a standard that will mitigate the impacts of noise from the surrounding environment. The applicant has supplied an environmental noise survey which identifies the sides of the building that will require glazing and mechanical ventilation to meet the requisite internal noise standards. Suitably worded conditions will be recommended to ensure that the requisite standards will be met, and this will avoid any undue constraints or future pressure on any of the adjacent commercial uses which have long been established. Accordingly, the burden will be placed on the proposed development to ensure that the scheme meets the objectives of Paragraph 182 of the NPPF (2021) and Mayor's London Plan (2021) Agent of change policy (D13).

Housing Quality

Unit Mix / Dwelling Sizes:

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan 2021 Policy H10, and Barnet Development Management Policies DPD Policy DM08). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough. Although, this should not be interpreted as implying that there is not a need for a full range of unit sizes.

The development proposes the following unit mix across the application site:

Type	Number of Units	Percentage
1 bed 2 person	23	36.5%
2 bed 3 person	6	9.5%
2 bed 4 person	19	30%
3 bed 4 person	7	11%
3 bed 5 person	8	13%
Total	63	

It is considered that the proposed development provides a good mix of home sizes, and whilst 1 bed 2 person units account for more than a third of the units proposed, the larger family size units (i.e. 2 bed 4 person, 3 bed 4 person, and 3 bed 5 person) account for 54% of the dwellings that would be delivered. This is considered to be appropriate given the site's characteristics and location. Officers therefore consider the proposed dwelling mix to be acceptable and in accordance with Barnet policy DM08.

Affordable Housing:

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and, not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The scheme proposes to deliver 19% (12 units, 21% by habitable room) affordable housing across the ground, first and second floors, in the following configurations:

	Market	Intermediate	Social Rent	Total
1 bed	21	0	1	22
2 bed	19	3	4	26
3 bed	11	2	2	15
Total units	51	5	7	63
Habitable rooms	143	17	22	182
% by habitable room	79%	9%	12%	100%

The affordable housing provision proposed falls short of the expectations of Policies CS4 and DM10 of Barnet's Core Strategy and Development Management Policies (2012); and Policy H5 of the Mayor's London Plan (2021). Both policy sets allow for a financial viability case to be put forward to justify any shortfall in affordable housing provision, which would be subject to an independent review of this justification. In support of the application, the applicant has supplied a Financial Viability Assessment (prepared by DS2), which has been subsequently reviewed independently by Savills (UK) Limited. The conclusion of the independent report was that the scheme would generate a positive land value (+£432,000.00) and that it could support on-site affordable housing; or a payment in lieu of affordable housing of £1.4 million, in addition to CIL contributions. Notwithstanding, it

concluded that 20% affordable housing provision, would be both fair and reasonable. Officers accept the findings of the independent viability review. Notwithstanding, a 19% affordable housing provision (by unit) has been agreed, following the Affordable Housing Officer's request for an improved affordable housing mix - thereby securing an additional larger (3 bed) family unit.

Standard of accommodation

In terms of the standard of accommodation for the future occupiers of the proposed development, the Council expects a high standard of internal design and layout in new residential development. The standards expected are set out within Barnet's adopted Sustainable Design & Construction SPD (2016), and these align with the objectives and standards that are stipulated in Policy D6 of the Mayor's London Plan (2021), and Policy DM02 of Barnet's adopted Development Management Policies DPD (2012).

All of the proposed residential units would meet the minimum internal space standards, as set out within the policies referenced above. In terms of ceiling heights and addressing the Urban Heat Island affect, as required by Policy D6 of the Mayor's London Plan (2021), all units will have a ceiling height of 2.5m for at least 75% of the gross internal floor areas. This will ensure that the new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space.

Daylight & Sunlight:

With regards to daylight and sunlight access, the applicant has provided a Daylight & Sunlight report, which assesses the development against the BRE's site layout planning for daylight and sunlight guidelines (BR 209, 2011). BRE guidelines state that Average Daylight Factor (ADF) is the primary measure for daylight in new build accommodation. It states that a kitchen should enjoy daylight levels of 2% ADF; a living room levels of 1.5% ADF; and, bedrooms a level of 1% ADF. Reasonably the assessment provided uses an averaged ADF factor of 1.5% for the combined kitchen / living / dining rooms proposed. The assessment indicates that all habitable rooms examined meet the requisite ADF requirements and daylight distribution target values.

With regards to sunlight (Annual Probable Sunlight House - 'APSH') the assessment indicates that 52 out of 63 main living rooms meet the target value for annual sunlight and 48 out of 63 main living rooms meet the target value for winter sunlight. The rooms that do not meet the annual target, their primary window faces within 90 degrees of due north, which compromises the level of sunlight that can be expected within these rooms. Given there is a good standard of 75% or more across the development for annual and winter sunlight, the provision is considered to be acceptable.

The majority of the units benefit from dual aspect, which improves light access into the units, but it also provides a satisfactory level of outlook for the future occupiers of the development. Overall, Officers are satisfied that the proposed units would receive good levels of light.

Privacy / Overlooking

As noted in the residential amenity section above (concerning neighbour amenities) it is considered that the proposed development would achieve a satisfactory degree of privacy for the future occupiers and that there would be no harmful overlooking on the development. The hotel site to the rear would be at least 23m from the development, avoiding any unacceptable privacy relationships. Further, there are no windows within the rear of the TBK

Tiles Factory Outlet warehouse building that would create an unacceptable overlooking and loss of privacy issue. Overall, it is considered that the proposed development would achieve a satisfactory standard of privacy in accordance with the objectives of DM01 of Barnet's adopted Development Management Policies DPD (2012).

Amenity Space

Policy D6 (Housing quality & standards) of the Mayor's London Plan (2021) and Barnet's adopted Sustainable Design and Construction (SDC) SPD (2016) require that sufficient, functional amenity space be provided for all new homes and flats wherever possible. Amenity space is provided to each unit, by means of balconies and enclosed roof garden terraces, and shared communal space (communal space totalling 322m², on the ground floor and eight floor). The Council's adopted SDC SPD (2016) requires 5m² of space per habitable room, but recognises that this is not always achievable in dense forms of flatted residential development. Based on the SDC SPD (2016) standards the requisite amount of amenity space required across the entirety of the scheme is 1240m². Only two units on the ground floor; one unit on the first floor; and, one unit on the 8th floor, meet the adopted standards, however every unit benefits from at least 5m².

In total only 986m² (inclusive of the 322m² communal space) of amenity space is provided, meaning there is a shortfall of approximately 254m². In lieu of this shortfall the SDC SPD (2016) advises that the Council will seek a planning obligation. The Council's Greenspaces team have been consulted on the amenity space shortfall and have suggested a Parks and Open Spaces Contribution for the sum of £12,700 (Index Linked) towards the improvement and enhancement of the Welsh Harp Reservoir Area within the London Borough of Barnet as identified by the Parks and Open Spaces Officers; or, such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

- (a) Provision of drainage to playing pitches and grounds of amenity land
- (b) Buildings and fencing improvement within Parks and Open Spaces
- (c) Project Management Consultation for improvements
- (d) Improvements to sports courts
- (e) Improvements to children's play area
- (f) Safety in parks including soft and hard landscape improvements
- (g) Disability access improvements

This obligation is considered to be both reasonable and necessary to mitigate the shortfall in amenity space provided.

Part of Flat 2 and Flat 3's amenity space, and the communal amenity space set out on the ground floor is situated adjacent the railway line where noise levels are likely to be higher than average. To reduce the impact of associated noise for this private space it would be considered both reasonable and necessary to recommend a condition requiring acoustic grade fencing to be erected on the adjacent site boundary.

Overall, subject to the recommended planning obligations and conditions, it is considered that the private and communal amenity space will accord with the objectives of Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012); and, Policy D6 of the Mayor's London Plan (2021).

Playspace

Integrated into the communal amenity space is the playspace provision for children (between ages 0-17 years old) provided at the ground floor and rooftop level (8th storey). The total required area for playspace is 292.6m². The details of the proposed dedicated play space are contained within the Landscaping Strategy, which illustrate that it will be provided across the 316m² communal space proposed. This is considered to accord with Policies DM01 and DM02 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy S4 (Play and informal recreation) of the Mayor's London Plan (2021). The specifics of the play equipment will be secured by a pre-occupation condition, in the event that the application is granted approval.

Highways / Parking

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

Residential car parking

It is recognised within the Barnet Local Plan policies that the residential parking standards will be applied flexibly based on different locations and issues related to public transport accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided.

Barnet Local Plan and recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of unit proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

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

Notwithstanding, there are also separate standards for the Cricklewood, Brent Cross and West Hendon Regeneration Area, contained within saved Policy C8 (Parking Standards) of Barnet's superseded Unitary Development Plan (UDP, 2006). This policy sets a standard of one space per unit, regardless of the unit size. These are maximum standards (not minimum) and the objective of this policy is to promote more sustainable transport modes i.e. to meet a significant proportion of travel needs through high quality public transport and improvements to walking and cycling facilities.

Residential development may be acceptable:

- i) With limited or no parking outside a CPZ but only where it can be demonstrated through a survey that there is sufficient on street parking capacity;
- ii) With limited or no parking within a CPZ, where it can be demonstrated that there is

insufficient capacity on street the application will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Based on the requirements of Policy DM17 of the current Local Plan, the proposed development has a parking requirement range of 52-83 parking spaces, although, a maximum requirement of 63 spaces when assessed against saved Policy C8 of the superseded Barnet UDP (2006). The application site is located within an area with a PTAL rating of 2, however as noted in the principle assessment section of this report, it is immediately adjacent to an area with a PTAL rating of 3 (moderate).

Also of note, Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan. The draft Local Plan responds to the Mayor's adopted London Plan (2021) parking standards, intending to adopt the standards it establishes for residential car parking. The London Plan (2021) states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards are still maxima and are lower than those in Barnet's current Local Plan (2012). For an Outer London Opportunity Area, Table 10.3 of the London Plan (2021) indicates that the maximum standard should be up to 0.5 spaces for units of all sizes. This would equate to a requirement of 32 spaces in the current scheme, meaning the development with its 37 spaces would meet the London Plan (2021) parking standards. Owing to the draft nature of Barnet's Regulation 19 Local Plan, only limited weight can be afforded to this policy, however, such weight can be afforded nonetheless.

The Council's Highway Authority has commented on parking provision, advising that for a site with a PTAL of 3, a provision 48 car parking spaces would typically be acceptable. Notwithstanding, they state that a shortfall of 11 spaces (i.e. 37 in total, as proposed) would be acceptable given the fact that this section of Brent Park Road is protected by both red and double yellow lines, and that surrounding roads fall within in a Controlled Parking Zone (CPZ). Officers would reiterate that, in addition, Hendon Thames Link is within 0.7 miles (approx. 13 min by foot); Staples Corner Bus stop is 0.3miles (approx. 7min by foot); and Brent Cross Shopping Centre is 0.7miles (approx. 13min by foot). Accordingly, the development is very accessible to these transport nodes and local services, and thus it is considered that it is within a sustainable location, making the shortfall in parking provision acceptable, on balance.

The Highway Authority have advised that a financial contribution of £7,500.00 towards a CPZ review and £2,392.01 towards a subsequent Traffic Management Order amendment to prevent future residents of the development from purchasing permits for controlled areas would be appropriate, to ensure that the development does not increase parking pressures / overspill within the local area. This is considered both reasonable and necessary, and thus, it is recommended that this obligation is secured via legal agreement.

TFL were consulted on the application and also raised no objections to the parking provision. The draft Parking Management plan identifies that six disabled car parking spaces could be provided. To ensure that disabled parking provision is provided in accordance with the London Plan 2021, a final parking layout will be required by planning condition.

Electric vehicle charging points must be provided in accordance with London Plan standards for residential uses (i.e. 20% active and 80% passive) For the 37 spaces proposed, provision of 8 active and 29 passive spaces is requested. This is to be secured by way of a planning condition, as per the advice of the Highway Authority.

In accordance with the Highway Authority's recommendation, an updated parking management plan would also be required by condition to set out how the spaces will be allocated and managed amongst residents and the procedure for managing visitors to the development. This would be in the interest of the efficient functioning of the development - mitigating and managing any parking associated conflict.

Cycle Parking

Cycle parking is to be provided in accordance with the 2021 London Plan standards. The development is to provide a minimum of 119 cycle parking spaces (116 long-stay and 3 short-stay). Six of the cycle spaces can accommodate larger cycles (5% of provision) in accordance with TfL guidance. Cycle parking is proposed on the ground floor in two separate locations and this is acceptable. In addition, 3 short term spaces will be provided at the back of the foyer. The Highway Authority have recommended that the type of stands used must allow both wheels and the frame of the bicycle to be locked. A cycle parking condition will therefore be recommended to ensure the appropriate details of cycle storage/stands are secured.

Trip Generation / Travel Plan

A TRICs trip rate assessment has been provided in support of the application, which identifies that the overall development would generate 11 additional traffic movements during the morning peak hours and 10 extra movements in the evening peak hour. The Highway Authority do not raise objection on the grounds of trip generation associated with the development and are in agreement that the development will have a negligible impact on the local highway network.

A draft travel plan has been submitted by the applicant and is considered to be acceptable in principle. The formal submission of the travel plan and its monitoring by the Council will be secured by planning condition and a legal agreement.

The Council's Travel Plan Officer has recommended that a one parking space be dedicated to car club, however the applicant has provided evidence that the development falls below the typical viability threshold expected by car club operators (minimum of 70 units) and further that a car club space located behind a secure gate only accessible to residents would not be conducive to the safe and efficient running of the service. To make this more accessible (i.e. by leaving the gates open, would only compromise the security of the development, contrary to the Metropolitan Police Service's recommendations. Accordingly, on balance, it is considered that the development would still be acceptable, and sustainable, without the provision of a car club space. Contributions will not be sought for a car club space off-site as the maximum desirable distance to a car club space is 800m, and this requires the residents to be in a car free development to encourage the use of this.

Access / Deliveries / Servicing

The majority of deliveries will occur within the development using the main access to access the delivery bay at the rear of the servicing bay. The Highway Authority acknowledged that the bay will be suitable for the majority of deliveries, and on occasions, where larger vehicles

need to service the site, they can use the servicing bay. Swept path drawings have been provided by the applicant and these demonstrate that refuse vehicles can reverse into the serving bay safely, and also that a long wheel base van can enter and exit the site in forward gear. The Highway Authority are satisfied that the delivery bay and servicing bay proposed as part of the scheme can accommodate the servicing needs of the site. Notwithstanding, during the lifetime of the application the Highway Authority sought agreement from the applicant to ensure that either the roller shutter is relocated to allow vehicles to access the delivery bay freely, or, set at an "open" default position to allow for deliveries to take place without impact to the function of the highway. Following further traffic information provided by the applicant, and an alternative solution (i.e. a sliding gate instead of a roller shutter), neither change was deemed necessary, as it was agreed that traffic movements on the road at peak time were not significant and also that a servicing button could be placed on the sliding gate for the intention of deliveries and servicing only. This would ensure that the site remains secure from non-residents and non-service providers entering the site. This measure would be included in an updated delivery and servicing plan, which would be required by planning condition.

Refuse & Recycling

The Council's Waste Management Department have been consulted on the scheme, and is satisfied that adequate refuse and recycling provisions have been provided - i.e. 9 x 1100litre refuse bins and 9 x 1100litre recycling bins.

The refuse store is within 10m of the servicing bay on the ground floor. Refuse vehicles will reverse into the servicing bay and pick up and the bins will be transported to the waiting vehicle in the bay. Both the Highway Authority and Waste Management Department have agreed that the refuse and recycling provision and servicing arrangements are considered to be acceptable.

Construction Management

A draft construction logistics plan has been submitted by the applicant and this is acceptable in principle. However, the Highway Authority has commented that cleansing arrangements, including the use of a road sweeper is requested. In addition, the details of an interim community liaison officer is also requested. Environmental Health have also considered this document and requested additional information (discussed later in this report), accordingly it is considered appropriate to request a final Construction Management and Logistics plan by a suitably worded planning condition.

Highways Conclusions:

Taking into account the areas covered above, Highways would raise no objection to the proposed development subject to the following planning obligations listed below and a number of relevant conditions:

- S.278/S.184 agreement for provision of two vehicular crossovers and provision of dropped kerbs/informal crossing point
- Submission of travel plan and financial contribution towards its monitoring (£15,000.00);
- A £7,500.00 contribution towards CPZ review and extension, £2392.01 towards CPZ permit restrictions - i.e. future occupiers to be restricted from obtaining residential parking permits.

Drainage / SuDs

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does not cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application site is in Flood zone 1 and the scheme is accompanied by a Flood Risk Assessment, storm sewer drainage calculations and surface water drainage strategy drawings. These have been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of further details of the surface water drainage scheme would be attached. This is considered both reasonable and necessary, in the interest of preventing on site and off site surface water flooding, in accordance with Policy C13 of the Barnet Core Strategy (2012) and Policies D3, SI12, and SI13 of the London Plan 2021.

Consultation with Thames Water initially identified a requirement to recommend a planning condition that stipulated that no development shall take place within 5m of the water main, and that details of asset diversion with a view to preventing damage to subsurface potable water infrastructure should be submitted to and agreed in writing in consultation with Thames Water. During the lifetime of the application, the applicant engaged with Thames Water directly and established that the planning condition was not required and that this could subsequently be removed from any recommendation.

Environmental Considerations

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

Contaminated Land:

No information has been submitted to support the application in regards to contaminated land on site. The Council's Environmental Health Unit have considered the site history and identified that there has been a previous historic use that may be potentially contaminative - i.e. previous use of the site as a garage, where spillages and subsequent ground contamination may have occurred. Given that the development incorporates a basement where there will be significant ground upheaval and the potential to disturb any potentially contaminative material, it is considered reasonable that the potential for land contamination of the site is explored further. Officers therefore agree with the recommendation of the Environmental Health Unit which require an investigation into land contamination. This can be required by means of a suitably worded pre-commencement condition, as suggested by the Environmental Health Unit. This would align with the objectives of Policies SD1 (Opportunity areas) and D10 (Basement development) of the Mayor's London Plan (2021), which seek to ensure that appropriate steps are taken to identify and mitigate issues of land contamination when developing for sensitive uses, such as residential development.

Air Quality:

Policy S11 (Improving air quality) of the Mayor's London Plan (2021) aligns with the principles of DM04 of Barnet's adopted Development Management Policies DPD (2012), in that it seeks to ensure emission risks associated with development - i.e. air pollution, both existing and as a consequence of the proposed development - are identified, and that a suitable scheme of mitigation is established to mitigate the impacts for the existing environment and receptors (residents/public) as well as future receptors (residents of the development); and, that all new development meet the GLA's Air Quality Neutral benchmarks.

The application site is located close to a major highway intersection with the A406, M1 and A5. Consequently, it is certain that the development will be exposed to air pollution from these highway sources (i.e. emissions from petrol and diesel vehicles). The application is supported by an air quality impact assessment report which assesses both construction and operational impacts of the proposed development, and concludes that annual mean Nitrogen Dioxide (NO₂) concentrations within the area will not exceed 32 micrograms per cubic meter air (ug/m³), which is below the 40ug/m³ annual limit established within the Air Quality Standards Regulations 2010. This would suggest that the development and its future prospective residential occupiers would not be at undue risk to their health as a result of poor air quality.

In addition, the assessment concludes that development would not demonstrably add to the concentration of relevant pollutants (Nitrogen Dioxide; or, Particulate matter smaller than 10micrograms / 2.5micrograms) within the local environment to an extent that would result in regulated limits being breached - such that would subsequently cause unacceptable harm to human health. The assessment identified the level of pollution generated by the construction phase of the development as being negligible provided good site practices and the implementation of suitable mitigation measures are put into place. All in all, the report concludes that the development will be air quality neutral.

The Council's Environmental Health Unit have reviewed the contents of the assessment and are broadly in agreement with the findings. They have recommended that the mitigation measures suggested within the report are followed and that a construction management plan is required by condition to ensure that the construction of development is carefully planned and managed by procedures that mitigate the emission of pollution. This is considered to be both a reasonable and necessary approach, given the scale of the development.

Accordingly, subject to conditions the proposed development would ensure that adverse air quality impacts are minimised and mitigated appropriately in accordance with Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Noise:

Policies D13 (Agent of Change) and D14 (Noise) of the Mayor's London Plan (2021) recognise that the management of noise is important to promote good health and quality of life, within the wider context of achieving sustainable development, and that the burden of mitigation should not be exclusively placed on established neighbouring businesses and occupiers (i.e. who may operate / be responsible for existing noise-generating activities or uses). The policies stipulate that mitigation should be a part of the design through the use of distance, screening, layout, orientation, uses and materials.

Given the close proximity of the site to the major highway intersection between the A406, M1 and A5; the immediate presence of the active Midlands Mainline rail route adjacent; and, the presence of the adjoining and other neighbouring commercial sites, the development will inevitably be exposed to a higher than average ambient noise level, compared to most nearby residential environments. The application is accompanied by an Environmental Noise Assessment (produced by Entran Ltd; dated: 28/04/2021), which concluded that Night-time maximum L_{Amax,F} noise levels are considered to achieve the WHO guideline noise level for the onset of sleep disturbance.

The assessment indicates that the BS 8233 criteria for internal ambient noise levels will be met, subject to incorporation of suitable glazing and mechanical ventilation for a number of the units. Accordingly, it is recommended, as per the Environmental Health team's recommendations that planning conditions are recommended for the construction of the development in accordance with the recommendations of the noise report; and, that any mechanical ventilation plant is thereby restricted in noise level to prevent noise disturbance to those who inhabit the development.

Overall, it is considered that the proposed development, subject to conditions, could achieve satisfactory internal noise levels, in accordance with the objectives of Policy DM04 of Barnet's adopted Local Plan Development Management Policies DPD (2012), and Policies D13 and D14 of the Mayor's London Plan (2021).

Management of Construction-related Pollution

The applicant has supplied an Outline Construction Logistics Plan which addresses how construction associated activities and vehicular movements will be managed in the interest of preventing pollution and risks to the safety, function and convenience of the local highway network. This has been considered by both the Highway Authority and the Environmental Health Team who have suggested that more details are required, and therefore, that a condition requiring a final Construction Management and Logistics Statement should be submitted to and agreed in writing in consultation with both teams. This is considered to be both reasonable and necessary to ensure that a holistic approach is taken to the management of pollution during the construction phase of the development.

Accessibility and Sustainability

Accessible Housing:

The application scheme is required by Policy DM03 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and Policy D7 (Accessible Housing) of the Mayor's London Plan (2021) to meet Building Regulation requirement M4(2) and for 10% of all units to be wheelchair home compliant. The applicant has confirmed that the proposed development would meet this requirement, and a condition will be recommended in the event that planning permission is granted, to ensure compliance with these Policies.

Carbon Emissions

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

The applicant has supplied a detailed Energy & Sustainability Statement (Revision A; dated: April 2021) produced by JS Lewis Ltd, which sets out how the development will accord with

the objectives of the relevant policies.

In respect of carbon dioxide emission reduction, the statement confirms that the scheme has been designed to achieve a 67% CO2 reduction over Part L of the Building Regulations and will incorporate:

- o Passive design measures included as far as practicable;
- o Energy efficiency measures for both fabric and fittings;
- o Mechanical ventilation with heat recovery;
- o Communal heating fed by an energy centre;
- o Integration of 13kWp solar PV panels

A carbon offset payment of £55,507.00 is also proposed, to be secured by Section 106 agreement, to contribute towards the Boroughs Carbon Zero objectives.

The mitigation and stated 67% reduction, together with the carbon offset payment is considered to comply with the objectives of Policies DM01 and DM02 of Barnet's Local Plan Development Management Policies DPD (2012) and Policy SI2 of the Mayor's London Plan (2021). A condition is recommended in the event of planning permission being granted, to ensure the scheme is implemented in accordance with the Energy & Sustainability Statement recommendations, which will subsequently ensure compliance with the aforementioned policies.

Water Consumption

In terms of water consumption, a condition would be recommended in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to facilitate the objective of minimising the level of water used by the future occupiers and development in general, to ensure the proposal accords with Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

Secure by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Metropolitan Police Service who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development to achieve Secure By Design Accreditation.

Landscaping, Trees, and Ecology / Biodiversity

Landscape:

There are two main external communal amenity areas proposed within the scheme; at the ground level, and on the 8th level. A landscape strategy has been submitted with the application providing details of a suggested landscape proposal. It demonstrates that the proposed scheme is able to achieve an Urban Greening Factor (UGF) score of 0.44 which aligns with the objective of Policy G5 of the Mayor's London Plan (2021), which seeks a UGF score of 0.4m for residential development. This will provide a range of benefits

including enhanced amenity space, enhanced biodiversity, addressing the urban heat island effect, and sustainable drainage - the latter being especially important in such a densely developed part of the Borough, where traditional green space is limited.

The Council's Tree Officer has raised no objections to the proposed landscaping strategy, subject to a condition requiring further details about the hard and soft landscaping materials and planting species.

Trees:

The application is accompanied by a Arboricultural Impact Assessment which identifies that there are a number of trees and shrubs within the site, but these are considered to be low value specimens that are sited close to the adjacent neighbouring commercial building. Coupled with the basement/undercroft element of the proposal, it would be impossible to retain the existing shrubs and trees. Nevertheless, provision is made for tree planting and shrubs on site within the submitted landscape strategy - species to be confirmed via the recommended hard and soft landscaping planning condition.

The Council's Tree Officer has also advised that there is a need to make the street scene around this development more residential in character - softening the current industrial buildings surrounding the proposal, and assisting with air quality arising from the Edgware Road (A5) junction with the North Circular (A406) traffic and congestion. They have identified that there is a possibility to plant some trees along Brent Park Road, between the railway line and the A5 and on the other side of the M1 bridge. In addition to this, it is suggested that planting trees on the slip road from the A5 flyover down to the round-about is also possible and should be encouraged. This will soften the approach to the development, build on existing new tree planting and enhance the appearance of the wider area.

The Tree Officer, in consultation with the Council's Greenspaces Team, has identified that 20 trees will achieve this outcome making the scheme compliant with Paragraph 131 of the National Planning Policy Framework, Policies G5, G6 and G7 of the London Plan 2021; and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012). A financial contribution of £15,000.00 towards the funding of these trees will be secured by a Section 106 agreement.

Ecology / Biodiversity:

Both Natural England and the Council's Ecologist were approached for comment on the scheme. Both raised no objection, and agreed with the findings of the Preliminary Ecological Appraisal and Biodiversity Impact Assessment. The Preliminary Ecological Appraisal identifies that the site has a low potential to support reptiles, nesting birds, invertebrates; and hedgehogs; and further, a negligible potential to support other notable and/or protected species (including foraging and roosting bats, badgers, great crested newts and dormice). Notwithstanding, the report recommends enhancement measures including, the provision of a sensitive lighting regime, particularly along the railway embankment; a biodiverse living roof; vertical greening; wildlife-friendly landscaping; bird boxes; and, invertebrate habitat features. Both the Council Ecologist and Natural England have suggested that these recommendations are followed.

The Biodiversity Impact Assessment also identifies that the development will achieve a net gain in biodiversity. It suggests that details relating to the proposed ecological enhancement actions in relation to habitat creation and management could be provided within an Ecological Management Plan (EMP) for the site, which could be secured through planning

condition. This is also agreed to be appropriate by the Council Ecologist and Natural England.

Accordingly, subject to conditions requiring implementation of the development, in full accordance with the recommendations of the aforementioned reports, it is considered that the development will meet the ecological and biodiversity net gain objectives of the Policy DM16 of Barnet's adopted Local Plan Development Management Policies DPD (2012) and the Policy G6 of the Mayor's London Plan (2021).

Fire Safety

Paragraph 3.12.1 of the Mayor's London Plan (2021) states that fire safety of developments should be considered from the outset. Although such matters are covered by Part B of the Building Regulations, Para 3.12.2 further states that it is necessary that development proposals achieve the highest standards of fire safety, to reduce risk to life, minimise risk of fire spread, and provide suitable and convenient means of escape that building users can have confidence in. In essence, the fire safety should be integral to the design process of development, before it has obtained planning permission and thereby before any building control application is made.

Policy D12 of the Mayor's London Plan (2021) requires that all major development proposals are submitted with a Fire Statement i.e. an independent fire strategy produced by a third party, suitably qualified assessor. The policy prescribes the content expected, including the buildings construction methods and materials, means of escape, risk reducing features (alarms/detectors), access for fire service personnel and equipment, access provision for fire appliances, and assurance that future modifications to the building will not compromise the base build fire safety/protection measures.

The applicant has provided a Fire Statement (Report Ref: 012/071021 - Revision 1 – undated) produced by Know Fire Ltd in support of the application. This has been reviewed by the Council's Building Control team and they have agreed that the content is acceptable in principle, however, there is a need for more details on the final types of material to be used in the external parts of the building and the evacuation procedures. At this stage it is acknowledged that the final external materials and final evacuation procedures are not required to determine the acceptability of the scheme, and thus, the provision of these additional details can be provided within a 'final' fire statement that is required by a suitably worded planning condition. This has been agreed with the Council's Building Control team. Accordingly, it is considered that subject to a condition, the development would have sufficient fire safety measures in place in accordance with Policy D12 of the Mayor's London Plan (2021).

5.4 Response to Public Consultation

A number of objections and comments were received in response to the application's publicity via letter, site notice and press publication, and these have been considered and addressed, where possible, through the main body the Officer's assessment of the scheme above. Matters that have not been addressed, are responded to as follows:

- The Council's Environmental Health team have not raised any concerns with regards to increased vehicular pollution as a consequence of the development. Furthermore the Highways Authority consider that the trip generation from this development is not likely to be detrimental to the local highway network to an extent that would warrant the application's refusal.

- There is no clear link between the proposed development and the impact on customer footfall for the adjacent commercial businesses. It would not take away customer parking and vehicular congestion has not been identified as unacceptably harmful by the Highway Authority.
- The Highway Authority have not identified any significant adverse congestion impacts that would lead to a disruption in delivery/servicing at the adjacent commercial sites. Similarly, the level of pedestrians on street has not been identified as an unacceptable risk with regards to highway safety and function. The applicant has conducted and supplied the results of a traffic and pedestrian movement survey which indicates that pedestrian movements are at the highest between 4pm and 5pm at 55 crossing movements; and that There are up to 5 cars queuing back between 4pm and 5pm (peak time), which can only be associated with the extra activity at the school. Such a queue of vehicles would not extend across the Brent Cottage site or as far back as the entrance to the school's drop off/pick up area and the number of pedestrians would have no demonstrable adverse effect on vehicle capacity of the highway network.
- No objection has been raised to content of the travel plan, by the Travel Plan Unit within the Highway Authority.
- The Highway Authority has not identified any issues concerning pedestrian safety (specifically children) or cyclists; or with the development's single access.
- Parking provision is considered to be acceptable, given the moderate level of Public Transport Accessibility. Further, a Controlled Parking Zone review and Traffic Management Order Amendment is to be funded by S.106 contribution to ensure that the development does not create any undue impact on parking pressures within the local area. Brent Park Road has red and yellow lines marked on it, and as such offers no parking opportunities. The residents will not be entitled to a residents' parking permit for any of the CPZs within the vicinity of the site.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the

requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are therefore considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

In addition to the above, regard has been had for the Government's 2015 "Planning Policy for Traveller Sites" (PPTS) and the site's potential use for Travelling Show People. Given the long established presence of caravans and fairground equipment on site, as evidenced by available historic Google street view images (through year 2009-2019); the admissions within the witness statements; the letter from the landowner; and, the HM Land Registry documents submitted in support of the application, which suggest previous historic use for Travelling Show People, it is important to consider the equality and diversity impacts of the development on the travelling/nomadic community, and whether such groups would be disadvantaged or prejudiced by the development.

Officers sought legal counsel and concluded, as a matter of fact and degree, and on the balance of probability, the evidence available indicates that the site, has for some time not been in use by travelling showpeople. Further, it is considered, on the balance of probability, that the use of the application site, since at least 2009, has been more akin to the siting of caravans for residential use. It is therefore considered that the development of the site for residential purposes would not prejudice individuals or groups from the Travelling Showpeople community, or any of the nomadic communities.

Overall, it is considered that 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. Planning Balance

The proposed benefits of the scheme are:

- Redevelopment of a vacant, under-utilised brownfield site, within the Brent Cross - Cricklewood Regeneration Area;
- Provision of 63 new residential units with 19% (12 units) affordable housing;
- Financial contributions toward skills and employment; and,
- CIL payments to improve urban greening and enhancement of local green spaces

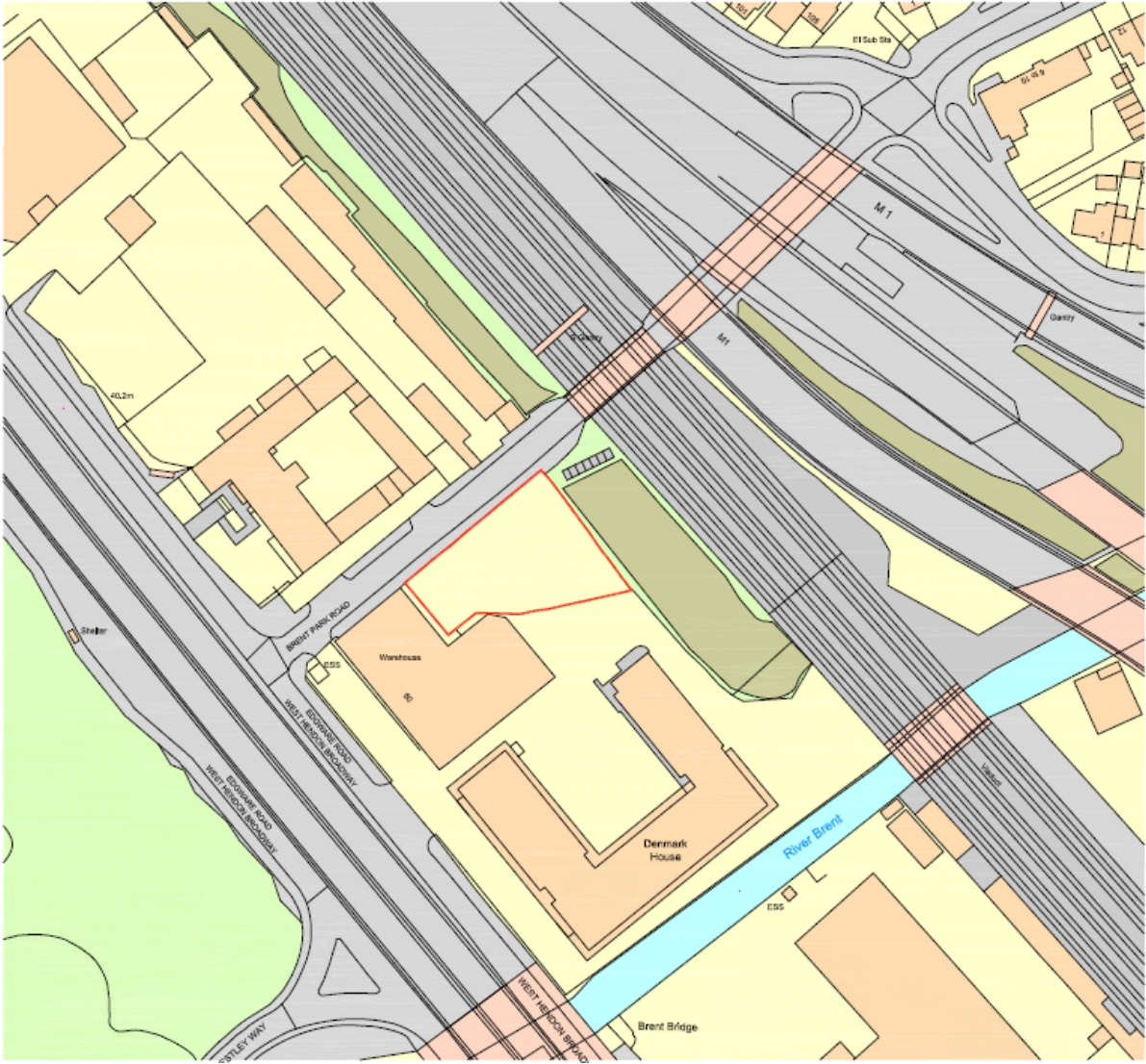
After an assessment of the proposed development, Officers consider that the development is acceptable overall, having regard to the relevant local and national policies. The proposed development would provide a high-quality residential development, having an acceptable impact on the character and appearance of the site and wider locality. Whilst it is noted that

the development falls short on residential amenity space; and, there will be some increase in the number vehicular and pedestrian movements within the locality, the associated harm is not such that it outweighs the benefits of the scheme. Accordingly, in considering the above-mentioned benefits and the need to make the most efficient use of the of borough's limited land and the development of a brownfield opportunity site, the package of public benefits is considered to be of importance and attracts positive weight in the decision making.

Conclusion

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

Site Location Plan:



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Location **107 West Hendon Broadway London NW9 7BN**

Reference: **21/0932/FUL** Received: 22nd February 2021
Accepted: 22nd February 2021

Ward: West Hendon Expiry 24th May 2021

AGENDA ITEM 7

Case Officer: **Dominic Duffin**

Applicant: Mr Greenaway

Proposal: Demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class E), including access, car and cycle parking, refuse storage and amenity space

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

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

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

1. The Council's legal and professional costs of preparing the Agreement and any other enabling agreements.

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Affordable Housing

-Contribution of £216,069 towards Affordable Housing provision within the borough paid at the start of construction phase.

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

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

-An obligation to secure "Peppercorn Rents" as Ground Rent payment on the residential units.

4. Employment and Training

-The applicant would be required to enter into a Local Employment Agreement with the Council to secure non- financial contributions towards employment/learning/apprenticeships or a financial contribution of £130,122.90

-The obligation will also include a separate financial contribution towards the loss of employment floorspace of £283,287.00.

5. Carbon Offset Payment

Payment of £89,735 towards Carbon Offset to meet mayoral zero carbon target.

6. Contribution towards street tree provision

A contribution of £9,750.00 (15 trees) towards the new provision of street trees in the immediate area.

7. Amendment to the Traffic Management Order

-A contribution of £2,072.55 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

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

RECOMMENDATION II:

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

- 1 The development hereby permitted shall be carried out in accordance with the

following approved plans:

011 "Existing Site Plan", 020 "Existing Floorplans" 030 "Existing Elevations", 031 "Existing Streetscene", 040 "Existing Site Sections" Arboricultural Impact Assessment Rev A Feb 2021, 010 Rev 00 "Location Plan", 100 Rev 02 "Proposed Block Plan", 101 Rev 02 "Proposed Site Plan", 200 Rev 00 "Proposed Ground Floor", 201 Rev 00 "Proposed First Floor", 202 Rev 00 "Proposed Second Floor", 203 Rev 00 "Proposed Third Floor", 204 Rev 00 "Proposed Fourth Floor" 205 Rev 01 "Proposed Fifth Floor", 206 Rev 01 "Proposed Roof Plan", 300 Rev 01 "Proposed Front Elevation" 301 Rev 01 "Proposed Rear Elevation", 302 Rev 02 "Proposed South-east Elevation", 303 Rev 01 "Proposed North-west Elevation" 304 Rev 01 "Proposed Street Scene", 400 Rev 01 "Proposed Refuse Access"

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 shall take place other than demolition works, 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.

- 4 a) No development above ground floor slab level works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area

and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

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

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

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

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

- 6 Prior to occupation of the development, a parking layout plan showing details of 19 off street parking spaces including 4 disabled spaces and a loading area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

- 7 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 80% passive electrical charging facility (4 active and 15 passive). 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.

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

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

- 9 Prior to first occupation of the development details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 61 cycle parking spaces (57 long-stay for residential, 1 long stay and 3 short stay for commercial) 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 and policy T5 of the London Plan 2021.

- 10 Prior to the first occupation of the development, hereby approved, a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan, and all loading shall take place within the site.

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

- 11 Prior to the first occupation of the development, hereby approved, a full Parking Management Plan (PMP) 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.

- 12 Before the development hereby approved is occupied, an updated air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

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

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 13 The approved mitigation scheme as set out in the Air Assessment by Eight Associates dated 17th February 2021 shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air

quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy GG3 and SI1 of the London Plan 2021.

- 14 a) Prior to the commencement of the use/first occupation of the development a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

- 15 The level of noise emitted from any installed 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 policy D.14 of the London Plan 2021.

- 16 a) No commencement of the use or occupation of the development hereby approved shall take place until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

b) The measures approved under this condition shall be implemented in their entirety

prior to the commencement of the use/first occupation of the development and retained as such thereafter.

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

- 17 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 18 a) Prior to the commencement of the use or first occupation of the development details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor Class E use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities

of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

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

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

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

- 20 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

to that remediation being carried out on site.

Part 2

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

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

- 21 Prior to the first occupation of the development hereby approved, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that the building can achieve full 'Secured by Design' Accreditation and 'Secured by Design' accreditation shall be obtained for the approved development.

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

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

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

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 G.7 of the London Plan 2021.

- 23 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

- 24 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.6

- 25 Prior to occupation of the development hereby approved, a scheme of ecological enhancements to incorporate ecological net gain shall be submitted to the Local Planning Authority for approval. This could incorporate but not be limited to the following;

1. Creation of useful wildlife corridors within the site.
2. Any tree species for replanting should be native and typical of the local area and of UK provenance
3. Bat roosting provision should be incorporated into the fabric of the new structure. Suitable examples of integral roosting provision include Schwegler 1FR tubes or habitat bat boxes.
4. Inclusion of bird nesting provision in the form of bird boxes.
5. Using native plants in the landscaping design which can provide habitat for wildlife.

The enhancements shall be incorporated into the design, and managed after 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.6.

- 26 a) The scheme shall proceed in accordance with the findings of the SUDS Assessment by Water Environment (Feb 21 Rev A) and no development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the SuDS operation and maintenance plan, detailed design drawings and details of construction phasing.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

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

- 27 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy SI 13 of the London Plan 2021.

- 28 No construction works associated with the sub-structure shall take place within 5m of the water main located to the front of the application site. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority, in consultation with Thames Water, prior to any construction works. Any construction must be undertaken in accordance with the terms of the approved information.

Reason: The proposed works will be in close proximity to underground strategic water mains, utility infrastructure. The works has the potential to impact on local

underground water utility infrastructure and requires consideration in accordance with Policy SI 13 of the London Plan 2021.

- 29 The commercial unit on the ground floor may only be used for the sale of hot food and food preparation if it has first been demonstrated that any flues and ventilation equipment will be accommodated within the approved building.

"If kitchen extraction units are proposed, these may only be brought into use after a detailed assessment for any kitchen extraction unit serving any use of the commercial unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority."

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 30 The ground floor Class E use hereby permitted shall not be open to members of the public before 7 a.m. or after 11 p.m. on weekdays or before 8 a.m. or after 9 p.m. on Saturdays, Sundays and Bank and Public Holidays.

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

- 31 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development., and details of a screen on the balcony area of Unit 36, as detailed on the approved plans, to adequately screen the private amenity areas of adjoining properties in Stuart Avenue, from 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).

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

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

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

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

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

- 34 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.

- 35 Prior to the first occupation of development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures as detailed in the submitted Energy & Sustainability Assessments by Eight Associates which achieves an improvement of not less than 35% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations.

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

- 37 The residential units as shown in the hereby approved drawings shall be used as self-

contained units under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

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

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

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

- 39 Prior to occupation of the development hereby permitted, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the approved details, prior to occupation of any of the residential units..

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 40 The proposed use of the ground floor unit shall only be for purposes within use Class E of the Use Classes Order, as amended in September 2020, and for no other purpose, unless agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control of the type of use

and to safeguard a continued employment use in accordance with policy DM14 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01 December 2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
 2. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.
 3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy SI.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.
 4. The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, and a contribution towards loss of employment floorspace, to the detriment of the economy of the Borough and contrary to Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)
 5. The proposed development fails to provide a comprehensive scheme of landscaping, including a formal undertaking to deliver street trees along this part of West Hendon Broadway, to compensate for the impact of the building on visual amenity and improve air quality, to the detriment of the character and appearance of the street scene and surrounding area, contrary to Policy G.7 of the London Plan

(2016), Policies CSNPPF, CS1, CS5 and CS15 of the Local Plan: Core Strategy DPD (2012) and Policy DM01 of the Local Plan: Development Management Policies DPD (2012)

Informative(s):

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

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

4 If a pump lorry is to be operated from the surface of the public highway, 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.

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

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

- 7 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.

- 8 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.

- 9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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.

- 10 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.

- 11 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."

- 12 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on the public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to the Development Team for approval. The applicant is also advised that the cost of repairing any consequential damage to public highway as a result of the development proposal shall be borne by the applicant

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a part single, part two-storey motor vehicle service centre (Use Class B2). This includes a garage workshop, an area dedicated for valet services and an ancillary office space. The motor vehicle service centre has ceased operations onsite, with the site now vacant. The existing flat roofed industrial-styled building is of no visual merit. To the front and rear of the site are areas allocated for parking. There is a row of mature trees spanning the rear boundary line.

The stretch of West Hendon Broadway in which the application site resides has a mixed character in both its use and architectural form. Adjacent to the application site at no.105, is a two-storey predominantly glazed car showroom (an appeal has agreed its conversion to residential) and to the north at nos. 117-125 is a part three, four and five-storey residential apartment block with two tone brick and metal cladding (under construction). Opposite the application site are prominent two-storey pitched roofed dwellings, to the north is the West Hendon Broadway local shopping parade which is characterised by three-storey parades with Dutch gable detailing and to the west are two-storey residential dwellings along Esmar Crescent and Cool Oak Lane. Immediately to the south of the site along the A5, the area is predominantly characterised by a mix of commercial buildings varying in scale from two to six-storeys.

The application site is not located within a conservation area and contains no buildings which are statutory or locally listed.

There are no trees subject to a Tree Preservation Order within the curtilage of the application site.

The application site resides within Flood Zone 1. The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility.

2. Relevant Site History

Reference: 20/1067/FUL

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Refuse Permission (Appeal Ongoing)

Decision Date: 23 October 2020

Description: Demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 38 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class B1), including access, car and cycle parking, refuse storage and amenity space

Reasons for Refusal:

1 The proposed building, by virtue of its height, bulk, scale, siting and design, would be an overly dominant, incongruous and unsympathetic development, in particular relative to adjoining property at 105 West Hendon Broadway, which would result in material harm to visual amenity and detriment to the character and appearance of the streetscene and surrounding area, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policies CS1 and CS5 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan:

Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

2 The proposed development does not ensure surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development, contrary to Policies 5.13 and 5.14 of the London Plan (2016), Policy CS13 of the Local Plan: Core Strategy DPD (2012), SuDS planning policy in force as of 6 April, 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non- Statutory Technical Standards for Sustainable Drainage Systems) and The SuDS Manual (C753)

3 The proposed development does not include a formal undertaking to provide Affordable Housing, to the detriment of the provision of low cost housing within the Borough, contrary to Policy 3.12 of the London Plan (2016), Policies CSNPPF, CS4 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM10 of the Local Plan: Development Management Policies DPD (2012) and the Affordable Housing SPD (2007)

4 The proposed development does not include a formal undertaking to restrict the access of future occupiers to residential parking permits, resulting in an increased demand for on-street parking and corresponding vehicle manoeuvres, detrimental to pedestrian and highway safety and the free flow of traffic and contrary to Policies CSNPPF, CS9 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM17 of the Local Plan: Development Management Policies DPD (2012) and the Planning Obligations SPD (2013)

5 The proposed development does not include a formal undertaking to provide a cash-in-lieu contribution for the shortfall in carbon dioxide reduction targets, to the detriment of the efficient and sustainable use of natural resources, contrary to Policy 5.2 of the London Plan (2016), Policies CSNPPF, CS13 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM04 of the Local Plan: Development Management Policies DPD (2012) and the Planning Obligations SPD (2013)

6 The proposed development does not include a formal undertaking to provide a Local Employment Agreement (LEA) to deliver skills, employment and training opportunities, to the detriment of the economy of the Borough and contrary to Policy 4.12 of the London Plan (2016), Policies CSNPPF, CS8 and CS15 of the Local Plan: Core Strategy DPD (2012), Policy DM14 of the Local Plan: Development Management Policies DPD (2012) and the Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)

7 The proposed development fails to provide a comprehensive scheme of landscaping, including a formal undertaking to deliver street trees along this part of West Hendon Broadway, to compensate for the impact of the building on visual amenity and improve air quality, to the detriment of the character and appearance of the street scene and surrounding area, contrary to Policy 7.21 of the London Plan (2016), Policies CSNPPF, CS1, CS5 and CS15 of the Local Plan: Core Strategy DPD (2012) and Policy DM01 of the Local Plan: Development Management Policies DPD (2012)

Reference: H/01375/10

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved subject to conditions

Decision Date: 19 May 2010

Description: Ground floor extension to existing garage workshop.

Reference: W01154AM/07

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Approved subject to conditions

Decision Date: 18 September 2008

Description: Change of use of first floor from B1 use to D1.

Reference: W00346Z/06

Reference: W00346V/05

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Lawful

Decision Date: 28 December 2005

Description: Use of premises as a motor vehicle service centre (Class B2).

Reference: W00346U/05

Address: 107 West Hendon Broadway, London, NW9 7BN

Decision: Withdrawn

Decision Date: 27 October 2005

Description: Change of use from Class B2 to electrical wholesale cash & carry (Class B8) with ancillary showroom (sui generis).

Adjacent sites:

Reference: 15/00750/FUL

Address: Upper Welsh Harp, 117-125 West Hendon Broadway, London, NW9 7BP

Decision: Approved subject to conditions

Decision Date: 11 January 2016

Description: Construction of a new building up to 5-storeys high comprising of 43 no. self-contained flats (Class C3) and 437sqm of (Class A1) retail space at ground floor level with basement parking. Associated landscaping, refuse stores, cycle stores and amenity space.

Reference: 17/4293/FUL

Address: 105 West Hendon Broadway, London, NW9 7BN

Decision: Refused. Appeal Dismissed

Decision Date: 13 February 2018

Description: Demolition of existing car showroom and offices and redevelopment to provide a five-storey building comprising of 49no. self-contained flats plus basement parking for 25 cars and 70 cycles. Associated hard and soft landscaping, amenity space and refuse and recycling storage.

Reference: 19/5651/PNO

Address: 105 West Hendon Broadway, London, NW9 7BN

Decision: Prior Approval Required and Refused

Decision Date: 12 December 2019

Description: Change of use from Use Class B1a (office) to Use Class C3 (residential) to provide 24 Units

Appeal: Appeal Dismissed (APP/N5090/W/19/3243616) - Quashed following Judicial Review

Redetermined Appeal: Allowed with conditions (21 December 2020)

3. Proposal

The application seeks planning permission for the demolition of the existing building and construction of a part four, part five and part six storey building to provide a mixed-use development comprising 37 self-contained residential units (Class C3) and commercial floorspace at ground floor level (Use Class E), including access, car and cycle parking, refuse storage and amenity space. This is an amended scheme following the refusal of consent for the scheme detailed above, and results in a reduction to the upper floor and hence the removal of 1 residential unit.

The parking area and a shared amenity area would be provided along the rear boundary. The building would be 6 storeys to the front, with a set-back sixth floor and reducing to 5 storeys adjacent to No.107 West Hendon Broadway. The building would span the expanse of the site to the front and would include a four-storey rear return. The commercial unit and ancillary facilities, along with Unit 1 and 2 would be provided on the ground floor. Amenity space would be provided by private balconies.

4. Public Consultation

Consultation letters were sent to 204 neighbouring properties.
7 response has been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The development would further destroy the area and make the traffic problems much more severe and strain on local services
- Negative affect on the Welsh Harp Open Space, in terms of wildlife which should be protected
- Overbearing and overlooking on Stuart Avenue residents
- Refuse is another issue and vermin. When this property is demolished all the vermin will come our gardens and homes
- The size, height and scale is not in keeping with character and rules imposed on neighbouring properties
- Privacy is a concern from windows and balconies
- Substantial number of units, not suitable for family housing
- The site is far more suited for local businesses vs high density housing
- The extension located at the back of my house which is 4 and a half meters long is not taken into account and showed in the plan
- This building will make us all feel boxed in, blocking natural light and destroying our view of any sky

Internal Consultations

Traffic and Development:

No objection subject to legal agreement, conditions and informatives;

- S106 agreement: To deny residents of the development the right to purchase CPZ permits

Environmental Health Officer:

No objection subject to conditions

Drainage Officer:

No objection, subject to conditions

Trees and Landscaping Officer:

No objection, conditions and s106 contribution to street trees requested.

External Consultations

Ecology Officer:

No objection, subject to conditions and informatives;

- Condition: Lighting Strategy

TfL:

A Travel Plan Statement has been provided. This should, throughout its life space, ensure that its targets and measures strive to achieve the Mayors strategic transport aim, to ensure 75% of all journeys in outer London are completed by walking, cycling or public transport by 2041

Metropolitan Police Service:

-Respectfully request that a planning condition is attached to any approval, whereby the development must achieve Secured By Design accreditation, prior to occupation

Thames Water

No objection subject to conditions and informatives;

- Condition: Piling Method Statement
- Condition: No construction shall take place within 5m of the water main.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates

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

The Mayor's London Plan 2021

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

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, CS2, CS3, CS4, CS5, CS6, CS9, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.
- *Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)*
- *Barnet Trees Policy (October 2013)*
- Planning Obligation SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning History;
- Principle of Development;
- Affordable Housing;
- Skills and Employability;
- Impact on the character and appearance of the application site, the street scene and the wider locality;
- Impact of the proposal on the amenity of neighbouring residents;
- Impact of the proposal on the amenity of future occupants of the development;
- Highway and Pedestrian Safety;
- Refuse and Recycling;
- Ecology and Biodiversity;
- Flood Risk and Drainage; and
- Sustainability.

5.3 Assessment of proposals

Planning History

As detailed above, the site has been the subject of a very recent application for a similar development, and this is an important material consideration as a lot of the pertinent issues here have been considered in the recent past. Any new submission will have to address the previous concerns, encapsulated in the reasons for refusal. The recent refusal will be discussed in the course of the rest of this report.

Principle of Development

The NPPF, London Plan and Barnet's Local Plan are relevant and support the provision of residential-led mixed-use development in appropriate locations. Paragraph 120 of the NPPF advises that LPA's should give substantial weight to the benefits of reusing previously developed sites. The location of the proposed development on a vacant and previously site therefore meets the objectives of the NPPF which reiterates the Government's ongoing commitment to boosting housing supply and upholds the presumption in favour of sustainable development.

This application seeks to demolish an existing, but now vacant Motor Vehicle Service Centre (Use Class B2), and replace it with a part four, part five and part six-storey building, to provide a mixed-use development comprising 37 units and commercial space (Use Class E) at ground floor level.

As evidenced by recent planning history, which included a refusal of consent for a similar scheme, though not on the principle of development, and on adjacent sites at nos. 117-125 and no.105, the character of the section of West Hendon Broadway (western side) in which the application site resides, is changing from predominantly commercial to a more mixed residential and commercial character. The proposed scheme from a land-use perspective would therefore be in keeping with this changing character, whilst addressing Policy DM14 and the need to re-provide employment space on site. Therefore, the principle of a mixed-use (residential / commercial) development at the application site is considered acceptable.

Loss of B Use

Although the application site has recently become vacant, for the purposes of development the site is considered to provide an employment use. Therefore, any development at the application site needs to address Policy DM14, which states:

ii. [the] loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

iv: Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

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

The proposal seeks to re-provide employment space within the application site, at ground

floor level. 107sqm of commercial office floorspace (Use Class E) is proposed. The proposed development would result in a small reduction in size of commercial floorspace, compared to the previous use. However, the proposal demonstrates that the size and nature of the proposed use would provide a comparable level of employment to an existing use.

It is also noted that, although the existing use of the site is established as B2, the site has been vacant. The applicant has confirmed that the Motor Vehicle Service Centre that previously operated from the site was no longer viable in this location and moved out several years previously. The lack of interest from new operators since the site became vacant would indicate that the location is no longer desirable for this type of use class, and the only recent activity on site is from a temporary car wash type business.

Under the previous submission it was confirmed the proposed development could provide an area of high quality, modern business space, proposed to employ between 9 and 14 people (based on the Employment Density Guide 3rd Edition 2015), which exceeds that employed by the previous use on site, and also exceeds the number employed by the temporary car wash use on site. In this case, Class E, discussed below, provides greater flexibility with regards to potential future occupiers of the commercial space.

Therefore, given the out-of-town centre nature of the application site, the need to provide a commercial use which is compatible with residential amenity, which includes existing residential properties to the rear and adjacent, and the evolving character of this section of West Hendon Broadway, Officers are supportive of the proposed mixed-use scheme. The council can receive further mitigation through Section 106 contributions for loss of employment floorspace and contributions through a Local employment Agreement (LEA), discussed further below.

Class E Use

The applicant proposes a commercial unit within the ground floor which would fall within the new Use Class E. Class E now covers;

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (shops - formerly use class A1 includes Post Offices - but not sorting offices - see sui generis)
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (cafes and restaurants - formerly use class A3)
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services, (banks and building societies - formerly use class A2)
 - (ii) professional services (other than health or medical services), or (estate and employment agencies etc. - formerly use class A2)
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related)) (but not beauticians, nail bars, massage parlours etc. see sui generis - formerly use class D1(a)) ,

f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

g) for—

(i) an office to carry out any operational or administrative functions, (Offices - formerly use class B1(a))

(ii) the research and development of products or processes, or (formerly use class B1(b))

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial - formerly use class B1(c))

The Government has outlined that one reason for the changes to the Use Classes has been the need to enable a repurposing of buildings on high streets and town centres. Given current circumstances, it is evident that town centres and the commercial sector will face increased challenges and hence the use class changes aim to promote greater flexibility. In that regard its proposed incorporation into the mix of uses is in compliance with a thinking that continues to move towards greater flexibility to aid the retail/commercial sector, and respond to changing consumer practices. The new Use Class E also includes former A and D uses - retail and community uses.

The site is occupied by an employment generating use and the council would want to see some level of employment to continue. However, in keeping with the Government drive to encourage greater flexibility it is agreed that the flexibility introduced by Class E can be accepted as an appropriate use for the ground floor unit of this building. The uses listed above within Class E would maintain a level of employment use, some comparable to the previous use. There will be some provision of employment use, and as discussed above further mitigation through a loss of employment contribution and Local Employment Agreement provides further mitigation.

There are some uses which are potential noise generating, but the majority of uses within Class E are designed to facilitate flexibility. A condition agreeing details on insulation to guard against impacts of noise and disturbance from the ground floor use on the upper residential floors can be agreed by condition. At circa 100 sq. m, this is a relatively modest sized unit, and the site has a reasonable level of public transport accessibility. The London Plan encourages reduced levels of parking and it is not considered that any of the uses would attract significant movements, and in the spirit of greater flexibility officers would be content to ensure the new unit would have maximum flexibility and options within Class E. There are some concerns about part B, which includes the sale of food and drink (cafes and restaurants - formerly use class A3) and the potential for noise and disturbance and the impact from smells and fumes, however conditions could be used to agree further details on suitable extraction and further conditions could be used to mitigate any further impacts on the residential aspect of the scheme, and the surrounding residential properties.

It is considered a flexible class E use can be accepted subject to conditions restricting the use.

Unit Mix

The proposed development provides the following mix of units:

o 17 x 1-bedroom units;

- o 14 x 2-bedroom units; and
- o 6 x 3-bedroom units.

Policy DM08 of the Development Management Policies 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.

Our dwelling size priorities are:

- i. For social rented housing - homes with 3 bedrooms are the highest priority
- ii. For intermediate affordable housing - homes with 3/4 bedrooms are the highest priority
- iii. For market housing - homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'

Emerging local policy HOU2, recognises two bedroom units as a medium priority. Furthermore, the London Plan, at policy H10, recognises that one-bedroom units play a very important role in meeting housing need, and provision in new developments can help reduce the pressure to convert and subdivide existing larger homes.

The proposed development provides a range of units, 15% of which are medium priority 3-bedroom units. Furthermore, the financial reality of housing prices means that ready demand for smaller units' also exists and in that regard this mix is considered acceptable.

Affordable Housing

As the proposed scheme would provide more than 10 units, it is required to provide affordable housing in line with Policy DM10 below:

Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

The tenure mix required would be 60% social rented and 40% intermediate as confirmed by the Housing Officer. The proposed development is providing no affordable housing as part of the scheme. Consequently, the overall provision falls considerably short of the target set policy DM10.

The provision of affordable housing contributions has involved ongoing discussion between the applicant and the council's viability consultant. This has involved a number of meetings and discussions centred around the existing use value and other variables which contribute to concluding on a deficit and surplus, in order to reach a common position.

The council's consultant has reported on the discussions and confirms that a residual land value of £2,253,338, which is above the existing (benchmark) land value exists, and therefore a contribution for affordable housing would be possible. A surplus of £424,000 was identified as a viable contribution towards affordable housing, once other contributions, necessary to mitigate the impact of the development (employment loss/Local Employment Agreement contributions, Tree mitigation, carbon reduction payment) had been accounted for.

However, given the uncertainty around Ground Rents, which has been earmarked within the

current parliamentary term for legislative reform, the applicant has agreed to a clause within any Section 106 Agreement that only a Peppercorn Rent would be charged on ground rents, effectively removing ground rents value from any surplus, and this reduces the surplus, when the generated capital relating to ground rents is removed. The result is that a contribution of £249,500 for affordable housing would exist, triggered at the start of the construction phase of the development. Given the relatively modest nature of the figure an in-lieu payment can be agreed, as opposed to on site provision.

Following the conclusion of discussions, it was apparent the increased carbon off-set figure of £95/tonnes under the new London Plan equating to £89,735 had not been used in assumptions, the figure under the 2016 plan, £58,304 at £60/tonne, had been used. This results in an increased contribution of £31,431. It has been agreed to deduct this increase from the in lieu contribution resulting in a contribution of £216,069 (£247,500 - £31,431).

It is also recommended by the consultant that a planning obligation is used to secure potential benefits from future viability reviews at early and late stage as per policy H5 of the London Plan 2021.

Officers are content that the applicant's submissions on affordable housing and viability have been robustly interrogated and accept the above figure as a contribution to affordable housing which meets policy tests on ensuring scheme viability.

Skills and Employability

The proposed scheme would result in the creation of more than twenty-five residential units. Therefore, it would meet the threshold set out in the Council's 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' which requires a scheme to enter into a Local Employment Agreement (LEA). The LEA sets out the skills, employment and training opportunities to be delivered from development and includes all employment opportunities generated by construction. The Council Skills and Employment Team has assessed the proposal and set out the below requirements to ensure that the proposal complies with this requirement.

The SPD-SEET calculations and requirements are outlined in the following table;

Part 1 - Non-Financial Contributions

1a	Progression into Employment (unemployed under 6 months)	3
	Progression into Employment (unemployed over 6 months)	2
	Apprenticeships (min NQV Level 2)	3
	Work Experience (min 10 days)	7
	School/College/University Site Visits	44
	School/College Workshops	43
	Local Labour 30%	
	Local Supplier Requirements	2
1b	No of Affordable Residential Units	0
1c	No of End User Jobs	14

Part 2 - Financial Contributions

2a	Loss of Floorspace (non-residential) Financial Contribution	
	Existing Floorspace	774.5m ²
	Replacement Floorspace	107.9m ²

Floorspace Compensation £283,287.00

- 2c Commuted sums in lieu of Local Employment Agreements
Apprenticeship Contribution £106,440.00 subject to indexation
Employment Contribution £23,682.90 subject to indexation
Total LEA payment in Lieu £130,122.90 subject to indexation

The applicant is required to agree to Part 1 and Part 2, or else Part 2c should the applicant opt not to discharge Part 1. Therefore, a Section 106 agreement to secure the LEA requirements the proposal conflicts with the adopted SPD - 'Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD (2014)' is required.

Impact of the proposal on character and appearance of the application site, the street scene and the wider locality.

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

As detailed above, the main reason for refusal under the previous application related to the proposed building height, and impact on the character and appearance of the area. It is evident there was no concern in relation to the overall design, the report recording the following;

Front Elevation

The proposed scheme has been designed with setbacks to the front façade, which has the benefit of reducing the visual dominance on the streetscene and affording a level of privacy for users of the proposed private amenity space.

As outlined above, the front projecting bays are considered to be an appropriate design feature which takes cue from neighbouring developments. The prominence and projection of the bay windows proposed are suitable for the site, and do not project beyond the established building line of nos.117-125.

Glazing has been proposed along the length of the commercial unit at ground floor level which creates a strong active frontage at this level, whilst a clear and separate residential entrance has been added to the left of the frontage to improve legibility from the commercial unit.

Rear Elevation

The rear façade has been designed to step down towards the rear of the site to 4 and 5 storeys, respecting the adjacent site and the properties to the rear. The height, bulk, and form of the rear elevation is considered acceptable.

Materiality

A materials study has been submitted within the Design and Access Statement, which includes design justification for their inclusion within the proposed design.

The proposed materials have been selected based on the existing materials along West Hendon Broadway as well as the materials of the approved schemes, currently on site. The elevational treatment consists primarily of a light brick with a darker brick plinth at the ground floor. The same dark brick has been proposed for some details of the facade on the upper floors. The window frames are proposed to be dark grey and the balustrades are proposed to be a darker grey. The balcony finishes are proposed to be timber decking and the terrace finishes are proposed to be in white tiles.

Officers are broadly satisfied with the approach taken in respect of the buildings materiality, however further details of materials and samples would be secured by way of a planning condition in the event of an approval.

With regards to building height, the report recorded the following;

"The proposal seeks a six-storey building in maximum height, which is a significant increase to the existing building onsite in which it will replace. The neighbouring site, nos.117-125 West Hendon Broadway (Planning Ref: 15/00750/FUL) introduces a five-storey element adjacent to the application site and therefore a marginal increase in height over and above the five-storey element of nos.117-125 is acceptable in principle. Therefore, the building at six-storeys in overall height is accepted in principle. Having said this, the proposed building should sit comfortably within its immediate spatial and visual context and the transitioning height of the building along West Hendon Broadway causes concern. The south top floor element at six-storeys in height is excessive and creates a dominant feature against no. 105. It is not considered that this element of the proposal appropriately addresses the neighbouring built form at 105 West Hendon Broadway. The height and massing of the proposed building to this boundary when view travelling along West Hendon Broadway is considered to be harmful to the character and appearance of the site, streetscene and wider locality. Long views up the A5 would be possible and the road slopes up from the North Circular meaning that views of the proposed building will be even more pronounced. This combined with a lack of any visual break on the southern flank is unacceptable. It is noted that the front elevation of the proposed building has tried to be broken up by the use of front bays, but this does little in the way of mitigating the impact of the overall height to the southern end of the building".

In order to try and address this, the top floor plan of the proposed scheme has been revised. The southern element of the top floor has been pulled back from the main building line to create an additional setback and transition with 105 West Hendon Broadway to the south. The additional space available on the top floor is proposed as amenity space in the form of terraces for the two units which face south.

The proposed building would now step down to be approximately 2 storeys above the adjoining commercial building to the south. The scheme also introduces panelling to the flank elevation between windows which reduces the dominance of brick along this elevation. The above analysis is not explicit as to what would address the concern, it is evident that a reduction on the south elevation was deemed necessary. This submission provides a step down, but retains the majority of the sixth floor. There is fundamental issue with this, given that local authorities should strive to use previously developed sites as economically as possible in the provision of housing and other needs.

The area is in a state of flux, as discussed above, and residential use is creeping along the road to the south. Whilst the site adjacent is low-set and commercial there has been interest in redeveloping for a significant housing scheme, there is a current application for a 6 storey building (21/4352/FUL), and whilst this cannot be afforded significant material weight, it is possible the site will be redeveloped to provide a similar residential scheme at some time in the future. The appeal determination at No.105, detailed above, did find issue with that submission, but the principle of a 5 storey building was not contested. Notwithstanding this, the reduction in height adjacent to the building and introduction of detailing to break-up the dominance of brick, does result in a better relationship between the proposed building and the adjoining commercial unit. The set back from the southern elevation does make a material difference, the building steps up along with the incline in the public highway progressing north. It is considered a suitable relationship would now exist, and the potential to maximise the development of the site would not be lost. A suitable compromise on these issues has been reached. The proposed building height and massing is now considered acceptable.

Trees and Soft Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible.

Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees.

Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

There are several significant high and mature trees that are sited on the rear boundary which provide screening. These trees are all proposed to be retained as part of the scheme which removes the visual impact on the existing properties. The trees are coniferous and will provide screening year-round. The protection of these trees has been confirmed within the accompanying tree report by GHA.

The Council's Arboriculturist has confirmed that these have been fenced out of the operational area of the site. The development is unlikely to impact on these trees, and if the existing hard surfacing is retained throughout all development phases construction activities are also likely to be acceptable. Tree protection measures would be secured by way of a planning condition in the event of an approval.

The proposed site plan provides some outline information on the landscape around the building. This can be worked out in greater detail however, through a condition of any approval granted. The applicant should note that the provision of new trees and shrubs, green walls and roofs appropriate to the site will be encouraged and expected.

The site is very confined and the space to provide meaningful tree planting is limited. In this part of West Hendon Broadway there are no street trees to assist in improving the air quality

and visual aesthetics of the area and reduce the sense of scale the proposed building will have. Therefore 15 street trees are recommended along this part of West Hendon Broadway at a cost of £650/tree £9,750.00 by way of a Section 106 agreement.

Impact of the proposal on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

Concern has been raised from a number of neighbouring properties with regards to potential impacts on the amenity of neighbouring properties. There are several semi-detached houses to the rear of the site on Esmar Crescent and Stuart Avenue. The Esmar Crescent properties are located at a considerable distance from the rear elevation of the proposed scheme, reducing the visual impact. Gardens are relatively deep, and even accounting for extensions which have been added to the rear elevation of dwellings, the proposed building also retains a reasonable gap to the common boundary. The rear return element would retain a gap of more than 10.5m to the common boundary, and the building then steps further back to its main component, which fronts the road. Window to window distance would be in excess of the 21.0m guidance. It is not considered the revised scheme would impact detrimentally on the amenity of neighbours.

With regards to Stuart Avenue, the western side of the building would be close to the common boundary of adjacent properties (9.5m) and includes openings and balcony areas, but given the angled relationship and depth of gardens, to rear elevations on houses at Stuart Avenue (25m) it is not considered that there would be significant impact. Even accounting for single storey extensions, window to window distances would be in excess of 35.0m

The inclusion of roof terraces as a way of augmenting private amenity space for future occupants is accepted. The terrace serving unit No.36 would face towards the angled rear boundary serving dwellings on Stuart Avenue. To ensure this elevated terrace area is not perceived by neighbouring occupiers to give rise to direct overlooking, planning conditions will be used so that screening of the roof terrace directly facing Stuart Avenue can be agreed. This would ensure that the site activity would not detrimentally impact the quality of existing amenity, but a usable terrace area of benefit to future occupiers could still be provided.

The proposed scheme has been designed to step away from the boundary at the rear of the

site, to provide a suitable distance from window to window to the adjacent scheme at 117-125 West Hendon Broadway. The flank of 117-125 retains a gap of 5.0m to the common boundary with the application site and it is not considered this scheme would appear overbearing. The proposed flank wall windows in the main section of the building to the front, are predominantly secondary, but do include bedroom windows, which it would not be appropriate to obscure glaze. However, the proposal remains consistent with the previous scheme (20/1067/FUL), which was not refused on these grounds. An amendment to the plan to an oriel style window, to direct any glazing away from the adjoining windows would address this concern.

As detailed above, there are several significant high and mature trees that are sited on the rear boundary which provide excellent screening and these trees are all proposed to be retained as part of the scheme, which would be secured by planning conditions.

As such, it is considered that the proposal would not adversely impact on neighbouring amenity.

Impact on amenity of future occupiers

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

In terms of the size of the units; the internal floorspace of all the units meet or exceed the minimum space standards as set out in the London Plan (2021).

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the proposed bedrooms complies with this requirement.

The London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling. Each of the proposed units complies with this requirement.

All proposed residential development should provide suitable outlook and daylight for future occupants. Primary windows serving habitable rooms are not provided on flank walls and a Daylight and Sunlight survey has been submitted demonstrating an acceptable level of outlook to all habitable rooms is proposed.

It is noted all flats would have their own private amenity space via either a balcony, or a ground floor garden, with large terraces serving some of the units at fourth and fifth floor level. Further to this, given the quality and quantum of space at the West Hendon Playing Fields, Woodfield Recreational Park and Welsh Harp Open Space and their proximity to the application site, Officers were previously satisfied under the refused application, that this would provide a viable and appropriate source of additional external amenity space for future residents. It is considered this arrangement is still acceptable, and a good level of amenity space would be provided.

The two-ground floor 3-bedroom units are designated as wheelchair accessible units and will fully meet the requirements of Part M4(3) of the Building Regulations. All other units in the proposed development will meet the requirements of Part M4(2) of the Building regulations.

The proposed internal floor plan and placement of habitable rooms and windows protects the privacy of future occupier amenity and mitigates against harmful noise transference. This is particularly pertinent for units which are located adjacent to onsite car parking or communal roof terraces. The Council's Environmental Health Department have confirmed they are satisfied with the proposal and the details submitted. The Air Quality Assessment and the Noise Assessment both confirm that there will be no adverse impacts of either air pollution or noise pollution affecting the proposed residential development. This can be further controlled by way of noise insulation secured by planning conditions in the event of an approval.

Overall, the scheme will comprise high quality and useable space and will adequately serve the needs of future occupiers in accordance with current policies and guidance.

Highway and Pedestrian Safety

The site fronts onto West Hendon Broadway (A5), a key north-south route on the western end of the borough which forms part of the transport for London Strategic Route Network. The section of the A5 fronting the site is dual carriageway road with two lanes in each direction separated by a central island with a safety fence to prevent pedestrian crossing in this section of the road. However there is a traffic signal junction with pedestrian facilities to the north of the site at West Hendon Broadway/Cool Oak Lane.

The site is located on the edge but within the boundary of West Hendon CPZ 2 which operates Mon-Fri, 11am-12noon. There are parking restrictions in the form of double yellow lines and loading restrictions in the northbound carriageway and single yellow lines which allows some parking on the southbound carriageway.

The site lies in an area with a PTAL rating of 3, which represents a moderate level of public transport accessibility. There are four bus routes (183,83 321 & 142) can be accessed from stops within 2-6 minutes walking distance of the site. Hendon rail station is located 550 metres to the north and can be reached within 7-8 minutes by foot.

The proposal consists of the erection of 37 self-contained apartments (17x1 bed, 14x2 bed and 6x3 bed) with a single storey office building of 118sqm of retail on the ground floor. The parking requirement for the site based on policy DM17 is between 20 and 47 spaces for the residential element and for the 118 sqm of retail, it is 2-4 spaces. The London Plan 2021 would have a maximum parking requirement of 29.25 for the residential aspect of the scheme.

The applicant proposes 18 spaces for the residential plus 1 visitor parking space for the retail elements of the development. Given the fact that the site is in a CPZ, and nearly 46% of the proposed dwellings are 1 bed units for which car ownership levels are lower, Highways would accept the proposed parking provision subject to the applicant agreeing to enter into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits. Two disabled spaces are proposed but Highways would recommend that provision is increased to 4 spaces. This is to be secured by way of a planning condition.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 4 active and 4 passive spaces. Details of which are to be secured by way of a planning condition.

The provision of 57 long stay cycle parking for the residential plus 1 long stay and 3 short

stay cycle parking spaces for the retail is acceptable and this meets current London Plan standards. Long stay parking should be provided in a covered, sheltered, lockable, enclosed compound while short stay cycle parking should be provided in a covered, sheltered, lockable environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked. Details of cycle parking are therefore requested by way of a condition. Highways supports the provision of internal cycle storage and would recommend that the short-stay spaces are covered.

The internal layout of the site is acceptable and the swept path drawings provided are satisfactory. A loading cushion is proposed within the site to accommodate deliveries. It is noted that no loading will take place on the public highway. The applicant has confirmed that refuse collections will be undertaken by a private contractor and that vehicles will be able to enter and exit the site in forward gear.

It is assumed that the swept of a refuse vehicle using a loading pad on the A5 has been included in the TA by error. The applicant is asked to confirm and Highways reiterates that a loading pad on the footway in front of the site on the A5 will not be supported. A delivery and servicing plan is requested and this can be secured by way of a condition.

Due to the number of units proposed, trip generation is unlikely to be a major issue and the proposal will result in fewer vehicle movements to/from the site compared with existing use.

A parking management plan is requested. This must set out the criteria for allocation of spaces, how inconsiderate and illegal parking will be enforced and where the parking spaces will be leased, free or paid for. This can be secured by way of a condition,

The proposed development involves alteration to the existing vehicular access. Works will therefore be carried out on the adopted highway and for this the applicant will need to obtain a s184 licence from the Council.

The applicant has submitted a travel plan statement which is acceptable. Given the number of units is below the TfL threshold to secure travel plans through s106 Agreements it is not considered the council would insist on this as a planning obligation.

Highways would raise no objection to the proposal subject to a s106 CPZ restriction and suitable conditions/informatives as discussed above.

Ecology and Biodiversity

The applicants submitted a Preliminary Bat Roost Assessment (Babec Ecological Consultants August 2020). The report states that *'No bats or evidence of bats were recorded during the PRA and the existing building and all trees within the proposed development site were assessed as having negligible potential to support roosting bats.'* Therefore, further bat presence/absence surveys on the buildings are not required. The council's ecologist has reviewed the submission and is content with the findings.

Ecological enhancements could be made to improve the sites ecological value post development, and this could be secured by way of a planning condition if permission was to be granted.

Flood Risk and Drainage

National standards for SUDs require the Council as Lead Local Flood Authority (LLFA) to be satisfied that major development meets the minimum standards of operation and that

there are clear arrangements in place for on-going maintenance over the lifetime of the development.

Although the site has not been identified as being located in an area with a high probability of flooding (Flood zone 1), the application has been accompanied by an updated Drainage Strategy from the previous application, providing further details. The development must be designed to provide suitable Sustainable Urban Drainage solutions, in accordance with the Sustainable Design and Construction SPD. The LLFA have assessed the submitted information and are content that there would be no concerns from a flood risk/drainage perspective, subject to an appropriate condition agreeing further details of the SUDS scheme. This can be secured by condition.

MET Police

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

Thames Water

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

The proposed development is located close to a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains. Thames Water request that a condition be added to any planning permission confirming that no construction shall take place within 5m of the water main.

Sustainability

The proposal is required to comply with the Mayor's London Plan 2021 which requires a reduction in carbon dioxide emissions of at least 35%. The applicant has submitted an Energy Assessment prepared by Eight Associates in support of the planning application. The EA states that photovoltaic panels (PV) have been identified as the most appropriate technologies for the scheme, providing an optimum balance of sustainable and economic objectives. A PV panel system of 30.36kWp has been specified for the whole development. The PV schematic shows that there is 335sqm of available roof that could be used to install photovoltaic modules and lack of shading, with a capacity for 69 panels of 360W each.

As required by the GLA, both the regulated and unregulated emissions of the development have to be quantified and demonstrated in the planning application. This is demonstrated through the scheme assessment in the Energy Assessment. Overall, the baseline carbon emissions for the whole scheme are 50.0 tonnes CO₂ per year (using SAP 2012) and 43.93 tonnes CO₂ per year (SAP10). The Energy Assessment calculates that the development will reduce carbon emissions by 37.0% over Part L 2013 Building Regulations.

Policy SI.2 of the London Plan notes that carbon reductions must be achieved on-site as far as possible and a cash contribution for the shortfall will only be considered in circumstances where it has clearly been demonstrated that no further savings can be achieved on-site. The London Plan has set a carbon price of £95 per tonne calculated over 30 years. The scheme would result in an annual offset payment of 31.49, which for 30 years would be 944.58. For this application this equates to a £89,735 cash-in-lieu contribution and this can be secured within a Section 106 agreement.

5.4 Response to Public Consultation

The majority of comments received are considered to have been addressed above in the assessment section of the report. Further comments received are addressed below.

-Negative affect on the Welsh Harp Open Space, in terms of wildlife which should be Protected

It is not considered that the redevelopment of a previously developed site would impact the open space, ecological enhancements on site can be agreed by condition.

-Refuse is another issue and vermin. When this property is demolished all the vermin will come our gardens and homes

No substantive evidence and not a direct planning consideration.

-Substantial number of units, not suitable for family housing

As discussed above the dwelling mix is considered acceptable.

-The site is far more suited for local businesses vs high density housing

The area is continually changing and the proposed mix of residential with a commercial ground floor is considered appropriate.

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, and on the principle issue of design, it is considered the proposed development would now have an acceptable impact on the character and appearance of the application site, the streetscene, and the wider locality. Previous concerns, recorded as additional reasons for refusal, and discussed above has been addressed with additional information received, or could be covered with a s106 Agreement which could agree scheme contributions and characteristics. In light of the above it is therefore recommended consent is granted subject to conditions.



Location 163 Sunny Gardens Road London NW4 1SG

Reference: 20/3282/HSE

Received: 20th July 2020

Accepted: 20th July 2020

Ward: Hendon

Expiry 14th September 2020

AGENDA ITEM 8

Case Officer: John Sperling

Applicant: Mr M Freundlich

Proposal: Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Alterations to front bay windows. Associated alterations and extension to roof including 1no. side and 1no. rear dormer windows. New front porch/canopy (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:

063SG-A-01-001 Rev 2
063SG-A-03-001 Rev 2
063SG-A-03-002 Rev 2
063SG-A-05-001 Rev 2
063SG-A-06-001 Rev 2
063SG-A-06-002 Rev 2
063SG-A-9-001 Rev 2
063SG-A-9-002 Rev 2
063SG-A-03-100 Rev 2
063SG-A-03-101 Rev 2
063SG-A-03-102 Rev 2
063SG-A-03-103 Rev 2
063SG-A-03-104 Rev 2
063SG-A-03-105 Rev 2

063SG-A-05-101 Rev 2
063SG-A-05-102 Rev 2
063SG-A-05-103 Rev 2
063SG-A-06-101 Rev 2
063SG-A-06-102 Rev 2
063SG-A-9-101 Rev 2
063SG-A-9-102 Rev 2
063SG-A-9-103 Rev 2
063SG-A-9-104 Rev 2
063SG-A-9-105 Rev 2
063SG-A-9-106 Rev 2
063SG-A-9-107 Rev 2
063SG-A-9-108 Rev 2
063SG-A-9-109 Rev 2

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

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

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

- 3 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 Before the building hereby permitted is first occupied the proposed side dormer window facing 165 Sunny Gardens 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extensions hereby approved, facing Nos 161 and 165 Sunny Gardens Road

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Sunny Gardens Road, consisting of a two-storey detached dwellinghouse with front hardstanding and rear amenity space. The area surrounding the proposed site is primarily residential, consisting of similar two-storey detached residential dwellings with some in the local area benefitting from various extensions. The host dwelling benefits from a single storey side garage and outbuildings to the rear along the boundary with 161 Sunny Gardens Road.

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

2. Site History

Reference: 19/4891/192

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Lawful

Decision Date: 3 October 2019

Description: Roof extension, including wrap around dormer. Single storey ground floor rear extension

Reference: 19/5387/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 27 December 2019

Description: Part single, part two storey rear and side extension

Reference: 20/0910/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 24 March 2020

Description: Part single, part two storey side and rear extension following demolition of existing garage. Loft extension involving side and rear dormer windows. New front porch.

3. Proposal

The application seeks approval for a "Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Side and rear dormer and 1no side facing rooflight. New front porch/canopy. Internal reconfiguration (amended description)."

The current application incorporates elements of the previously approved development under planning reference number 20/0910/HSE. The elements involved include the part single, part two storey side and rear extension and the side and rear facing dormer.

The proposed part single, part two-storey rear extension measures 4 metres in depth from the existing rear wall of the dwelling and 5.23 metres in width, located on the side of the dwelling closest to No. 165. This element has a crown roof. At ground floor, the proposed extension protrudes an additional 2 metres rearwards from the rear wall at first floor. On the side closest to No. 161, the ground floor extension has a depth of 2.6 metres from the existing rear wall. The proposed two-storey side extension has a width of 1.5 metres from the existing flank wall. It has a pitched roof to match the existing roof form and is set down from the main roof ridge.

The current application seeks to include a parapet wall around the ground floor extensions.

The proposed loft extension includes 1no side dormer window and 1no rear dormer window. The side dormer window measures 2.2 metres in width and the rear dormer measures 2.5 metres in width. The current application seeks to include a roof window to the side dormer.

1no canopy would be included to the front elevation and would measure a maximum height of 2.4 metres, width of 2.1 metres and depth of 0.7 metre, which is flush with the front bay windows.

The current application includes a basement area measuring a depth of 17.8 metres and width of 9.7 metres. the space would accommodate for a party room, gym area, bathroom and lavatory facilities. Access steps to the rear garden would abut the boundary wall on the side of No.161 Sunny Gardens Road.

2no lightwells are proposed to the front elevation of the dwelling. They would measure a depth of 1 metre and width of 2.3 metres. 1no rooflight is included to the rear and would measure a depth of 2.5 metres and width of 1.5 metres.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.
6 objections were received during the lifetime of the application.

The objections may be summarised by the following:

- Third application at the site and each time the development gets totally oversized and out of proportion. This new application is entirely out of line with the character of any of the other properties in the road and contrary to Policy DM01.
- The adjoining property at 165 has an existing side/rear extension with a glazed roof and windows to the rear and side facades which are not appropriately indicated on 3D

visuals or plans. This is misleading as it implies that the sunlight would not be impacted at the ground level, not only will the sunlight be impacted, but so will our privacy as this rooms forms part of our living area and kitchen and we will be totally overlooked from the new second floor.

- The proposed extension would have an overbearing effect upon the amenities of the adjoining properties resulting in loss of light and outlook to the adjoining property, contrary to Local Plan Policies and National Planning Policy Framework.
- The drawings show two new, floor to ceiling height windows proposed to the north elevation on the first and second floor, even if these are to be of obscured glass will be indeed be intrusive to privacy.
- The new proposed first floor extension will overlook our landing window on our first floor and straight into the bedrooms.
- Additionally, the large glassed terrace, proposed on the first floor, would provide an opportunity for the occupants to utilise this as a terrace area.
- The proposed large basement conversion work will be disruptive, noisy, messy, problematic, and cause a great deal of stress and pollution.
- This proposed new development is overbearing, overshadowing, inappropriate and totally not in line with the character of the other properties on the road, and any such application would have a detrimental impact on the street.
- The proposed floor-to-ceiling windows at first floor would enable the flat roof to be used as a roof terrace, causing overlooking of neighbouring occupiers.
- The development would have a detrimental impact on our health, would permanently damage our foundation, devalue our property, block a massive part of the view we treasure along with natural light that is often leading to depressions.
- We, as are other neighbours, are indeed very concerned to the proposed large basement excavations coming right up to the boundaries of our properties and the risk of subsidence.
- The rear of their house leads down to Sunny Hill Park, a large area filled with trees, bushes and it is nature at its best. An excavation which will most certainly disturb the land will be of grave consequence to the beautiful green natural area that must be protected now and for the future.

It is noted that significant amendments throughout the lifetime of the application - the first floor rear terrace area was removed as well as material reductions to the scale of basement and above-ground extensions. With these amendments and within the context of the previous approval, the LPA considers the proposal in this current application to be acceptable, subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021.

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

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

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM15

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 (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment

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 proposed part single, part two storey side and rear extensions and dormer extensions have not materially changed from the development approved under planning reference number 20/0910/HSE. In that respect, the assessment was as follows:

Many of the properties in the area surrounding the host dwelling benefit from substantial existing extensions. These include several two-storey extensions and extensions to the roof

including crown roofs and front dormer windows. This includes the neighbouring properties at Nos. 165 and 169 Sunny Gardens Road which benefit from two-storey rear extensions. Officers do not consider that a two-storey extension, subject to considerations of design, scale and appearance, would be contrary to the local character.

The proposed two-storey rear extension has a depth of 4 metres from the existing rear wall. While this is slightly larger than the depth normally permitted for two-storey extensions as per the Residential Design Guidance SPD, officers note that the proposed extension would still be significantly forward of the existing two-storey extension to the adjacent property at No. 165. As such, the staggered building line on Sunny Gardens Road would be retained. Given the width of the proposed extension and the relatively large size of the plot and existing dwelling, it is not considered that the proposed extension appears as a disproportionate addition. Likewise, the additional protrusion of 2 metres at ground floor would still be significantly forward of the neighbouring rear wall. The extension of 2.6 metres on the side adjacent to No. 161 is in accordance with design guidance and would not be harmful to the appearance of the host dwelling or the local character.

The proposed two-storey side extension results in a relatively modest increase in width of 1.5 metres. The proposed extension is set down from the main roof ridge and set back from the front elevation. As such it appears as a subordinate element. The extension retains a separation of at least 2 metres to neighbouring flank walls so avoids any harmful terracing effect on the streetscene. Overall, it is considered that this element would have an acceptable impact on the appearance of the dwelling and the local character.

The proposed extensions to the roof include dormer windows to the north side and rear elevations. Side dormer windows are characteristic of the local area, including the neighbouring property at No. 165, which benefits from dormer windows to both sides and to the rear. As such, these elements would not be out of keeping with the local character. Officers note that the dormers have been amended to be reduced in scale through revisions to the scheme. Officers are satisfied that they would be proportionate in scale to the roof and would read as subordinate elements.

In regards to the basement extension, the originally proposed development incorporated extensive excavation resulting in a dominant visual manifestations in the form of its large lower ground floor elevation and terrace leading to the rear amenity space. Following numerous amendments, the basement would now extend a maximum depth of 6.4 metres from the rear wall and be largely concealed underground. The ground floor rear terrace area, flanked by smaller excavations providing for a lightwell and access steps, by reason of their considerably reduced scale, are considered to be proportionate additions to the character of the existing dwelling and wider area.

Lightwells situated to the front of the building, by reason of their limited scale and visual manifestation, are also considered to be a discreet intervention in the appearance of the dwelling. Furthermore, the property is situated approximately 6 metres from the front boundary and therefore the lightwells avoid having a dominant impact on the character of the streetscene.

The proposed front canopy was amended in the lifetime of the application to ensure to extended only in line with front bay windows. This is to ensure it did not appear overly bulky or prominent within the context of the existing dwelling not unacceptably extend beyond those other examples which already exist within the streetscene and wider locality. As such, in light of the elements subordinate and suitably scaled nature, the proposed front canopy area is considered acceptable on character grounds.

Taking all material considerations into account, the proposed development, is considered to have an acceptable impact on the appearance of the existing building, the local character and the streetscene, in accordance with planning policy DM01 of Barnet's Development Management Policies DPD.

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.

In regards to the proposed part single, part two storey side and rear extensions and dormer extensions, these have not materially changed from the development approved under planning reference number 20/0910/HSE. In that respect, the assessment was as follows:

As noted above, the building line on this section of Sunny Gardens Road is staggered such that the properties to the north generally protrude further to the rear than those further south. In keeping with this, the neighbouring property at 165 Sunny Gardens Road, which also benefits from an existing two-storey rear extension along the side closest to the host property, protrudes approximately 8 metres beyond the existing rear wall of the host property. Following the proposed extensions, the neighbouring property will still protrude 4 metres beyond the host property's rear wall at first floor and 2 metres at ground floor. As such, officers do not consider that they would result in any material loss of light, outlook or overbearing to the neighbouring occupiers at No. 165. Regarding overlooking, there are no new windows on the side elevation facing No. 165 at ground floor or first floor. A condition is recommended to ensure the proposed side dormer window is obscure glazed. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 165 Sunny Gardens Road.

The proposed two-storey extension is sited on the northern side of the dwelling. There is considered to be sufficient distance to the neighbouring property to the south at No. 161 that it would not result in material harm. The property at No. 161 benefits from an existing single storey rear extension. Although due to the staggered building line, the property is set further forward than the host dwelling, the existing extension protrudes approximately in line with the rear wall of the host dwelling. The proposed ground floor extension with a depth of 2.6 metres is considered to be an acceptable depth of protrusion beyond the rear wall of the neighbouring extension. The proposed two-storey side extension does not protrude beyond the existing rear wall on this side of the property and maintains a separation of at least 2 metres to the neighbouring flank wall. There are no new windows on the side elevation facing No. 161 at ground floor or first floor. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 161 Sunny Gardens Road.

The proposed front canopy, by reason of its scale, depth and distance from neighbouring properties, is not considered to result in a materially harmful impact to the neighbouring resident by reason of loss of outlook and sense of enclosure and is thus considered acceptable in this regard.

The proposed basement extensions and associated lightwells, by reason of their largely concealed nature and limited visual manifestation, are not considered to result in undue

detriment to the neighbouring residents in respect of their visual amenity or light pollution.

Therefore, the proposal is considered to remain acceptable in respect of its impact on the neighbouring residential amenity. As such, the proposed development is considered to accord with the policies and expectations outlined in Policy DM01.

5.4 Response to Public Consultation

- Third application at the site and each time the development gets totally oversized and out of proportion. This new application is entirely out of line with the character of any of the other properties in the road and contrary to Policy DM01.

The proposed development is considered acceptable on character grounds. Please see the main body of the report for further details.

- The proposed extension would have an overbearing and overshadowing effect upon the amenities of the adjoining properties resulting in loss of light and outlook to the adjoining property, contrary to Local Plan Policies and National Planning Policy Framework.

- The development would have a detrimental impact on our health, would permanently damage our foundation, devalue our property, block a massive part of the view we treasure along with natural light that is often leading to depressions.

- The new proposed first floor extension will overlook our landing window on our first floor and straight into the bedrooms.

- The adjoining property at 165 has an existing side/rear extension with a glazed roof and windows to the rear and side facades which are not appropriately indicated on 3D visuals or plans. This is misleading as it implies that the sunlight would not be impacted at the ground level, not only will the sunlight be impacted, but so will our privacy as this rooms forms part of our living area and kitchen and we will be totally overlooked from the new second floor.

The proposed development is considered acceptable on amenity grounds. Please see the main body of the report for further details. Property values are not considered to be a material consideration in this matter. The drawings are considered accurate and were used alongside site photographs.

- The drawings show two new, floor to ceiling height windows proposed to the north elevation on the first and second floor, even if these are to be of obscured glass will be indeed be intrusive to privacy.

Obscure glazing to the side facing No.165 Sunny Gardens Road has been noted and secured by way of condition.

- The large glassed terrace, proposed on the first floor, would provide an opportunity for the occupants to utilise this as a terrace area.

The use of this area has not been authorised as such and will be remain as such by condition attached to the decision notice.

- The proposed large basement conversion work will be disruptive, noisy, messy,

problematic, and cause a great deal of stress and pollution.

This is not a material consideration in the assessment of the proposed development.

- We, as are other neighbours, are indeed very concerned to the proposed large basement excavations coming right up to the boundaries of our properties and the risk of subsidence.

The amended dimensions of the basement are considered acceptable. Details relating to the construction of the basement will be secured via a Demolition and Construction Management and Logistics Plan.

- The rear of their house leads down to Sunny Hill Park, a large area filled with trees, bushes and it is nature at its best. An excavation which will most certainly disturb the land will be of grave consequence to the beautiful green natural area that must be protected now and for the future.

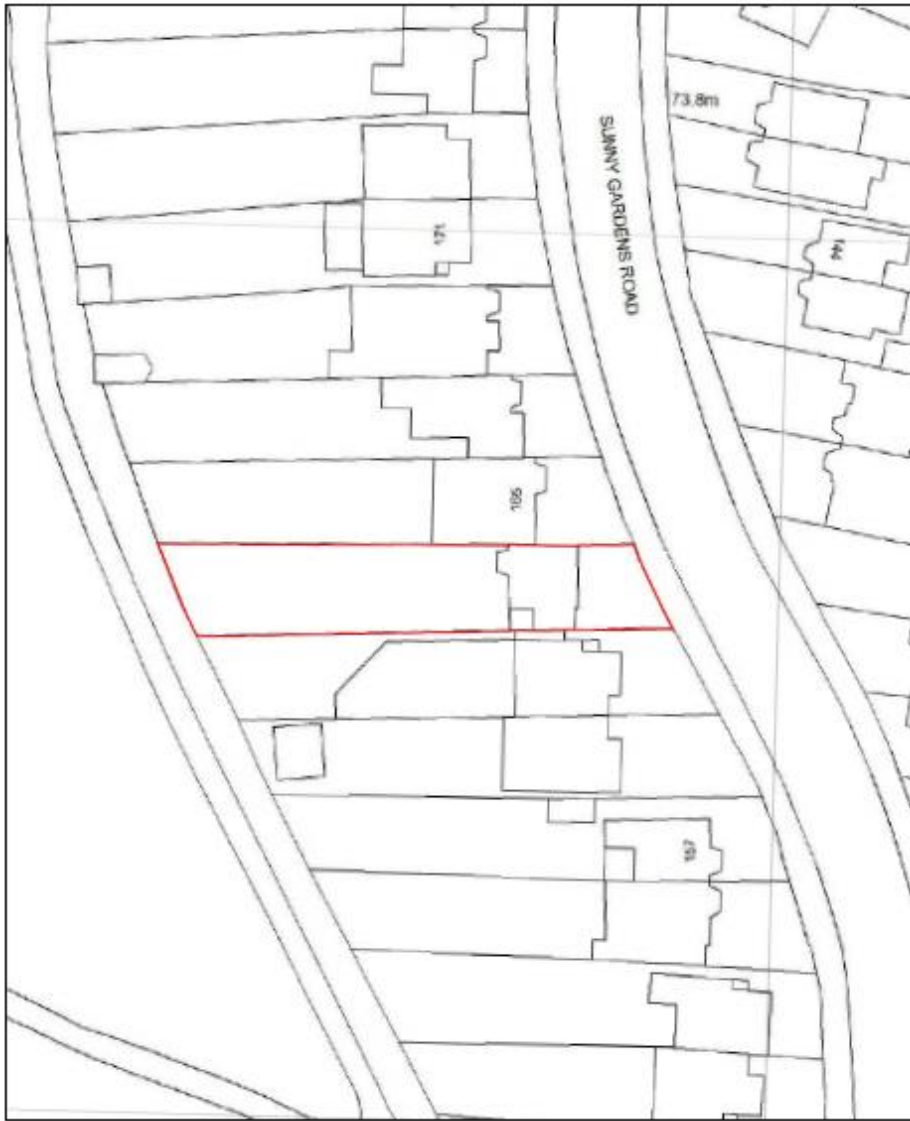
The proposed works and the amended drawings therein are not seen to affect existing trees.

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, subject to conditions.



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Location 170 Holders Hill Road London NW7 1LU

Reference: 20/5478/FUL

Received: 16th November 2020

Accepted: 17th November 2020

Ward: Finchley Church End

Expiry 12th January 2021

AGENDA ITEM 9

Case Officer: Joe Mari

Applicant: Mr Rowan Burgess

Proposal: Erection of a replacement two storey dwelling [REVISED PLANS AND ADDITIONAL INFORMATION]

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 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.

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

OS Map

Drawing Title: Proposed Ground Floor Plan (Drawing No. 01 C)

Drawing Title: Proposed First Floor Plan (Drawing No. 02 C)

Drawing Title: Proposed Roof Plan (Drawing No. 03 C)

Drawing Title: Front Elevation (Drawing No. 04 C)

Drawing Title: Side Elevation (From No. 172) (Drawing No. 05 C)

Drawing Title: Side Elevation (From No. 168) (Drawing No. 06 C)

Drawing Title: Rear Elevation (Drawing No. 07 C)

Drawing Title: Proposed Block Plan (Drawing No. 08 C)

(Uploaded 28 September 2021)

Flood risk assessment for 170 Holders Hill Road London NW4 1LU dated 16 June 2021 produced by Three Counties Flood Risk Assessment (uploaded 28 June 2021)

Document titled '03604R Holders Hill Road (Trees) July 2021' by Tamla Trees uploaded 15 July 2021

Tree Protection Plan Drawing No. 03604P_TPP_01 uploaded 15 July 2021

Construction Method Statement by C&D Property Maintenance LTD dated July 2021 uploaded 15 July 2021

Report prepared by Cherryfield Ecology dated 28/08/2021, uploaded 06 September 2021

Document titled '170 Holders Hill Road - Proposed Materials' uploaded 28 September 2021

Agents email dated 24 March 2021 that the applicant is not proposing a new crossover or modifications to the existing crossover

Agents confirmation that the proposed hardstanding is permeable

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).

- 3 The development shall be implemented in accordance with the levels as shown on the plans approved under Condition 2 of this consent 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.

- 4 The development shall be implemented in accordance with the materials as approved under Condition 2 of this consent.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D1, D4 and D8 of the London Plan 2021.

- 5 The development shall be implemented in accordance with the measures detailed within Construction Method Statement by C&D Property Maintenance LTD dated July 2021 (uploaded 15 July 2021).

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 6 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under Condition 2 of this consent has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 7 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential

properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, 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).

- 9 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed on the rear patio shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 Prior to first occupation of the development, 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 first occupied, 2 long stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 11 Prior to first occupation of the development, details of refuse/recycling storage shall be submitted to and approved in writing by the Local Authority.

Thereafter, before the development hereby permitted is occupied, refuse storage arrangements shall be implemented in accordance with the approved plan.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and Policies D6 and SI7 of the London Plan 2021.

- 12 The development hereby approved shall be implemented in accordance with the ecological enhancement measures set out in Section 3.0 of the report prepared by Cherryfield Ecology dated 28/08/2021 (uploaded 06 September 2021), approved under Condition 2 of this consent.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), Policy G6 of the London Plan 2021 and the Sustainable Design and Construction SPD (adopted October 2016).

- 13 Before the building hereby permitted is first occupied the windows in the first-floor side elevation facing No. 172 Holders Hill Road shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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

- 14 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).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy 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 SI 5 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 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI 2 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

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

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

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

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

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

Informative(s):

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

4 The 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 Highways 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 Highways 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.

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

- 5 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale, 4-6 weeks before the start of any works on the public highway.
- 6 The applicant shall not close any part of the public highway unless they obtain approval/licence from the Highway/Parking Department to dedicate a section of the public highway in front of the site for loading and unloading.
- 7 If a concrete pump lorry is to be operated on the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 There is a tree which stands on public highway land maintained by the Council, located immediately outside the application boundary. The grant of planning consent confers no rights for any work to be undertaken to the tree and you are advised to consult the Council's Trees & Woodlands Manager, Greenspaces and Streets on 020 8359 7838 prior to taking any further action. This tree has a CAVAT value of £600 in the event that damage or loss arises to this tree.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the east side of Holders Hill Road, in the ward of Finchley Church End.

The site is not within a designated conservation area.

The site does not contain any statutory or locally listed buildings, nor is it immediately adjacent to any.

It is not within an Area of Special Archaeological Interest.

The site is adjacent to the Dollis Brook (which runs to the rear of the site), which is a designated Site of Importance for Nature Conservation (SINC). This area is also designated Metropolitan Open Land (MOL), although the application site itself falls outside both designations.

To the north east are Thornfield Avenue Allotments. The allotments are designated MOL.

There are no Tree Preservation Order (TPOs) on the application site.

Part of the application site falls within Flood Zone 2 (medium probability) and Flood Zone 3 (high probability), in accordance with the Government's flood map for planning. The remainder of the site falls within Flood Zone 1 (low probability). The footprint of the dwelling itself falls within Flood Zone 1 (low probability).

2. Site History

Reference: 18/2979/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Lawful

Decision Date: 4 June 2018

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 3no front rooflights

Reference: 18/2980/HSE

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 8 October 2018

Description: Part single, part two storey side and rear extensions following demolition of existing garage. New front porch

Reference: 18/3021/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Required and Refused

Decision Date: 22 May 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.71 metres

Reason for refusal:

Prior Approval for the proposed development is hereby required and refused under Section A.4(2) of the Town and Country Planning (General Permitted Development) Order 2015 - as amended. This is because the applicant has not provided a plan/details showing the addresses of all the adjoining premises, as required by Paragraph A.4(2)(c) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 - as amended.

Reference: 18/3435/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Required and Refused

Decision Date: 9 July 2018

Description: A single storey rear extension with a proposed depth of 6 metres, an eaves height of 3 metres and a maximum height of 3.71 metres.

Reason for refusal:

The proposed single storey rear extension by reason of its size, siting, height, design and its excessive rearward projection would result in an unacceptable loss of outlook and sense of enclosure and would appear overbearing and lead to loss of light and overshadowing to the detriment of residential amenities of the occupiers of No 168 Holders Hill Road, contrary to policies CS NPPF, CS1 and CS5 of the Core Strategy DPD (2012), policies DM01 of the Local Plan Development Management Policies (2012), The London Plan (2015), Barnet's Sustainable Design and Construction Document SPD (2013) and the

Residential Design Guidance SPD (2013).

Reference: 18/7000/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Withdrawn

Decision Date: 25 January 2019

Description: Conversion of the existing dwelling into 4no self contained including two storey side and rear extension following demolition of the existing garage. Associated parking, refuse/recycling store, amenity space

Reference: 19/0732/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Approved subject to conditions

Decision Date: 18 June 2019

Description: Conversion of the existing dwelling into 4no self contained flats including two storey side and rear extension following demolition of the existing garage. Associated parking, cycle store, refuse/recycling store and amenity space

Reference: 19/2647/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Unlawful

Decision Date: 4 July 2019

Description: Erection of new outbuilding to rear of garden

Reference: 19/3399/PNH

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Prior Approval Not Required

Decision Date: 17 July 2019

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.71 metres

Reference: 19/4548/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Unlawful

Decision Date: 10 September 2019

Description: Erection of new outbuilding to rear of garden

Reference: 19/6503/192

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Lawful

Decision Date: 10 January 2020

Description: Erection of an outbuilding

Reference: 19/6675/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Withdrawn

Decision Date: 24 January 2020

Description: Conversion of the existing dwelling into 4no self-contained flats involving part single, part two storey side and rear extension, roof extension involving hip to gable and alteration to the existing rear dormer window

Reference: 20/3633/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Withdrawn

Decision Date: 29 September 2020

Description: Reconstruction of the building incorporating the erection of the approved two storey side and rear extension and the conversion of the dwelling into four flats following the demolition of the existing garage, together with associated parking, cycle store, refuse/recycling store and amenity space [AMENDED DESCRIPTION]

Reference: 20/4011/FUL

Address: 170 Holders Hill Road, London, NW7 1LU

Decision: Refused

Decision Date: 13 November 2020

Description: Erection of a new dwellinghouse [AMENDED DESCRIPTION]

Reasons for refusal:

1 The proposed development would, by reason of its design, size, scale and bulk, detrimentally impact the character and appearance of the street scene and surrounding area.

The application is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Residential Design Guidance SPD (2012).

2 The proposed development would, by reason of its siting on the boundary, height and depth of rearward projection, have an overbearing impact on the neighbouring window at No. 168 Holders Hill Road. This would harm the outlook and light received by the closest ground floor window and principal outdoor amenity area, to the detriment of the amenities of these neighbouring occupiers.

The application is therefore considered unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012) and Barnet's Residential Design Guidance SPD (2016).

3 The proposed development would provide inadequate living conditions for future occupiers, by reason of the size of the proposed bedrooms, absence of a proposed section to demonstrate ceiling heights, failure to provide enough built-in storage and failure to provide acceptable levels of glazing to habitable rooms.

The application is therefore considered unacceptable and contrary to Policy DM01 of Barnet's Development Management Policies Document DPD (2012), Barnet's Sustainable Design and Construction SPD (2016) and the Technical housing standards - nationally described space standard document (2015).

4 The proposed development is, in part, located within Flood Zone 2 and 3 and is classified as 'More Vulnerable' development. No sequential test, exception test or flood risk assessment has been submitted to support this application. Therefore it has not been possible to determine whether the proposed development could be delivered at a site with a lower risk of flooding, and, even in the event the Local Planning Authority were to accept development on site without a sequential test, that the proposed development would will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

The application is therefore considered unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012); London Plan Policy 5.12 and the requirements of the National Planning Policy Framework (2019).

5 No plan has been submitted demonstrating off-street car parking, vehicular access or cycle parking. In the absence of such information, the Local Planning Authority cannot be satisfied that the proposed development would provide adequate and satisfactory provision for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of Barnet's Core Strategy (2012) and Policy DM17 of Barnet's Development Management Policies Document (2012) nor would it promote sustainable transport in accordance with Policy CS9 of Barnet's Core Strategy (2012) and London Plan Policy 6.9.

3. Proposal

The building that formerly existed at the application site has been demolished.

This application seeks planning permission for a new building to be constructed on the site.

Upon a site visit in October 2020, it appears that works have begun at the application site to construct a new building.

The proposed development would:

- At ground floor, the building would adjoin No. 168 Holders Hill Road to the south.

To the front at ground floor, the building would have a width of 6.6 metres (measured from the boundary adjacent to No. 168 Holders Hill Road).

A front porch would project from the front wall by 1.3 metres and have a width of 2.5 metres.

A front bay window would project from the front wall by 1.3 metres and have a width of 3.4 metres. The bay window would be sited 0.4 metres from the boundary adjacent to No. 168 Holders Hill Road.

At ground floor the wall adjoining No. 168 Holders Hill Road would extend approx. 10.2 metres.

This would align with the ground floor rear wall of No. 168 Holders Hill Road.

The rear wall of the room annotated 'Dining Room' on plans would extend a width of approx. 3.6 metres (measured from the boundary adjacent to No. 168 Holders Hill Road).

The rear wall would then step back 1 metre and extend a further 3 metres in width (rear wall of the room annotated 'Kitchen' on plans).

The flank (northern) elevation (adjacent to No. 172 Holders Hill Road) would extend a length of 10.5 metres (including porch).

- At first floor, the building would adjoin No. 168 Holders Hill Road to the south.

To the front at first floor, the building would have a width of 6.6 metres (measured from the

boundary adjacent to No. 168 Holders Hill Road).

A front bay window would project from the front wall by 1.3 metres and have a width of 3.4 metres. The bay window would be sited 0.4 metres from the boundary adjacent to No. 168 Holders Hill Road.

A second, smaller front bay window would project from the front wall by 0.3 metres and have a width of 1.2 metres.

At first floor the wall adjoining No. 168 Holders Hill Road would extend 9.3 metres.

The flank (northern) elevation (adjacent to No. 172 Holders Hill Road) would extend a length of 9.3 metres.

- When viewed from the front elevation, the proposed building would have an eaves height of 5.6 metres and a ridge height of 8.8 metres.

The pitched roof above the bay window would have a ridge height of 7.3 metres.

The front porch would have an eaves height of 2.5 metres and ridge height of 3.5 metres.

The ground floor rear projection has a mono-pitch roof. At its highest it is 3.3 metres, decreasing to 2.8 metres.

- A raised patio extending a total depth of 6 metres in depth is proposed (as measured from the rear wall of the room annotated 'kitchen')

- The submitted block plan shows two off-street parking spaces and a refuse and recycling bin store to the front.

4. Public Consultation

A site notice was posted 26 November 2020.

Consultation letters were sent to 38 neighbouring properties.

Neighbours were originally consulted via letter dated 20 November 2020.

Neighbours were then reconsulted via letter dated 07 December 2020 due to an additional block plan submitted by the applicant.

Neighbour were reconsulted again via letter dated 08 January 2021 due to revised plans and additional documents uploaded to the Council's website on 08 January 2021 (superseding the previously submitted plans).

Neighbours were reconsulted again via letter dated 22 February 2021 due to revised plans (uploaded 16 February 2021 and superseding the previously submitted plans).

Neighbours were reconsulted again via letter dated 19 March 2021 for revised plans which were uploaded to the website on the 9th and 18th March 2021 (and superseding the previous plans).

Neighbours were reconsulted again via letter dated 09 September for revised plans

(uploaded 06 September 2021) and additional information.

12 responses have been received, comprising 9 letters of objection and 3 letters of representation.

However, upon review of those comments received, it appears that they represent 8 individual contributors, all of whom have objected. Some have provided additional 'representations'.

The representations/objections received can be summarised as follows:

- The exposed common party wall to No. 168 Holders Hill Road should be monitored for any vertical movement
- Looking at the planning history of the site, it appears the applicant's intention is to get planning as the original building and subsequently get approval to build extensions and convert into four flats. The applicant has already started building with 6 metre rear wall extension and scaffolding going up. The applicant is breaking planning laws of building before approval. All building work should be stopped immediately
- There is no record of Building Control application
- Drawings are inadequate and hand drawn, and do not depict what is being built on site (objection referring to plans originally submitted)
- It appears the reason for demolition was to save VAT for future new development. Some part of the foundations and wall are not removed, so strictly the VAT would be payable
- There is an inadequate amount of off-road car parking space for 4 flats
- This was a single family, semi-detached, house before it was demolished without planning permission and should be rebuilt as such
- Too many conversions in the area are leading to a lack of family homes
- Several species of bat inhabit the area around Dollis Brook which flows past the bottom of the garden. They nest and hibernate under the eaves of nearby houses and trees
- Applicant/developer should not be relied upon to stick to any plan(s)
- Plans (now superseded) illustrated the footprint of the former house but with extensions
- Permission should only be granted for rebuilding the existing footprint of the previous residence and that no future permitted developments should be granted on this site for this developer. The building work must conform with the plans and non-compliance must be strictly enforced.
- CIL payment should be strictly enforced
- Plans that have been submitted are not mirrored by the works being carried out onsite
- Property is not following the front building line of No. 168 Holders Hill Road
- Neighbour at No. 168 Holders Hill Road has no recollection of being notified for planning application reference 19/3399/PNH
- (In reference to superseded plans) No annotation or indication of what rooms behind the garage are meant to be
- Work has been conducted on site without permission and no apparent action by the council or enforcement officer
- Window on first floor side elevation facing No. 172 Holders Hill Road will result in overlooking and must be obscure glazed
- On the latest first floor plan (1LU.V3-FFLOOR02), it looks as though the door to the smaller front bedroom, when opened, is going to block the doorway to the larger front

bedroom. Similarly, when the toilet door is open it will block the bathroom doorway. But I guess this is only going to be a problem for the occupier (comment on most recent set of plans)

- Before any planning is considered, the enforcement officer must take action to remove all the work which does not reflect the template of the original building.
- The scaffolding build in January does not reflect the building of original house, especially the scaffolding is 6 meter away in the rear elevation. This scaffolding with substantial temporary tin roof needs to be tied to the building and seems to be unstable. (sp)
- The exposed side elevation of no 168 needs proper props to stop the vertical stability and movement , now that the chimney is removed from no 170 side. This has been exposed for over a year (sp)

Orbis Planning objection on behalf of No. 168 Holders Hill Road:

Dated 26 November 2020:

- Adequacy and quality of submitted plans
- Discrepancies on the forms and other procedural matters
- No block plan submitted
- It would be wise in this instance to consider removing all permitted development rights for the dwelling, if granted, under Classes A - E. This would ensure that any future development is subject to due assessment by the council.
- Continued unauthorised works and breaches
- CIL Liability
- No flood risk assessment submitted

Orbis Planning objection on behalf of No. 168 Holders Hill Road:

Dated 16 January 2021:

- Inconsistencies and inaccuracies with the plans uploaded 08 January 2021 - floor plans do not accurately fit over the extent of one another; plans do not match with one another; chimneys are proposed but given that the applicant would need our clients consent to erect one on his own land, the plans are either inaccurate or the application has been submitted incorrectly - the applicant has not served notice on our client

Following the reconsultation letters dated 09 September 2021 comments were received from a resident who previously submitted comments. It stated:

- The developers have now finally put in plans with meaningful measurements to erect what is effectively a three bed semi-detached house, which is what existed before it was incorrectly demolished. The drawings are minus the garage, which pre-existed. However, to remind the council and the public, the developer has already erected and built over the whole of the rear 6m depth patio area, which is already blocking out light covering the left side of our house.

It is clear the developer truly intends the building of flats. Previously applications for 4 flats were made and matters fell through for them.

The application now includes revised drawings, ecological enhancement plan, construction method statement, tree protection plan which appear to be a paper exercise when we look at their historic behaviour and actions.

They continually used to work late on Saturdays yet they were supposed to finish by 1pm. Their documents also state that no burning will take place but video evidence kept by us show they burnt material on days when the smoke could not escape due to the time of the year and only caused nuisance to us and other neighbours.

To the point that the fire brigade was called by someone other than ourselves only to tell them off for the size of the fire and bellowing smoke. Their fires were often dangerously close to our fences.

The idea of them having a community liaison officer is laughable given the repeated number of times that I have spoken to the developer and his assistants about their need for netting around their scaffolding to prevent debris from dropping on my side. Needless to say, only by the grace of God were our cars protected from the dropping debris when they demolished the house. The photos submitted on the website do not portray the true picture, they use 170 Holders Hill Road as a dumping ground for their other building projects. Sizeable amounts of rubbish is collected from other sites and left there for weeks/months.

Truly conscientious developers would remove their rubble and rubbish from their sites straight away.

I am under no illusion as the neighbour with an adjoining party wall with this developer that he will next put in some sort of application to develop the patio area in its entirety for the full 6m depth with their ultimate intention to obtain permission for the conversion into four flats.

The current site as it stands has gone a long way to show the blue print of the flats with the foundation and current walls. Also the developer showed no care and attention to my party wall by leaving it exposed to the elements leading to heat loss.

Only after my complaints to their private building control contractor was anything done to ensure cover for the party wall was made.

I will remind the council and the public that I wish to again reiterate my complete refusal to accept any future plans to develop the patio area as it will lead to and I use the council wording when they refused planning permission on application number 18/3243 for 40 Barnet Way "The proposed extension would appear dominant, visually obtrusive and overbearing and cause harmful loss of outlook and sense of enclosure."

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 20th July

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

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

The Mayor's London Plan 2021

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

Relevant policies:

Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy G7 Trees and woodlands
Policy SI 12 Flood risk management
Policy T6 Car Parking
Policy T6.1 Residential parking

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM16, DM17.

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

Barnet's Local Plan (Reg 19)

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 emerging Local Plan.

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

taken of 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 the principle of development is acceptable;
- Whether harm would be caused to the character and appearance of the street scene and the surrounding area;
- Whether harm would be caused to the living conditions and amenities of neighbouring properties;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether the proposed development is acceptable in terms of highways and parking;
- Whether the proposed development is acceptable in terms of flood risk and impact of flooding;
- Any other material planning considerations

5.3 Assessment of proposals

Principle of development:

The site previously accommodated a single-family dwelling house before it was demolished. The proposed development is for a single-family dwelling house to replace it.

The application site is previously developed land and is situated in an area characterised by residential housing. The land utilises existing access off Holders Hill Road.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the development of the site in the broadest sense as a single-family dwelling house, subject to the scheme proposed being compliant with the relevant development plan policies (as assessed below).

As such the principle of redevelopment of the site is deemed acceptable.

Impact on character and appearance:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point b that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (dated October 2016) provides more detailed residential design guidance relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

The proposed front elevation shows that the proposed building would reflect the design and appearance of the attached neighbouring property at No. 168 Holders Hill Road.

The proposed building would have the same eaves and ridge height as the attached neighbouring property at No. 168 Holders Hill Road.

The proposed building would also have the same pitched roof as the attached neighbouring property.

To the front, the proposed building would also be the same width as the main building of No. 168 Holders Hill Road.

As shown on the submitted floor plans the depth of the proposed building would be similar to that of the attached neighbouring property at No. 168 Holders Hill Road. The scale, size and mass of the building is similar.

The proposed development would result in a pair of semi-detached properties, similar to what stood at the site prior to the building being demolished.

A sufficient gap of 2.7 metres would be retained between the proposed building and the boundary adjacent to No. 172 Holders Hill Road, to the north.

A front porch is proposed. It was noted on a site visit that front extensions/porches are characteristic feature of the street scene.

Furthermore, upon review of historic Google Street View, the former building on site had a front porch.

For the reasons stated above, the proposed development would be in keeping with the character and appearance of the street scene and surrounding area.

It is considered that the development proposal would be based on an understanding of local characteristics and would preserve local character. The proposed development would respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets, in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e that: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

As demonstrated from the proposed ground floor plan, the ground main front wall would align with the main front wall of the attached property at No. 168 Holders Hill Road. The property at No. 168 Holders Hill Road also benefits from a ground and first floor front bay window, which like that proposed, is sited 0.4 metres from the shared boundary and is the same depth and width (measured from the plans submitted under planning application reference 21/0968/192, decision dated 23 March 2021 at No. 168 Holders Hill Road).

As demonstrated from the proposed ground floor plan the ground floor rear projection (of the room annotated as 'Dining room') would align with the ground floor rear projection at the attached property at No. 168 Holders Hill Road. It would then step back 1 metre. As shown on the proposed rear elevation, the ground floor rear projection would be the same height as the ground floor rear projection at No. 168 Holders Hill Road.

As demonstrated from the first floor plan the first-floor front and rear wall would align with the corresponding walls of the attached property at No. 168 Holders Hill Road.

As above-mentioned, the proposed building would have the same eaves and ridge height as the attached property at No. 168 Holders Hill Road.

For these reasons, it is not considered that the proposed development would harm the amenities of neighbouring occupiers at No. 168 Holders Hill Road.

It was observed on a site visit that No. 172 Holders Hill Road, located to the north, has undertaken extensions over time, including a two-storey rear extension.

The proposed dwelling would not project beyond the rear building line of No. 172 Holders Hill Road.

Furthermore, a gap of 2.7 metres would be retained between the proposed building and the property at No. 172 Holders Hill Road.

It is acknowledged that two first floor side windows are proposed facing No. 172 Holders Hill Road. However, these windows serve a staircase/landing and toilet within the proposed development and can therefore be obscure glazed by way of planning condition in the event of an approval, to safeguard the privacy of the neighbouring occupiers at No. 172 Holders Hill Road.

For these reasons, it is not considered that the proposed development would harm the amenities of neighbouring occupiers at No. 172 Holders Hill Road.

A raised patio is proposed which would be at the same levels as that which stood with the

former building which stood on site. A privacy screen would be secured along this boundary to safeguard the privacy of the neighbouring occupiers.

No harm would arise to the properties on the opposite (the west) side of Holders Hill Road, as this relationship existed prior to the building being demolished and there is distance between these properties by way of the public highway of approximately 14 metres.

The proposed development is a significant distance from the properties further east fronting Claremont Park, and is separated by the Dollis Brook.

In summary, it is considered that the proposed development would not harm the amenities and living conditions of neighbouring occupiers.

Impact on amenity of future occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: that "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents including: minimum floor space, the London Plan Policy 3.5 and outdoor amenity space, the Sustainable Design and Construction SPD.

The London Plan Policy 3.5 has since been replaced by Policy D6 Housing quality and standards of the London Plan 2021.

It advises that a one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide and that a two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m. A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

The bedrooms meet these standards.

It is a 3-bedroom 5 person unit. It has a gross internal area of 122.3 sqm over two storeys, thus meeting and exceeding the requirements of Table 3.1 of the London Plan 2021.

The ground floor shows 2.5 sqm of inbuilt storage.

The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. This is met as shown on the finished ground floor level and finished ceiling levels annotated on the proposed side elevation.

The dwelling is dual aspect, as recommended within planning guidance.

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states: 'Bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows' and that 'In new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.'

The outlook and privacy for future occupiers is considered acceptable.

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states: "Glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room ."

It is considered this is met in all rooms, except the rear first floor bedroom, whereby the window represents 14% of the internal floor area of the room. Despite the technical breach, the window is east facing which would receive direct sunlight for part of the day and is like what formerly stood on site. On balance, this is considered acceptable.

Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) sets out outdoor amenity space standards. As demonstrated from the block plan, the site benefits from a large garden area, which is acceptable.

In summary, it is considered that the proposed development would provide future occupiers an acceptable level of amenity for future occupiers, in accordance with the London Plan Policy H6, Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012) and the standards set out in Barnet's Sustainable Design and Construction SPD (2016).

Impact on biodiversity including trees and ecology:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point k: "Trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate."

Point j of Policy DM01 sets out hard and soft landscaping requirements.

Policy DM16 of Barnet's Development Management Policies Document DPD (2012) states in point a that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy G7 (Trees and Woodlands) of the London Plan 2021 states in point C that:

"Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy."

Policy G6 of the London Plan 2021 sets out policies in regards to biodiversity and access to nature.

There are no Tree Preservation Orders on site and it is not within a designated conservation area.

A tree officer has assessed the application and commented that the proposal to rebuild the building is unlikely to impact on trees of any significance growing close to the property.

The applicant has submitted a tree protection plan (Drawing No. 03604P-TPP-01 dated

08/07/2021), in addition to a document by Tamla Trees titled '03604R Holders Hill Road (Trees) July 2021'.

The tree officer has deemed that the tree protection plan (Drawing no 03604P-TPP-01 dated 08/07/2021) details enough measures to ensure sufficient protection to retained trees if fully implemented. A condition will be attached to ensure it is complied with.

The tree officer has also considered ecology. In normal circumstances, a preliminary bat roost assessment should have been considered, but works have commenced and it is unlikely that any roosts would be disturbed now. The proposed ecological enhancement (contained within the submitted Biodiversity and Ecological Enhancement Plan) will be secured by way of planning condition.

Environmental Health matters:

An environmental health officer has assessed the application and deemed it acceptable subject to conditions.

Impact of flood risk:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) states in point g that: "Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off. All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100 to 104) and provide information on the known flood risk potential of the application site."

London Plan Policy SI 12 Flood risk management and Policy SI 13 Sustainable drainage set out policies regarding flood risk and SUDS.

Parts of the application site falls within Flood Zone 1, Flood Zone 2 and Flood Zone 3 (in accordance with the Government's flood map for planning).

The footprint of the proposed development would be the same as the building which formerly stood on the site, prior to being demolished.

The flood map for planning on the Government's website still appears to show the former dwelling on site. Most of the garden area is in Flood Zone 2 and Flood Zone 3, and former dwelling in Flood Zone 1.

The proposed development would be classified in Planning Practice Guidance as "More vulnerable" development in relation to flood risk [Planning Practice Guidance (PPG) Table 2 Flood risk vulnerability classification Reference ID: 7-066-20140306]. The proposed development does not fall within the definition of 'minor development' [PPG 046 Reference ID: 7-046-20140306].

The National Planning Policy Framework (2021) has a strategy to direct development away from areas at highest risk of flooding (Paragraph 159).

At Paragraph 162 of the NPPF (2021) it states that planning applications should be supported by a site specific flood risk assessment (FRA) and a sequential test as applicable.

The proposed development is not accompanied by a sequential test or exception test.

However, Planning Officers recognise that the proposed development is a replacement for the dwelling that stood at the site previously prior to being demolished. It will also be in the same use as single family dwelling house. It would not represent an increase in the footprint to the original building that stood previously on the site nor would it represent a change in levels.

The agent has advised that the drainage will be the same as existing.

For these reasons, the proposed development is considered acceptable in terms of flood risk.

Impact on highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out parking standards for the Council.

A highways officer has assessed the application and commented that the road fronting the application site is Holders Hill Road. Holders Hill Road is a local distributor road (B552) and the stretch of road in the vicinity of the site is residential in nature. The site is in a CPZ that operates 1-6pm on event days. The site has a PTAL rating of 2 (low) and on a scale of 1 to 6 where 1 denotes poor accessibility and 6 excellent accessibility to public transport. However, the road is served by bus route 240,221 and 382 which can be accessed from stops within walking 7 minutes walking distance of the site. The nearest bus stop is approximately two minutes walking distance from the site.

The proposed development will provide 3 bed property which will generate a parking requirement of 1 - 1.5 spaces (in accordance with Policy DM17) and 2 cycle parking spaces (in accordance with Table 10.2 of the London Plan 2021).

There is sufficient space on the front drive to accommodate at least 2 cars but the location of the existing crossover would make it difficult for the second car to enter or exit without encroaching on the adopted footway. However, one car can be safely accommodated. Considering that this would result in the potential displacement of only 1 vehicle, it is not considered necessary to request CPZ permit restrictions in this particular instance.

Furthermore the pre-existing dwelling house on site did not have CPZ restrictions and had space for two cars. Considering the proposed use is a single family dwelling house the parking arrangement is considered acceptable.

The development requires 2 cycle spaces. However, the drawings do not show any cycle parking spaces. A cycle parking condition is therefore requested.

Proposals for access, refuse storage and servicing would likely to remain unchanged and are satisfactory.

The agent has confirmed via email dated 24 March 2021 that the applicant is not proposing a new crossover or modifications to the existing crossover.

Addressing the previous reasons for refusal:

In the interest of clarity and thoroughness, the current proposed development has addressed the previous reasons for refusal (application reference: 20/4011/FUL, decision dated 13 November 2020). They are addressed in turn below.

The first reason for refusal read:

"The proposed development would, by reason of its design, size, scale and bulk, detrimentally impact the character and appearance of the street scene and surrounding area.

The application is therefore considered unacceptable and contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Residential Design Guidance SPD (2012)."

From the plans and documents submitted under application reference: 20/4011/FUL (decision dated 13 November 2020) it appeared that the applicant sought planning permission for the reconstruction of the building previously on site, with the addition of an amalgamation of extensions similar to those which were either previously approved or deemed lawful at the application site (see site history).

This included a proposed ground floor single storey projection of a depth of 5.85 metres, first floor rear projection of a depth of 4 metres, and a dormer window on the rear roof slope and gable end. Furthermore, under the previous application (20/4011/FUL, decision dated 13 November 2020) there were also inconsistencies with the drawings submitted.

It was considered by planning officers that due to the inclusion of these features; the application was not found compliant with the guidance contained within Barnet's Residential Design Guidance SPD (2016).

These features have been omitted from this application. The applicant proposes to rebuild the building like that which stood previously at the site (prior to being demolished and without any extensions).

This is therefore acceptable and addresses the first reason for refusal.

The second reason for refusal read:

"The proposed development would, by reason of its siting on the boundary, height and depth of rearward projection, have an overbearing impact on the neighbouring window at No. 168 Holders Hill Road. This would harm the outlook and light received by the closest ground floor window and principal outdoor amenity area, to the detriment of the amenities of these neighbouring occupiers.

The application is therefore considered unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012) and Barnet's Residential Design Guidance SPD (2016)."

This reason for refusal related to proposed development's depth of rear ward projection at ground floor, the height of this ground floor projection and it's siting immediately on the boundary adjacent to No. 168 Holders Hill Road, which would impact the amenity of these neighbouring occupiers.

As explained above, the ground floor rear projection has since been removed from this application, and the plans submitted show the development would align with the rear wall of No. 168 Holders Hill Road and would not project beyond this rear wall.

This is therefore acceptable and addresses the second reason for refusal.

The third reason for refusal read:

"The proposed development would provide inadequate living conditions for future occupiers, by reason of the size of the proposed bedrooms, absence of a proposed section to demonstrate ceiling heights, failure to provide enough built-in storage and failure to provide acceptable levels of glazing to habitable rooms.

The application is therefore considered unacceptable and contrary to Policy DM01 of Barnet's Development Management Policies Document DPD (2012), Barnet's Sustainable Design and Construction SPD (2016) and the Technical housing standards - nationally described space standard document (2015)."

Under this application, Planning Officers are satisfied the proposed bedrooms meet the required space standards set out in Policy D6 of the London Plan 2021.

The ground floor shows 2.5 sqm of inbuilt storage, which meets standards.

The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. This is met as shown on the finished ground floor level and finished ceiling levels annotated on the proposed side elevation.

This is therefore acceptable and addresses the third reason for refusal.

The fourth reason for refusal read:

"The proposed development is, in part, located within Flood Zone 2 and 3 and is classified as 'More Vulnerable' development. No sequential test, exception test or flood risk assessment has been submitted to support this application. Therefore it has not been possible to determine whether the proposed development could be delivered at a site with a lower risk of flooding, and, even in the event the Local Planning Authority were to accept development on site without a sequential test, that the proposed development would will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

The application is therefore considered unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012); London Plan Policy 5.12 and the requirements of the National Planning Policy Framework (2019)."

The flood map for planning on the Government's website still appears to show the former dwelling on site. Most of the garden area is in Flood Zone 2 and Flood Zone 3, and former dwelling in Flood Zone 1.

The proposed development is not accompanied by a sequential test or exception test.

However, Planning Officers recognise that the proposed development is a replacement for the dwelling that stood at the site previously prior to being demolished. It will also be in the same use as single family dwelling house. It would not represent an increase in the footprint to the original building that stood previously on the site nor would it represent a change in levels.

The agent has advised that the drainage will be the same as existing.

For these reasons, the proposed development is considered acceptable in terms of flood risk.

The fifth reason for refusal read:

"No plan has been submitted demonstrating off-street car parking, vehicular access or cycle parking. In the absence of such information, the Local Planning Authority cannot be satisfied that the proposed development would provide adequate and satisfactory provision for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of Barnet's Core Strategy (2012) and Policy DM17 of Barnet's Development Management Policies Document (2012) nor would it promote sustainable transport in accordance with Policy CS9 of Barnet's Core Strategy (2012) and London Plan Policy 6.9."

A site plan has been submitted under this application demonstrating off-street car parking spaces and vehicular access. The agent has confirmed no change to the existing crossover is proposed. Highways officers have not raised objection to this, subject to conditions.

Details of cycle parking can be secured by way of planning condition in the event of an approval.

This is therefore acceptable and addresses the fifth reason for refusal.

5.4 Response to Public Consultation

- The exposed common party wall to No. 168 Holders Hill Road should be monitored for any vertical movement

This is a building control matter and would not constitute a reason for refusal in this instance.

- Looking at the planning history of the site, it appears the applicant's intention is to get planning as the original building and subsequently get approval to build extensions and convert into four flats. The applicant has already started building with 6 metre rear wall extension and scaffolding going up. The applicant is breaking planning laws of building before approval. All building work should be stopped immediately

The drawings submitted in support of this application propose the construction of a single family-dwelling house, which is of the scale, size and appearance similar to that of the building which stood on the site prior to being demolished (and/or prior to being extended). This application has been assessed on that basis. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

Any future applications for the extension and/or conversion of the property would be assessed on its own merits.

The anticipation or expectation that the applicant may submit planning applications in the future at the application site should not preclude the recommendation to approve this application (for the reasons stated in the main assessment), nor would constitute a reason for refusal in this instance.

- There is no record of Building Control application

This is a building control matter and would not constitute a reason for refusal in this instance.

- Drawings are inadequate and hand drawn, and do not depict what is being built on site (objection referring to plans originally submitted)

The hand-drawn plans initially submitted with the application have since been superseded and replaced. Neighbours have been reconsulted on the amended plans.

The most recent set of drawings are considered acceptable. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

- It appears the reason for demolition was to save VAT for future new development. Some part of the foundations and wall are not removed, so strictly the VAT would be payable

This is not a planning matter.

- There is an inadequate amount of off-road car parking space for 4 flats

The proposed development is a single-family dwelling house and the application has been assessed on that basis.

In the interest of clarity and thoroughness, the highways officer has deemed the application acceptable on highways grounds, subject to conditions.

- This was a single family, semi-detached, house before it was demolished without planning permission and should be rebuilt as such

This is the basis of what the applicant is seeking planning permission for.

- Too many conversions in the area are leading to a lack of family homes

The application is for the construction of a single family dwelling house and has been assessed on that basis.

- Several species of bat inhabit the area around Dollis Brook which flows past the bottom of the garden. They nest and hibernate under the eaves of nearby houses and trees

The tree officer has also considered ecology. In normal circumstances, a preliminary bat roost assessment should have been considered, but works have commenced and it is unlikely that any roosts would be disturbed now. The proposed ecological enhancement (contained within the submitted Biodiversity and Ecological Enhancement Plan) will be secured by way of planning condition.

- Applicant/developer should not be relied upon to stick to any plan(s)

A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

Any breach of planning condition in the future would be a matter for planning enforcement.

- Plans (now superseded) illustrated the footprint of the former house but with extensions

The most recently revised plans propose a development akin to the former house without any proposed rear or roof extensions.

- Permission should only be granted for rebuilding the existing footprint of the previous residence and that no future permitted developments should be granted on this site for this developer. The building work must conform with the plans and non-compliance must be strictly enforced.

As above-mentioned, the most recently revised plans propose a development akin to the former house without any proposed rear or roof extensions.

- CIL payment should be strictly enforced

This is not a planning matter.

- Plans that have been submitted are not mirrored by the works being carried out onsite

The drawings submitted in support of this application propose the construction of a single family-dwelling house, which is of the scale, size and appearance similar to that of the building which stood on the site prior to being demolished (and/or prior to being extended). This application has been assessed on that basis. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

- Property is not following the front building line of No. 168 Holders Hill Road

The submitted proposed block plan demonstrate that this is the case.

- Neighbour at No. 168 Holders Hill Road has no recollection of being notified for planning application reference 19/3399/PNH

Although not directly related to the application currently under consideration, according to the Local Planning Authorities' records, this address was consulted by way of letter under planning application reference 19/3399/PNH.

- (In reference to superseded plans) No annotation or indication of what rooms behind the garage are meant to be

This comment is about previously submitted plans, which have been since superseded and replaced.

- Work has been conducted on site without permission and no apparent action by the council or enforcement officer

The applicant has submitted this application seeking planning permission for the construction of a new dwelling house to address this.

- Window on first floor side elevation facing No. 172 Holders Hill Road will result in

overlooking and must be obscure glazed

A condition will be attached to ensure that the windows in the first floor side elevation of the proposed development are obscure-glazed to ensure that the privacy of neighbouring occupiers at No. 172 Holders Hill Road is safeguarded.

- On the first floor plan it looks as though the door to the smaller front bedroom, when opened, is going to block the doorway to the larger front bedroom. Similarly, when the toilet door is open it will block the bathroom doorway. But I guess this is only going to be a problem for the occupier (comment on most recent set of plans)

As acknowledged by the resident, this is an matter for the future occupier. This matter does not represent a breach of planning policy. It is a common occurrence in many homes.

- Before any planning is considered, the enforcement officer must take action to remove all the work which does not reflect the template of the original building.

This is a matter for planning enforcement.

- The scaffolding build in January does not reflect to building of original house, especially the scaffolding is 6 meter away in the rear elevation. This scaffolding with substantial temporary tin roof needs to be tied to the building and seems to be unstable. (sp)

Addressed in comments above. The drawings submitted in support of this application propose the construction of a single family-dwelling house, which is of the scale, size and appearance similar to that of the building which stood on the site prior to being demolished (and/or prior to being extended). This application has been assessed on that basis. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.

- The exposed side elevation of no 168 needs proper props to stop the vertical stability and movement , now that the chimney is removed from no 170 side. This has been exposed for over a year (sp)

This is a building control matter and would not constitute a reason for refusal in this instance.

Orbis Planning objection on behalf of No. 168 Holders Hill Road:

Dated 26 November 2020:

Adequacy and quality of submitted plans

Discrepancies on the forms and other procedural matters

No block plan submitted

It would be wise in this instance to consider removing all permitted development rights for the dwelling, if granted, under Classes A - E. This would ensure that any future development is subject to due assessment by the council.

Continued unauthorised works and breaches

CIL Liability

No flood risk assessment submitted

Officer's response:

Since these comments, the previous drawings have been superseded and replaced with drawings now considered acceptable by Planning Officers.

A proposed site plan and Flood Risk Assessment has been submitted since these comments.

An informative regarding CIL liability is attached to this recommendation.

An objector has suggested that permitted development should be removed if the proposed development were approved.

Officer's response:

Planning Practice Guidance (PPG) states that "Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity...Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity." (Paragraph: 017 Reference ID: 21a-017-20190723).

The proposed development is similar to the size, scale and form of the original dwelling house which stood on site prior to being demolished and/or extended. The proposed development represents the original dwelling with no extensions or additions. As such, it would be unreasonable to attach a blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission.

Orbis Planning objection on behalf of No. 168 Holders Hill Road:

Dated 16 January 2021:

Inconsistencies and inaccuracies with the plans uploaded 08 January 2021 - floor plans do not accurately fit over the extent of one another; plans do not match with one another; chimneys are proposed but given that the applicant would need our clients consent to erect one on his own land, the plans are either inaccurate or the application has been submitted incorrectly - the applicant has not served notice on our client

Officer's response:

Since these comments, the drawings have been superseded and replaced with drawings now considered acceptable by Planning Officers. Neighbours were reconsulted on these plans.

Following the reconsultation letters dated 09 September 2021 comments were received from a resident who previously submitted comments. It stated:

- The developers have now finally put in plans with meaningful measurements to erect what is effectively a three bed semi-detached house, which is what existed before it was incorrectly demolished. The drawings are minus the garage, which pre-existed. However, to remind the council and the public, the developer has already erected and built over the whole of the rear 6m depth patio area, which is already blocking out light covering the left side of our house.

It is clear the developer truly intends the building of flats. Previously applications for 4 flats were made and matters fell through for them.

The application now includes revised drawings, ecological enhancement plan, construction method statement, tree protection plan which appear to be a paper exercise when we look at their historic behavior and actions.

They continually used to work late on Saturdays yet they were supposed to finish by 1pm. Their documents also state that no burning will take place but video evidence kept by us show they burnt material on days when the smoke could not escape due to the time of the year and only caused nuisance to us and other neighbours.

To the point that the fire brigade was called by someone other than ourselves only to tell them off for the size of the fire and bellowing smoke. Their fires were often dangerously close to our fences.

The idea of them having a community liaison officer is laughable given the repeated number of times that I have spoken to the developer and his assistants about their need for netting around their scaffolding to prevent debris from dropping on my side. Needless to say, only by the grace of God were our cars protected from the dropping debris when they demolished the house. The photos submitted on the website do not portray the true picture, they use 170 Holders Hill Road as a dumping ground for their other building projects. Sizeable amounts of rubbish is collected from other sites and left there for weeks/months.

Truly conscientious developers would remove their rubble and rubbish from their sites straight away.

I am under no illusion as the neighbour with an adjoining party wall with this developer that he will next put in some sort of application to develop the patio area in its entirety for the full 6m depth with their ultimate intention to obtain permission for the conversion into four flats.

The current site as it stands has gone a long way to show the blue print of the flats with the foundation and current walls. Also the developer showed no care and attention to my party wall by leaving it exposed to the elements leading to heat loss.

Only after my complaints to their private building control contractor was anything done to ensure cover for the party wall was made.

I will remind the council and the public that I wish to again reiterate my complete refusal to accept any future plans to develop the patio area as it will lead to and I use the council wording when they refused planning permission on application number 18/3243 for 40 Barnet Way "The proposed extension would appear dominant, visually obtrusive and overbearing and cause harmful loss of outlook and sense of enclosure."

Officer's response:

Much of the comments have been addressed above.

A planning condition has been attached regarding construction working hours.

In regards to fires, the documents will be secured by way of a condition to ensure the

applicant complies.

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 surrounding area. The development is not considered to have an adverse impact on the amenities of neighbouring and future occupiers. It is considered acceptable in all other regards. This application is therefore recommended for approval.



Location O/s 836 High Road London N12 9RE

Reference: 21/4178/FUL

Received: 27th July 2021

AGENDA ITEM 10

Accepted: 27th July 2021

Ward: Woodhouse

Expiry 21st September 2021

Case Officer: Ashley Niman

Applicant: Ms Bella Noakes

Proposal: Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub)

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: Digital Kiosk Proposal (Trueform), Existing and Proposed views (BT Ref BAR-213), Site and location plan (InLink Project BAR-213, dated 26.03.2021), Planning Statement (Harlequin, REF BAR 213) Covering letter (Harlequin, Ref BAR-213), Street Hub product statement (BT, February 2021)

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

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

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

2004.

- 3 An Integrated CCTV camera shall be made operational from Day 1 of official unit 'switch-on' and maintained permanently thereafter.

Reason: In the interests of proper planning, neighbourhood safety 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).

- 4 The proposal shall be managed in strict compliance with the submitted Communication Hub Unit Management Plan (October 2020) and maintained as such thereafter.

Reason: 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).

- 5 The existing phone box shall be removed prior to installation of the new unit in accordance with the submitted planning documents.

Reason: To preserve the established character of the area and reduce street clutter in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012); and, Policy HC1 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is an area on public highway outside Sainsburys at 836 High Road close to the junction with Ravensdale Avenue. It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. Site History

Reference: 19/4852/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of public payphone/commercial hub

Refused for the following reasons:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

2. The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019)."

Reference: 19/4853/ADV

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of 86" inch advertisement located on the rear face of the communications apparatus

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, detrimentally impact on public safety.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012), the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994) and the National Planning Policy Framework (2019). "

Reference: 21/1474/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 12.05.2021

Description: Installation of public payphone/communication hub

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of

illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994)."

3. Proposal

Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub)

It would be sited on the public pavement outside Sainsburys, 836 High Road, close to the junction with Ravensdale Avenue. The new structure would measure 298cm in height and 123.6cm in width, with a depth of 35cm.

The planning history above relates to a different site slightly further south fronting Sainsburys. Those applications were to replace the existing advertising column with a payphone/ commercial hub but did not remove the existing BT payphone. The siting was close to a traffic controlled crossing and received objection from highways officers and the police.

The supporting cover letter for this application by Harlequin dated 15 August 2021 states: "The Street Hub unit will be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilize the digital HD display screens on both sides of the unit. The two screens automatically dim at night to 600cd/m², following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015: The Brightness of Illuminated Advertisements - minimizing disturbances to residents in the evening.

The screens will display content at 10-second intervals, in the form of both the commercial content that funds the service, as well as a wide range of local community and council content. As such, the proposed Street Hub will provide 876 hours of free council advertising per year, with the opportunity for discounted advertising for local business groups (such as BIDs and Chambers of Commerce) and their members through BT's Street Hub Partners Program. "

4. Public Consultation

A site notice was erected 12 August 2021. Consultation letters were sent to 61 neighbouring properties. 4 responses have been received. The objections are

- o Street clutter
- o It narrows the pavement
- o Obstructs views for drivers
- o It is only for advertising revenue
- o Intrudes on privacy
- o Limited communications benefit
- o Excessive electricity use

An objection has been received from Councillor Cooke:

"The feature is out of character in the area, unnecessary street clutter and not popular with constituents. If officers are minded to approve please refer the application to a planning committee".

Highways: No objections raised

Metropolitan Police: The existing TK proposed for removal is in a very poor condition and

its removal is strongly recommended, as per the planning application. There is no objection to the proposal subject to removal of the existing BT box, and for the provision of CCTV.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

Existing policies in Barnets Local Plan (2012) and the London Plan (2021) should not be considered out of date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS12
- Relevant Development Management Policies: DM01, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Supplementary Planning Documents

- Design Guidance Note No.1: Advertising and Signs (1993)

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 street scene and the surrounding area;
- Whether harm would be caused to the safety of road users and pedestrians;
- Whether the proposal would minimise and reduce opportunities of crime and anti-social behaviour

5.3 Assessment of proposals

Impact on character and appearance on the street scene and surrounding area:

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Design Guidance Note No.1: Advertising and Signs (1994) sets out guidance on signage and advertising. It states that on page 2 and 3 -

"Advertisement and signs should, where appropriate;

- be well related to their surroundings in terms of size, scale and siting;
- be located to avoid visual clutter;
- not conflict with traffic signs or signals or be likely to cause confusion or danger to road users;
- respect the character and architectural details of any building on which they are to be located;
- be carefully designed and controlled in sensitive areas such as conservation areas, in open countryside or on or near important buildings
- in the case of projecting signs overhanging the highway, project no more than 1m (3ft 3ins) from the face of the building or have a depth greater than 0.75m (2ft 5ins)"

The site is not located within a conservation area and is not immediately adjacent to locally or statutory listed buildings. The removal of the redundant BT phone box is welcome, and its replacement would be with a structure that is of broadly similar dimensions. It is wider and higher but slimmer and less bulky, and consequently the impact on the street scape

would be marginal. Moreover, unlike many similar structures, it is set against the substantial brick wall of the property behind and is located within the town centre. It will therefore not materially increase visual clutter and would relate in an acceptable manner in terms of its size and siting.

Therefore, in terms of Policy DM01, the proposal would not harm local character, nor harm the appearance of surrounding buildings, spaces and streets.

Impact on highways and pedestrian safety:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states in point a that the Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Design Guidance Note No.1: Advertising and Signs (1993) sets out guidance on road and pedestrian safety.

The highways officer has reviewed the application and raises no objection.

As such, the local authority is satisfied that the proposed development would ensure the safety of all road users, in accordance with Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and Design Guidance Note No.1: Advertising and Signs (1994).

Safety and security:

Policy CS12 of Barnet's Core Strategy DPD (2012) states that the council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together. This includes working with our partners to tackle crime, fear of crime and anti-social behaviour; require developers to demonstrate that they have incorporated design principles which contribute to community safety and security in all new development.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

London Plan Policy D11 states that development should include measures to design out crime.

The National Planning Policy Framework (2021) highlights the importance of reducing crime and the fear of crime.

The Design out Crime Office of the Metropolitan Police has reviewed the application:

"The existing TK proposed for removal is in a very poor condition and its removal is strongly recommended, as per the planning application. This is a location that was highlighted by local police officers as an area where there are ASB issues with begging and vagrancy. Begging tends to predominantly occur in areas with high footfall such as outside supermarkets, near ATM machines or busy transport hubs. The proposed location for this device appears to be situated far enough away from the main entrance of the large Sainsbury's supermarket to be more unattractive for begging purposes. However, with a large blank wall of Sainsbury's offering no additional natural surveillance of this device, it is recommended that integrated CCTV is incorporated within this device.

I do not object to this application but would respectfully request the following for your

consideration as a formal planning condition (upon any approval):

- Strict compliance with Communication Hub Unit Management Plan (October 2020)
- Integrated CCTV camera (operational from Day 1 of official unit 'switch-on')
- Removal of existing telephone kiosk as per planning submission. "

Therefore, in terms of safety and security there is no objection to this proposal.

5.4 Response to Public Consultation

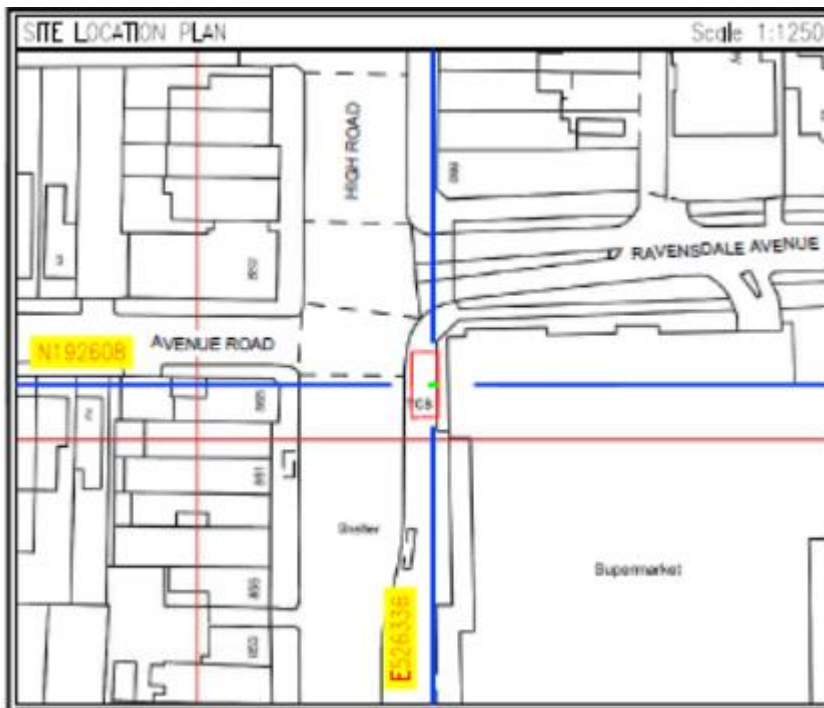
Discussed under evaluation

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the application is recommended for approval.



Location O/s 836 High Road London N12 9RE

Reference: 21/4191/ADV Received: 27th July 2021
Accepted: 27th July 2021

Ward: Woodhouse Expiry 21st September 2021

Case Officer: Ashley Niman

Applicant: MS Bella Noakes

Proposal: Insertion of two internally illuminated digital LED screens, one on each side of the InLink unit

AGENDA ITEM 11

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: Digital Kiosk Proposal (Trueform), Existing and Proposed views (BT Ref BAR-213), Site and location plan (InLink Project BAR-213, dated 26.03.2021), Planning Statement (Harlequin, REF BAR 213) Covering letter (Harlequin, Ref BAR-213), Street Hub product statement (BT, February 2021)

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

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

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

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

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

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

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

- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No. 5, Zone 3.

Reason: In the interest of highway safety and amenity in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of

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.

OFFICER'S ASSESSMENT

1. SITE

The application site is an area on public highway outside Sainsburys at 836 High Road close to the junction with Ravensdale Avenue. It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. PLANNING HISTORY

Reference: 19/4852/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of public payphone/commercial hub

Refused for the following reasons:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

2. The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019)."

Reference: 19/4853/ADV

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of 86" inch advertisement located on the rear face of the communications apparatus

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, detrimentally impact on public safety.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012), the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994) and the National Planning Policy Framework (2019). "

Reference: 21/1474/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 12.05.2021

Description: Installation of public payphone/communication hub

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994)."

3. PROPOSAL

Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub). It would be sited on the public pavement outside Sainsburys, 836 High Road, close to the junction with Ravensdale Avenue. The new structure would measure 298cm in height and 123.6cm in width, with a depth of 35cm.

The planning history above relates to a different site slightly further south fronting Sainsburys. Those applications were to replace the existing advertising column with a payphone/ commercial hub but did not remove the existing BT payphone. The siting was close to a traffic controlled crossing and received objection from highways officers and the police.

4. PLANNING CONSIDERATIONS

No consultation for an application for display of advertisements.

4.1 Main issues for consideration

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 may be used only in the interests of 'amenity' and 'public safety'. This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

4.2 Policy context

National Planning Policy Guidance / Statements:

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

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

Existing policies in Barnets Local Plan (2012) and the London Plan (2021) should not be considered out of date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

Paragraph 136 of the revised NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Barnet's Local Plan (2012)

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

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

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

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

Barnet's Design Guidance

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

4.3 Assessment of proposals

Public Safety

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

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

The supporting cover letter for this application by Harlequin dated 15 August 2021 states: "The Street Hub unit will be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilize the digital HD display screens on both sides of the unit. The two screens automatically dim at night to 600cd/m², following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015: The Brightness of Illuminated Advertisements - minimizing disturbances to residents in the evening.

The screens will display content at 10-second intervals, in the form of both the commercial content that funds the service, as well as a wide range of local community and council content. As such, the proposed Street Hub will provide 876 hours of free council advertising per year, with the opportunity for discounted advertising for local business groups (such as BIDs and Chambers of Commerce) and their members through BT's Street Hub Partners Program. "

Highways officers raise no concerns and therefore, in terms of Policy DM01, the proposal would not harm public safety.

Visual Amenity

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

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

The proposed structure is located on an area on wider pedestrian pavement. The setting is commercial in nature and character. It is not located within a conservation area and is not

immediately adjacent to locally or statutory listed buildings. The removal of the redundant BT phone box is welcome. The 'hub' will be higher and wider than the phone box but will be slimmer and less bulky. Moreover, unlike many similar structures, it is set against the substantial brick wall of the property behind and is located within the town centre. It will therefore be appropriate as it will not materially increase visual clutter and would relate acceptably in terms of its size and siting.

Therefore, in terms of Policy DM01, the proposal would not harm local character, and continue to respect the appearance of surrounding buildings, spaces and streets.

5. CONSULTATION

Objections received to the accompanying planning application addressed in report for 21/4178/FUL.

Highways Officer: No objections raised

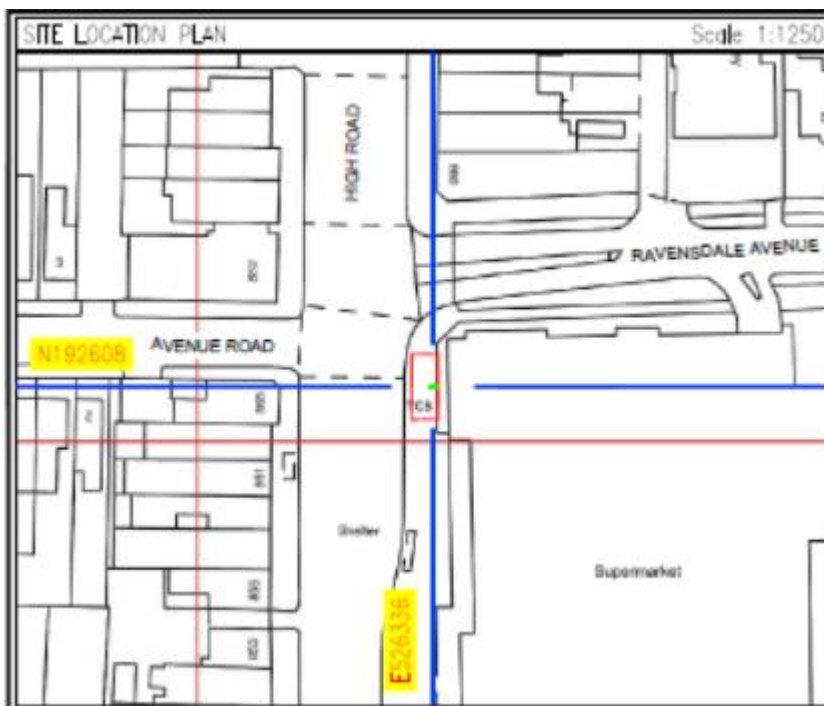
Metropolitan Police: The existing TK proposed for removal is in a very poor condition and its removal is strongly recommended, as per the planning application. There is no objection to the proposal subject to removal of the existing BT box, and for the provision of CCTV.

6. EQUALITIES AND DIVERSITY ISSUES

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

7. CONCLUSION

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



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