

MEETING

PLANNING COMMITTEE C

DATE AND TIME

MONDAY 17TH JANUARY, 2022

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE C (Quorum 3)

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

Councillors

| | | |
|----------------|------------------|-----------------|
| Claire Farrier | Linda Freedman | Laurie Williams |
| Nizza Fluss | Nagus Narenthira | |

Substitute Members

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

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

Andrew Charlwood – Head of Governance

ASSURANCE GROUP

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

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

Media Relations contact: Tristan Garrick 020 8359 2454

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
|---------|---|-----------|
| 1. | Minutes of the last meeting | 5 - 12 |
| 2. | Absence of Members | |
| 3. | Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any) | |
| 4. | Report of the Monitoring Office (if any) | |
| 5. | Addendum (if applicable) | |
| 6. | 12 Larkspur Grove Edgware HA8 9GB 21/5309/RCU (Hale) | 13 - 20 |
| 7. | 1 Holmwood Gardens, London, N3 3NS 21/1232/PNH (Finchley Church End) | 21 - 26 |
| 8. | Site Of Former 2 Ashcombe Gardens Edgware HA8 8HS 21/2384/FUL (Edgware) | 27 - 52 |
| 9. | Beth Shmuel Synagogue 169-171 Golders Green Road & 2 Woodstock Avenue London NW11 9BY 20-6319-FUL (Golders Green) | 53 - 120 |
| 10. | Yew Tree Court Bridge Lane London NW11 0RA 21/5116/OUT (Golders Green) | 121 - 138 |
| 11. | Rear Of 153 Friern Barnet Lane London N20 0NP 21/2109/FUL (Oakleigh) | 139 - 160 |
| 12. | 1 Manor Close Barnet EN5 4BP 21/1597/FUL (Underhill) | 161 - 170 |
| 13. | 60 Corringham Road London NW11 7BX 20/5573/HSE (Garden Suburb) | 171 - 180 |
| 14. | 228-232 Hale Lane Edgware HA8 9PZ 21/0275/FUL (Hale) | 181 - 188 |
| 15. | Lee Close (near 13 - 24), Barnet EN5 5HP TPF-1068-20 (High Barnet) | 189 - 198 |

| | | |
|-----|--|--|
| 16. | Any item(s) that the Chairman decides are urgent | |
|-----|--|--|

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone planning.committees@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Planning Committee C

14 December 2021

Members Present: -

AGENDA ITEM 1

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

Councillor Barry Rawlings (Substitute)
Councillor Linda Freedman
Councillor Laurie Williams

Councillor Nizza Fluss
Councillor Nagus Narenthira

Apologies for Absence
Councillor Claire Farrier

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 25 November 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Claire Farrier who was substituted by Councillor Barry Rawlings.

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. LAND NORTH OF GRAHAM LODGE GRAHAM ROAD LONDON NW4 3DG 21/2920/FUL

The Planning Officer presented the report.

Mr Chris Lloyd, agent for the applicant, addressed the Committee.

Further to discussion of the item the Chairman moved to a vote on the Officers' recommendation to approve the application:

| | |
|-----------|---|
| For | 4 |
| Against | 0 |
| Abstained | 0 |

RESOLVED that the application be APPROVED subject to the conditions and the s106 agreement as specified in the report 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)

Councillor Freedman and Councillor Fluss joined the meeting at 7.10pm and 7.11 pm respectively and did not take part in the voting of this application.

7. 698 FINCHLEY ROAD, LONDON, NW11 7NE 20/4194/FUL

The Planning Officer presented the report and addendum.

Fr Tony Convery and Mr J Biek addressed the Committee in objection to the application.

Mr Mike Burroughs the agent for the applicant, addressed the Committee.

Further to a discussion of the item, Councillor Marshall moved a motion, seconded by Councillor Rawlings, that the application be refused for the following reasons:

1. The proposed development by reason of its size, siting, scale and excessive height would diminish views of the Grade II listed Church building as viewed from the public realm looking north up Finchley Road and Hoop Lane. The proposal would be harmful to the historic form and setting of the Church building and detract from the character and appearance of the area. As such, the proposed development would be contrary to policy D1 of the London Plan (2021); policy CS5 of the Local Plan Core Strategy (2012); policies DM01 and DM06 of the Barnet Local Plan Development Management Policies DPD (2012) and the NPPF (2021).

2. The proposal due to its lack of adequate outdoor amenity space for all proposed units and the absence of suitable play space would provide an unacceptably poor level of amenity for future occupiers of the units. The proposed development would be contrary to policies D6 and S4 of the London Plan (2021); CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012); the Council's Sustainable Design and Construction SPD (2016); Residential Design Guidance SPD (2016); and the NPPF (2021).

Councillor Narenthira joined the meeting at 7.21pm and did not take part in the voting of this application.

The Chairman moved to a vote on the Officers recommendation and it was lost:

| | |
|-----------|---|
| For | 2 |
| Against | 4 |
| Abstained | 0 |

The Chairman moved to a vote on the motion to refuse the application:

| | |
|-----------|---|
| For | 4 |
| Against | 2 |
| Abstained | 0 |

RESOLVED that the application be REFUSED.

Councillor Marshall left the meeting at 7.52pm.

8. 40 EGERTON GARDENS NW4 4BA 21/3373/FUL

The Planning Officer presented the report.

The agent, Mrs Emily Benedek, addressed the committee.

The Committee voted on the Officer's recommendation to approve the application.

| | |
|-----------|---|
| For | 6 |
| Against | 0 |
| Abstained | 0 |

RESOLVED that the application be APPROVED 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)

9. SAINT JOHNS CHURCH HALL FRIERN BARNET LANE LONDON N20 0LP 20/5845/FUL

The Planning Officer presented the report and the addendum.

A correction on page 107 of the Officer's report was noted. Under the item 3 of the proposal, paragraph 2 on page 107 the sentence should read 12x1 bed units; 2xstudio units; 2x3 bed units; 4x2 bed units (and not as 12 studios; 4, 1 bed; 2, 2 bed and 2, 3 bed units)

Mr Alex Hall addressed the committee in objection to the application.

The Chairman moved the motion, seconded by Councillor Freedman, to approve the application subject to the condition that the 3 bedroom units shall only be occupied by 4 persons.

The Chairman moved to a vote on the Officers' recommendation to approve the application and the motion to add the condition:

| | |
|-----------|---|
| For | 3 |
| Against | 3 |
| Abstained | 0 |

The Chairman used his casting vote.

RESOLVED that the application be APPROVED subject to the conditions as amended and the s106 agreement specified in the report 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)

10. 1-2 THE APPROACH LONOND NW4 2HT (HENDON) 21/1524/FUL

The Planning Officer presented the report.

Mr Brader Sacher addressed the Committee in objection to the application.

The Agent, Ms Jessica Wilson, addressed the Committee.

The Chairman moved the motion and seconded by Councillor Rawlings to approve the application subject to the condition that if the location is in an area of special archaeological significance, an archaeological survey would be required. The motion was carried.

The Chairman moved to a vote on the Officers' recommendation to approve the application:

| | |
|-----------|---|
| For | 6 |
| Against | 0 |
| Abstained | 0 |

RESOLVED that the application be APPROVED subject to the conditions specified in the report 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)

11. 39 HASLEMERE AVENUE BARNET EN4 8EY (BRUNSWICK PARK) 21/2231/HSE

The Planning Officer presented the report.

The Applicant, Mr Gareth Jones addressed the Committee.

The Chairman moved to a vote on the Officers' recommendation to approve the application:

| | |
|-----------|---|
| For | 6 |
| Against | 0 |
| Abstained | 0 |

RESOLVED that the application be APPROVED subject to the conditions specified in the report 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) .

12. LAND REAR OF THE BOBATH CENTRE 250 EAST END ROAD LONDON N2 8AU (EAST FINCHLEY) 21/2602/FUL

The Planning Officer presented the report and addendum.

Councillor Claire Farrier addressed the Committee in objection to the application.

The Agent, Ms Rachel Crick, addressed the Committee.

The Chairman exercised his discretion to continue the meeting until 10:30pm. The Committee was in agreement.

The Chairman moved a motion, seconded by Councillor Rawlings to add an informative for the developer to work in partnership with the nurse on agreed arrangements during the construction period. The motion was carried.

The Chairman moved to a vote on the Officers' recommendation to approve the application with the motion:

| | |
|-----------|---|
| For | 3 |
| Against | 0 |
| Abstained | 3 |

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

13. 189 REGENTS PARK ROAD LONDON N3 3PB (FINCHLEY CHURCH END) 21/4636/FUL

The Planning Officer presented the report and the addendum.

A statement was read out on behalf of Stephanie Viner in support of the application.

The Agent, Mr Joe Henry, addressed the Committee.

Councillor Rawlings moved a motion, seconded by the Chairman to amend Condition 4 of the Officer's recommendation as follows:

The number of children looked after, including the applicant's children, shall not exceed 9 people at any one time.

The Committee voted on the officer's recommendation to approve the application and the motion. Councillor Fluss did not vote as she had not been present for the entire time that the item had been heard.

The vote was recorded as follows:

| | |
|-----------|---|
| For | 5 |
| Against | 0 |
| Abstained | 0 |

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

14. 16 DANESCROFT GARDENS LONDON NW4 2ND (HENDON) 21/3799/HSE

The Planning Officer presented the report.

The Applicant, Mr Reuven Bloom, addressed the committee.

Councillor Mark Shooter addressed the Committee in support of the application.

Further to a discussion of the item, the Chairman moved to a vote on the Officer's recommendation to refuse the application:

| | |
|-----------|---|
| For | 5 |
| Against | 1 |
| Abstained | 0 |

RESOLVED that the application be REFUSED.

15. O/S 836 HIGH ROAD LONDON N12 9RE (WOODHOUSE) 21/4178/FUL

The planning officer presented the report.

Mr Michael Levitsky addressed the Committee on behalf of Finchley Society and West Finchley Residents Association in objection to the application.

The Chairman moved the motion, seconded by Councillor Freedman, to refuse the application for the following reason:

The proposed new InLink structure would by reason of its size, scale, design and appearance, would be unduly prominent and visually obtrusive and detrimental to the visual amenities of the locality and detract from the character and appearance of the area and the street scene in this part of the High Road contrary to policy DM01 and DM18 of the Barnet Development Management Policies DPD 2012 and policyD8 of the London Plan.

The Chairman moved to a vote on the Motion:

| | |
|-----------|---|
| For | 4 |
| Against | 1 |
| Abstained | 1 |

RESOLVED that the application be REFUSED.

16. O/S 836 HIGH ROAD LONDON N12 9RE (WOODHOUSE) 21/4191/ADV

The Planning Officer presented the report.

The Chairman moved the motion, seconded by Councillor Freedman to refuse the application for the following reason:

The proposed advertisement panels by reason of their size, scale, siting and design, would be unduly prominent and visually obtrusive, detrimental to the visual amenities of the locality, contrary to policy DM01 and DM18 of the Barnet Development Management Policies DPD 2012, policyD8 of the London Plan and the Barnet Design Guidance Note 1: Advertising and Signs.

The Chairman moved to a vote on the Motion.

| | |
|-----------|---|
| For | 4 |
| Against | 1 |
| Abstained | 1 |

RESOLVED that the application be REFUSED.

The meeting finished at 10.29pm

This page is intentionally left blank

Location 12 Larkspur Grove Edgware HA8 9GB

Reference: 21/5309/RCU

Received: 6th October 2021

Accepted: 6th October 2021

Ward: Hale

Expiry 1st December 2021

Case Officer: Wilf Foster

Applicant: Ms Henry

Proposal: Use of the existing dwelling for a children's home to accommodate 2 children (Retrospective application)

AGENDA ITEM 6

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Drawings: 583-00-01 revA; 583-EX-00 revA; 583-EX-01 revA.

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 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 1 long stay cycle parking space in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 4 The use hereby permitted shall be carried on only by the applicant, Mrs Andrea Henry, and by no other person, organisation or operation.

Reason: To ensure that the consent granted accords with the permission sought and considered, in the interest of the amenities of the area in accordance with Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012), and to safeguard housing choice for vulnerable residents in accordance with Policy CS4 and CS11 of the Local Plan Core Strategy DPD (adopted September 2012).

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The site is located at the northern end of Larkspur Grove, which is a cul-de sac within the Hale ward. It contains a two storey end of terrace dwelling house.

The site is bounded by Edgware Way and Nos. 1-6 Iris Walk to the north; Aster Court to

the north west; to the east are Nos 37 & 39 Magnolia Gardens, and to the south is No. 10 Larkspur Grove. The surrounding area predominantly consists of single family dwellinghouses and flats. The site benefits from a large rear garden.

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

2. Site History

Reference: 16/6320/FUL

Address: 12 Larkspur Grove Edgware HA8 9GB

Decision: Approved subject to legal agreement

Decision Date: 30 August 2017

Description: Use of the existing dwelling for a children's home to accommodate 2 children

3. Proposal

This application seeks planning permission for the "Use of the existing dwelling for a children's home to accommodate 2 children." Although the use has ceased at the point of the application being made, it is sought to resume an existing use without planning permission and therefore consent is sought retrospectively.

The proposals do not involve any external changes requiring planning permission.

4. Public Consultation

A site notice was erected 21 October 2021.

Consultation letters were sent to 51 neighbouring properties.

A total of 55 responses have been received, comprising 54 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Concerns regarding noise and disturbance, including anti social behaviour, arising from the proposed use.
- Impact of the proposals on the character of the area.
- Loss of single family housing.
- Concern regarding increased parking congestion and vehicular movements as a result of the proposed development.
- Concern regarding impact on local property values.
- Increase in litter in the surrounding area.

The applicant has posted a comment for support stating:

"Sadly, since the introduction of covid restrictions in March 2020; families, schools and child care providers have experienced overwhelming shortages in Child Adolescent and Mental Health Services (CAMHS) - not only in Barnet, but throughout the UK.

Consequently, this has had a severe impact on the health and well-being of children nationwide."

5. Planning Considerations

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

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.

Residential Design Guidance SPD (adopted October 2016)

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 of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- Whether harm would be caused to highways and parking;
- Any other material considerations

5.3 Assessment of proposals

Principle of development:

The proposal seeks retrospective consent to use the dwelling house (Use Class C3) at 12 Larkspur Grove as a children's home (Use Class C2) to accommodate 2no children. Policy DM07 of Barnet's Development Management Policies Document states that the loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- b. where need can be demonstrated and;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

or;

- d. the location is no longer environmentally suitable and viable for residential use

or;

- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units

Paragraph 8.1.3 of this document states:

"There may be specific circumstances where the loss of residential uses may be acceptable. Changes of use may be permitted where a clear local need can be demonstrated to provide the following local facilities; health facilities, a children's nursery or educational use. Any proposal should be of a small scale and will be considered on its merits having regard to the impact on the amenity of residents, car parking and traffic. In line with Policy CS10: Enabling Inclusive and Integrated Community Facilities and Uses the co-location of facilities will be supported in the right locations. Policy DM13: Community, Health and Education Uses sets out our approach to access to community facilities."

It is not considered that the location is no longer environmentally suitable and viable for residential use (DM07.d) and the application site does not involve an identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units (DM07.e).

With regards to part a) of Policy DM07, the proposed use is for a children's home, which is deemed to be a local facility as defined in the policy. With regards to residential amenity, consideration is given to the small scale of the facility, accommodating 2 no children only. It is noted that there would be a different pattern of use compared with a single dwellinghouse, including comings and goings of staff and visitors. The applicant has stated that "the care home would provide 24 hours, with two staff on duty per shift." Staff shifts are as below:

10am - 6pm - Housekeeping/M meal time x 2 staff

6pm - 10am - Waking Night staff x 2 staff

It is considered that the above frequency and pattern of comings and goings would be relatively comparable to that associated with a single dwellinghouse.

It is noted that a large number of objections have been received following public consultation, with many citing concerns about noise and disruption from the proposed use and referring to the previous operation of the use. These concerns are noted and taken into consideration. However, it must be noted that no complaints were made to the Council's Environmental Health team during the operation of Larkspur House between 2017 and 2021. Environmental Health officers have been consulted on the application and have not raised an objection to the use and its impact on residential amenity.

Considering the scale of the proposed use and taking into account all information available to officers, it is not on balance considered that the proposed use would be likely to result in unacceptable harm to neighbouring amenity. As such, it is not considered that this would warrant a reason to object to the proposals or that there would be a conflict with Policy DM07.a.

Policy DM07 further requires that 'need can be demonstrated' (point b) and 'the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies'. In relation to the local need for accommodation such as that being proposed, the London Borough of Barnet's Director of Children Social Care (Family Services) has provided the following response:

"As Director of Corporate Parenting I can say that there is currently a crisis across London in relation to insufficient residential resources for children in our care and in Barnet there is definitely a local need for this type of provision."

In light of the above, Planning Officers are satisfied that there is a demonstrable local need for the proposed use which is not currently being met elsewhere. The proposals are therefore considered to be in accordance with parts b) and c) of DM07. A condition is attached to restrict the operation of the use to the applicant, Mrs Andrea Henry only and no other person, organisation or operation. This is considered prudent to ensure that the use is linked in perpetuity to the identified local need.

Taking all material considerations into account, in this particular instance, the loss of residential accommodation is considered to be acceptable and in accordance with local planning policy. Therefore, the principle of development is found to be acceptable.

Impact on character and appearance:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposals do not involve any external changes to the existing building requiring planning permission to facilitate the proposed use. While it is noted that changes of use can impact the local character through associated changes to the pattern and intensity of use of a site, as discussed above, given the small scale of the proposed facility, it is not considered that the proposed use would be detrimental to the established local character. The proposed development is therefore considered to be in accordance with Policy DM01 in this respect.

Impact on amenity of future occupiers:

The proposed accommodation is unchanged from the previous consent 16/6320/FUL. It comprises two bedrooms at first floor level, both benefitting from good light and outlook, and a kitchen and living room at ground floor. The property benefits from a generous garden to the rear. Overall, the proposal is considered to provide an adequate level of amenity for future occupiers and is satisfactory for the proposed use.

Impact on amenity of neighbouring occupiers:

The impact of the proposed use as a children's home for two children is discussed in relation to the principle of development and considered to be acceptable. There are no external changes proposed to the existing building that would impact neighbouring amenity. As such, officers are satisfied that the proposals would not result in unacceptable harm to the residential amenities of neighbouring occupiers.

Impact on highways and parking:

The proposed use involves two members of staff on site at one time. There are currently 2 parking spaces allocated to the property, which is considered to be an acceptable provision that would not result in harmful overspill parking.

With regards to cycle parking, Table 10.2 of the London Plan (2021) states that the minimum standard for uses within Use Class C2 is 1 space per 5 FTE staff. As such, the proposals would be expected to provide a minimum of 1no cycle parking space. Although this has not been indicated on the submitted plans, there is sufficient space to accommodate this on site. A condition is attached to ensure this would be provided, which is considered to be satisfactory.

Therefore, there are not considered to be any material reasons to object to the proposed development on highways grounds.

5.4 Response to Public Consultation

- Concerns regarding noise and disturbance, including anti social behaviour, arising from the proposed use.
- Impact of the proposals on the character of the area.
- Loss of single family housing.
- Concern regarding increased parking congestion and vehicular movements as a result of the proposed development.

The above issues are all considered to have been addressed in the above assessment of the proposals.

- Concern regarding impact on local property values.
- Increase in litter in the surrounding area.

These are not considered to be material planning considerations.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development would result in the loss of residential accommodation; however, the proposed use is for a local facility which would not cause harm to residential amenity, need has been demonstrated and the submission has been supported with evidence and justification that demand for the proposed use is not currently being met, thus meeting the requirements of Policy DM07 of Barnet's Development Management Policies Document DPD (2012).

The application would be acceptable in terms of character and appearance. It would provide acceptable living conditions for its intended future occupants. The application is deemed acceptable on highways grounds.

The level of objection is noted and their concerns have been acknowledged however, taking all material considerations into account, it is considered that the scheme be recommended for APPROVAL.



Location **1 Holmwood Gardens London N3 3NS**

Reference: **21/3418/HSE**

Received: 21st June 2021

Accepted: 23rd June 2021

Ward: Finchley Church End

Expiry 18th August 2021

AGENDA ITEM 7

Case Officer: **Madara Tukisa**

Applicant: Guterman

Proposal: New pitched roof over existing two storey side element
(restrospective) (amended description)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
0213PL-001, 0213PL-100, 0213PL-101, 0213PL-102, 0213PL-103, 0213PL-200, 0213PL-201, 0213PL-110, 0213PL-111, 0213PL-112, 0213PL-113, 0213PL-210 and 0213PL-211 dated 02/21.

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

- 2 The materials used in the external surfaces of the extension shall remain as built.

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).

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a two-storey, semi-detached dwelling which is situated on the eastern side of Holmwood Gardens. The surrounding area is residential in character, comprising of predominantly semi-detached properties. The site is not located within a conservation area and is not subject to any other relevant restrictions.

2. Site History

Planning

Reference: 21/1232/PNH

Address: 1 Holmwood Gardens, London, N3 3NS

Decision: Prior Approval Not Required

Decision Date: 9 April 2021

Description: Single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 2.50 metres and maximum height of 3.40 metres.

Reference: 21/1240/192

Address: 1 Holmwood Gardens, London, N3 3NS

Decision: Lawful

Decision Date: 20 April 2021

Description: Roof extension involving hip to gable, 1 no side gable window, rear dormer window with Juliet balcony and 3 no front facing rooflights

Enforcement

Reference: ENF/0854/21

Address: 1 Holmwood Gardens, London, N3 3NS

Decision: Pending Consideration

Description: Building Works without the Consent of Planning Permission.

3. Proposal

The proposal relates to a replacement roof over the first-floor element of the existing two-storey side extension. The existing roof is part mono-pitched, part flat whereas the proposed roof would be dual-pitched to match the pitch of the main roof. The materials would match those of the existing property. It has been noted that the works have been completed during the lifetime of the application.

4. Public Consultation

9 consultation letters were sent to neighbouring properties. 6 responses have been received, comprising of 6 letters of objection.

The objections received can be summarised as follows:

- Excessive size and overshadowing
- Out of keeping with street and bulky
- Disturbance and noise from construction
- Outbuilding at rear of garden not shown on plans

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London 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 for the next 20-25 years. 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.

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016):

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

Sustainable Design and Construction SPD (adopted October 2016):

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact to Character

Policy DM01 sets out that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The Residential Design Guidance SPD, paragraph 14.16, states that 'pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and be set down at least 0.5 metre from the ridge of the main roof

It has been noted that the original roof of the property was hipped and that the property has benefitted from a roof extension (Ref: 21/1240/192) which included a hip-to-gable roof extension. The replacement roof of the first-floor side extension matches the pitch of the main roof and is set down by more than 0.5 metres, in line with the guidance as set out in the Residential Design Guidance SPD. It is therefore considered that the constructed replacement roof is an appropriate alteration that is in keeping with the character of the host property as well as the street scene. It is considered that the proposal is in line with Policy DM01.

Impact to Neighbouring Amenity

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

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

Given the overall size, design and siting of the replacement roof, it is not considered that it would cause adverse impact to neighbouring amenity, in accordance with Policy DM01. It is not considered that the change in roof form of the side extension would cause significant levels of loss of light or outlook or that it would appear overbearing when viewed from neighbouring amenity.

5.4 Response to Public Consultation

- Excessive size and overshadowing: The current roof of the first-floor side extension is set down from the main ridge by 3.7 metres, whereas the proposed roof would be set down by 1.5 metres. Although the proposed roof has a greater height, it is not considered excessive to the point of creating adverse impact to neighbouring amenity in terms of appearing overbearing or creating significant levels of loss of light or outlook.

- Out of keeping with street and bulky: Given the set down from the main roof it is not considered that the replacement roof would appear bulky. It has also been noted that there

are other examples of roof alterations and extensions within the vicinity, therefore it is not considered that the proposed roof would detract from the character of the street scene.

-Disturbance and noise from construction: This is not a material planning consideration.

-Outbuilding at rear of garden not shown on plans: The proposal does not relate to an outbuilding therefore this cannot be assessed as part of the proposal. However, the applicant has confirmed that the constructed outbuilding meets permitted development requirements.

6. Equality and Diversity Issues

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

7. Conclusion

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



| | | |
|----------------------|---|---------------------------|
| Location | Site Of Former 2 Ashcombe Gardens Edgware HA8 8HS | |
| Reference: | 21/2384/FUL | Received: 27th April 2021 |
| | | Accepted: 27th April 2021 |
| Ward: | Edgware | Expiry 22nd June 2021 |
| Case Officer: | Mansoor Cohen | |
| Applicant: | Moses | |
| Proposal: | Construction of a two-storey building with rooms in roof space comprising of 8no. self-contained flats plus 8no. parking spaces at basement level. Associated amenity space, refuse storage and cycle parking | |

AGENDA ITEM 8

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

32007/P007 Rev P2

32007/P008 Rev P6

32007/P009 Rev P4

32007/P010 Rev P6

32007/P011 Rev P6

32007/P012 Rev P6

32007/P013 Rev P6

32007/P014 Rev P4

32007/P015 Rev P3

32007/P016 Rev P3

32007/P017

32007/P018 Rev P1

32007/P019

32007/P020 Rev P4

22644_OGL Rev 1

SUSTAINABILITY STATEMENT, dated April 2021

DESIGN AND ACCESS STATEMENT, REV P4, dated July 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 32007/P009 Rev P4 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 (2016) and Policy T6.1 of the London Plan 2021.

- 7 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than two of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional six of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

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

- 8 a) Prior to occupation of the residential units hereby approved, full details of the traffic light system including size, specification and maintenance contract details for the basement parking, as indicated in Drawing no. 32007/P009 Rev P4 shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the traffic light system provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be operated in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance of the development and in the interest of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T4 of the London Plan 2021.

- 9 Prior to the commencement of the development, details of the access into the basement car park shall be submitted to and approved in writing by the Local Planning Authority and should include ramp gradients details. The access as approved shall be constructed in accordance with the approved details before the site is first occupied.

Reason: To ensure the safe form of access to the development and to conform to 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 T4 of the London Plan 2021.

- 10 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of cycle parking to accommodate a minimum of 14no long stay and 2no short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policy T5 of the London Plan 2021.

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

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

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

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

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

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

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

- 13 a) A scheme of hard and soft landscaping across the whole site, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies G1 and G7 of the London Plan 2021.

- 14 a) Before the development hereby permitted is first occupied, details of privacy screens/boundary treatments to be installed to the outdoor private amenity spaces of Flats 1, 2 and 3 as shown on drawing no. 32007/P010 Rev P4 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).

- 15 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevation(s) facing No 4 Ashcombe Gardens 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).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

Reasons: In the interest of good air quality in accordance with London Plan policies SI2 and SI1 (2021).

- 18 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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 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, and Policy SI 1 of the London Plan.

- 19 a) No development other than demolition works shall take place on site until 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 2013) and Policy D14 of the London Plan 2021.

- 20 The level of noise emitted from the 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 D14 of the London Plan 2015.

- 21 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 2013) and Policy D14 of the London Plan 2021.

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

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

- 23 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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 25 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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 26 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 protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Team, 2 Bristol Avenue, Colindale NW9 4EW, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 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.

- 6 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.

- 7 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.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to

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

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

- 9 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 10 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 licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application site formerly featured a two storey detached dwelling with a detached garage. However, the site is currently in a demolished state and appears to be under construction following a previously approved scheme.

The application site fronts Ashcombe Gardens and is located on the corner plot of where Ashcombe Gardens intersects with Edgware Way (A41). The surrounding area is residential in character consisting of detached, semi-detached and flatted development.

The site is not within a Conservation Area, nor is it subject to a listed building. The site has a Public Transport Accessibility Level (PTAL) rating of 2 (low), however, a number of bus routes can be accessed from stops within 3 minutes walking distance of the site.

2. Site History

Reference: 17/2576/CON

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Approved

Decision Date: 10 August 2017

Description: Submission of details of conditions 3 (Levels) 4 (Demolition and Construction Method Statement) 5 (Refuse Collection Strategy) 11 (Landscaping) 14 (Enclosure) 18 (Access) 22 (Cycle Parking/Storage) 23 (Vehicle Charging Points) 24 (Materials) pursuant to planning permission H/05563/14 dated 01/04/2015

Reference: H/05563/14

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Demolition of existing dwelling and construction of a two storey building with rooms in roofspace comprising of 6no. self-contained flats plus 6no. parking spaces in basement level carpark

Reference: H/01075/13

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Refused

Decision Date: 9 May 2013

Description: Part single, part two-storey front, side and rear extension with new pitched roof. Extension to existing and proposed roof including rear dormer window and roof lights to all elevations to facilitate a loft conversion. Demolition of existing garage and side and rear extensions to accommodate the conversion of property into 5 self contained units.

Reference: H/00086/13

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Refused

Decision Date: 21 February 2013

Description: Two storey side/rear extension and associated roof dormers following demolition of existing garage and side and rear extensions to accommodate the conversion of property into 5 self contained units.

Reference: W06319B/04

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Refused

Decision Date: 23 April 2004

Description: Demolition of house and construction of a block of 6no. 2 bedroom self contained flats with 6 parking spaces.

Reference: W06319D/06

Address: Site Of Former 2, Ashcombe Gardens, Edgware, HA8 8HS

Decision: Refused

Decision Date: 29 January 2007

Description: Demolition of existing house and garage and construction of two-storey plus rooms within the roof space to provide 5No. self-contained flats. Provision of off-street car parking. (OUTLINE APPLICATION).

3. Proposal

The proposed development seeks planning permission for the construction of a two-storey building with rooms in roof space comprising of 8no. self-contained flats plus 8no. parking spaces at basement level. Associated amenity space, refuse storage and cycle parking.

The application site received planning consent to redevelop the site to provide 6no. flats under reference H/05563/14, although not constructed, the consent is understood to be extant given the commencement of demolition works. The current application builds off the extant scheme by seeking to propose an additional two units, primarily achieved by a further two storey rear projection to that already approved and an increase in basement level size.

The footprint of the proposed building would approximate to an 'L shape' following the angular curtilage of the site along the A41 dual carriageway. The building would have a varied width of between 10.5m to its front elevation and at its widest point (across the centre of building) measuring 18m. The building would have an overall depth of approximately 23m measured along the flank wall fronting the A41. The building would be housed with a series of hipped roofs and crown tops reaching an approximate eaves height of 5.8m and maximum height of 9.2m.

2no. dormers would feature on the northern roofslope fronting the A41, 1no. dormer to the southern roofslope and a total of 3no. dormers to the rear roof slopes. In addition, a series of rooflights totalling 12 in number would be dispersed across the various roof slopes.

2no. entrances to access the building would feature on the northern elevation fronting the A41.

The site would incorporate a communal garden area totalling approximately 191sqm to the rear of the site as well as small areas of private amenity space for a selected number of units.

8no. car parking spaces would be accommodated within the proposed basement level along with a cycle parking store and in part accommodation space for flat 3.

The proposed 8no. flats would consist of the following:

Flat 1 (ground floor) - 2 bedroom / 4 person - 74sqm in area

Flat 2(ground floor) - 1 bedroom / 2 person - 54sqm in area

Flat 3 (ground floor/basement level) - 2 bedroom / 3person - 103sqm in area

Flat 4 (first floor) - 2 bedroom / 4 person - 81.6sqm in area

Flat 5 (first floor) - 1 bedroom / 2 person - 56.5sqm in area

Flat 6 (first floor/roof level) - 1 bedroom / 2 person - 62.8sqm in area

Flat 7 (Roof level) - 1 bedroom / 2 person - 62.2sqm in area

Flat 8 (roof floor) - 1 bedroom / 2 person - 50.1sqm in area

Amended plans were supplied during the course of the application and the amended plans are the subject of this report.

4. Public Consultation

Consultation letters were sent to 46 neighbouring properties. A site notice was published on 13.05.2021.

Following receipt of amended plans, re-consultation letters were sent out on 7 October 2021.

6 responses have been received, comprising of 6 letters of objection.

The objections received can be summarised as follows:

- Development encroaches on shared land
- overdevelopment of the site
- mass of building would be overbearing
- under provision of parking
- increased congestion, obstruction and risk of vehicle and pedestrian safety being sited on a busy junction within a narrow road.
- obstruction to emergency and waste collection vehicles
- The size of the eight dwellings and of the rooms within are sub minimal and below habitable/statutory-legal requirements
- increased pressure on local services and amenities
- inaccurate plans
- concerns over the sustainability of the development
- The attractiveness and uniqueness of Ashcombe Gardens as viewed from the A41 is destroyed by the extension development alongside the A41.
- increased noise and disturbance
- drainage concerns
- loss of privacy and overlooking

All planning matters raised were considered and addressed as part of the decision-making process.

4.1 Other Consultees

Highways - No in principle objection subject to further details and conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. 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, CS3, CS4, CS5.

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

Barnet's Draft Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

- o Sustainable Design and Construction SPD (adopted October 2016)
- o Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- o Residential Design Guidance SPD (adopted October 2016).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development and impact on the character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;

- Impact on local highway
- Refuse and Recycling

5.3 Assessment

Principle of the development:

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The principle of flatted development on this site has been firmly established by virtue of planning consent reference H/05563/14 for the construction of building to house 6no. self-contained flats. It is also noted that the subject site is located directly opposite, No.1 Ashcombe Gardens which houses 6no. flats. As such, the principle of the proposed development subject to the below considerations is considered acceptable.

Impact on the character and appearance of the area:

High quality design underpins the sustainable development imperative of the NPPF, as well as the New 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 proposed development is considered to have an acceptable impact on the character and appearance of the host site, neighbouring properties and street scene;

The proposed footprint would add to the strong uniformity of front building lines by aligning with no.4 Ashcombe Gardens, its immediate neighbouring property to the south of the subject site. The appearance of the building when viewed from the street scene would be reflective of the appearance of neighbouring properties along the street, mimicking features such as the projecting curved bay windows and hipped roof forms. The eaves and ridge height would match that of no.4 and would therefore follow the pattern and rhythm of the established streetscape. The overall impression would be that of a large detached family dwelling house and as such would blend well within the street scene.

Whilst it is acknowledged that the proposal would have an extended footprint and associated increase in mass and bulk when compared to that of neighbouring dwellings, given the larger than average plot size and its juxta positioning to the A41, this is considered acceptable and reflective of nearby developments fronting the A41, such as 'Compass Close' at the junction of Glendale Avenue. In addition, the extended mass and bulk would feature as subordinate additions achieved by significant set downs in ridge height and setbacks from the front elevation following the angular curtilage of the plot. This would reduce the overall prominence when viewed from Ashcombe Gardens.

The proposed basement whilst a greater footprint than that previously approved, would largely be contained within the footprint of the building with minimal visibility of its physical manifestation and therefore acceptable.

An area of soft landscaping to the front forecourt would soften the visual appearance of the building and positively contribute to otherwise dominant hard surfaced landscaped forecourts along Ashcombe Gardens. Similarly, a line of plantation and soft landscaping along the A41 frontage would soften the overall appearance. Details of which will be secured by a condition.

Given its context, the introduction of a further 2no. units over and above the extant scheme would not constitute an overdevelopment of the site, in particular given that several of the units would be 1 bedroom flats.

Thus it is not found that the proposal would result in an adverse impact to the character and appearance of the site, the street scene and the wider locality.

- Impact on the amenities of neighbouring occupiers;

Policy DM01 of Barnet's Local Plan and Policies D3 and D6 of the London Plan seeks to protect the amenity of neighbouring properties with regard to loss of privacy, overshadowing, overbearing and loss of outlook. This will include taking a full account of all neighbouring sites.

The proposed building would be set off the boundary with the neighbouring property no.4 by approximately 2m. The front elevation and adjacent flank wall of the building at ground floor level would align with the respective building lines of no.4. At first floor level adjacent to the common boundary, the rear elevation would be recessed some 4.3m aligning with the first floor rear elevation of no.4. Given the alignment of building lines it is not considered that any significant harm would arise to this neighbour. The further two storey projection of the building to the northern side of the site would follow the angular curtilage of the site and maintain a distance of between 9.9m and 15.7m to the common boundary. Given the sizeable separation distance, this would not result in undue harm in terms of outlook, overshadowing or a sense of enclosure and is consistent with the approach in the previously approved scheme.

Windows serving flats 4, 5 and 8 within the first floor flank elevation and roof level facing no.4 have been annotated to being obscure glazed to avoid any concerns of overlooking. A condition to ensure this remains in force will be attached to any consent.

The first floor flank windows serving flat 6 would be a significant distance away (approximately 13.8m) and as such would not raise concerns of overlooking or loss of privacy - as defined in the Sustainable Design and Construction SPD.

The rear of the site abuts the amenity space of a pair of semi-detached properties along Ranelagh Close, the rear of the site is well screened by a row of trees and as such will ensure any visual impact is limited. Windows in the (western) flank elevation are oriented away from the rear elevation of adjoining properties.

In terms of noise and disturbance, the proposed development could result in a maximum occupancy level of 21 persons. Whilst this does exceed the occupancy level of the previously consented scheme by up to 4no. persons, given the corner location of the site and location of entrances to the building sited away from neighbouring properties to the northern flank, this is considered to limit any impact to an acceptable level.

In conclusion, the proposed development would not result in an unacceptable adverse impact to the residential amenities of neighbouring residents.

Quality of accommodation

Floor space standards:

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. Policy D6 of the London Plan (2021) and the Sustainable Design and Construction SPD (2016) provides the minimum space standards for new dwellings.

The units would provide the following space standards:

Flat 1 (ground floor) - 2 bedroom / 4 person - 74sqm in area (GIA requirement 70sqm)

Flat 2(ground floor) - 1 bedroom / 2 person - 54sqm in area (GIA requirement 50sqm)

Flat 3 (ground floor/basement level) - 2 bedroom / 3person - 103sqm in area (GIA requirement 70sqm)

Flat 4 (first floor) - 2 bedroom / 4 person - 81.6sqm in area (GIA requirement 70sqm)

Flat 5 (first floor) - 1 bedroom / 2 person - 56.5sqm in area (GIA requirement 50sqm)

Flat 6 (first floor/roof level) - 1 bedroom / 2 person - 62.8sqm in area (GIA requirement 58sqm)

Flat 7 (Roof level) - 1 bedroom / 2 person - 62.2sqm in area (GIA requirement 50sqm)

Flat 8 (Roof floor) - 1 bedroom / 2 person - 50.1sqm in area (GIA requirement 50sqm)

All the proposed units would comply with the minimum space standards as set out above.

Outlook, light and privacy:

The Sustainable Design and Construction SPD (2016) states: To deliver the Mayor's aspiration that homes are fit for purpose the internal layout of rooms and design of dwellings needs to be considered to enable flexible use. The positioning of doors and windows should also be considered and single aspect dwellings should be avoided...Dual aspect dwellings have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a choice of views, access to a quiet side of a building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. Where single aspect flats are considered acceptable they should demonstrate that all habitable rooms and the kitchen are capable of providing adequate ventilation, privacy and daylight and the orientation enhances amenity, including views.

All units would provide dual aspect dwellings and are considered to provide an adequate level of daylight, sunlight and outlook. Plans demonstrate floor to ceiling heights would accord with guidance and the London Plan Standards.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures. According to the Residential Design Guidance "the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors."

The proposed stacking broadly accords with the aforementioned guidance, although there are instances of overlapping between bedrooms and living spaces, such as between flats 2 and 5, this can be appropriately mitigated by pre-completion sound certificates which can be conditioned.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional outdoor space should be provided for all new homes and flats wherever possible. Barnet's Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats.

The below details the requirements as per this standard and the proposed provision:

Flat 1 (ground floor) - 15sqm / (Required 20sqm)
Flat 2 (ground floor) - 14.4sqm / (Required 15sqm)
Flat 3 (ground floor/basement level) - 27sqm / (Required 25sqm)
Flat 4 (first floor) - None / (Required 20sqm)
Flat 5 (first floor) - None / (Required 15sqm)
Flat 6 (first floor/roof level) - None / (Required 20sqm)
Flat 7 (roof level) - None / (Required 15sqm)
Flat 8 (roof level) - None / (Required 15sqm)

Only 3 (all ground floor flats) of the proposed 8 units would benefit from private outdoor amenity space, however, the submitted plans show communal garden space to the rear of the site which consists of upper and lower level garden space. The combination of the two areas provides a total communal space of approximately 190sqm which exceeds the requirement.

As such, a sufficient level of amenity space would be provided for future occupiers.

Impacts on the highway

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, requiring 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.

Policy DM17 sets out parking standards as follows for the residential use:

- 2 to 1.5 spaces per unit of detached and semi-detached houses and flats (4 or more bedrooms)
- 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

Highways have reviewed the submitted documents and have provided comments, the pertinent contents of which are included below.

The site is situated at the corner of Ashcombe Gardens and A41 Watford Bypass. It fronts onto Ashcombe Gardens, a two way residential road with footways on both sides. Ashcombe Gardens links Glendale Avenue to the south and joins Watford bypass (A41) to the north.

There are no parking restrictions on the road and the road/site is not in a CPZ. The site lies in an area with a PTAL rating of 2 (low), on a scale of 1 to 6, where 1 represents worst and 6 represents excellent public transport accessibility, however, four bus routes (113, 288, 186, 107) can be accessed from stops within 3 minutes walking distance of the site.

The proposal consists of construction of a two-storey building with 8 self-contained apartments (5x1bed and 3x2bed). The parking requirement for the site based on policy DM17 is between 3-9.5 parking spaces. The applicant proposes 8 spaces in the basement accessed via a ramp. Given that the site has a PTAL score of 2, Highways would recommend the provision of 9 spaces. The proposed provision leaves a shortfall of 1 space. Highways do not consider that this would make a significant difference to local parking conditions and therefore is acceptable. Highways would recommend that one of the parking bays is designated as a disabled bay.

As per highways comments, the proposed parking provision lies within the higher range of the requirement as per DM17 and is therefore acceptable. Furthermore, taking into consideration the new London Plan and the Reg 19 Draft local plan which is at an advantage stage, both would require a vehicle parking provision of 6 spaces, the proposed parking provision exceeds this requirement and is therefore acceptable.

Electric vehicle charging points would need to accord with London Plan standards. This equates to 2 active and 6 passive spaces. Details of which are to be secured by way of a planning condition.

The provision of traffic light warning system to control traffic up and down the ramp is acceptable however given that it would be critical to the operation of the ramp, a manufacturers specification, repair response times and evidence of reliability is requested. This will be secured via a suitable condition.

Highways also recommend a waiting area for vehicles on the forecourt for vehicles to exit the ramp. To facilitate such would result in the loss of the soft landscaping to the front forecourt which would contribute positively to the street scene and locality. Furthermore, it is noted that no such requirement was dictated in the extant scheme and the addition of two further parking spaces would have no material bearing on this aspect.

Highways have also stated that 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.

The proposed development may involve alteration to the existing vehicular access which will require works on the adopted highway. The applicant will need to obtain a s184 licence from the Council.

A construction logistics plan and a highway condition survey will be required for this development. Details can be submitted by way of a planning condition/informative.

Cycle parking

Based on London Plan standards, a minimum of 14 long stay and 2 short stay spaces are required. The development proposes 16 long stay spaces in the basement and two short stay spaces to the front forecourt which is in accordance with the requirements. Access to the cycle store in the basement would be from a dedicated lift from the ground floor lobby to basement level. Elevations of the cycle store and the spacing between stands as well as internal dimensions of the store are requested. Internal cycle parking is proposed in a secure and enclosed store which is acceptable. Details of cycle parking are requested by way of a planning condition.

Refuse and recycling

Arrangements for refuse collection and servicing are expected to remain as existing, from Ashcombe Gardens. The location of the store within the front forecourt and within 10m to the highway is acceptable in principle. However, further details of the store and refuse strategy will be secured by way of a condition.

5.4 Response to Public Consultation

Mainly addressed in the body of the report.

-Development encroaches on shared land;

Following amended plans, the proposed development falls within the curtilage of the application site as shown in the submitted drawings, in which the applicant has certified as being the sole owner of the land and therefore presents no encroachment. Rights of access are not material planning considerations.

-Under provision of parking, increased congestion and obstruction to emergency vehicles; Parking provision accords with the Councils adopted parking policy. Sufficient cycle storage is provided. It is therefore not considered that this would result in an adverse impact to the highway network.

-Increased pressure on local services and amenities;

Given the number and size of units proposed, it is considered that the impact on local services would be to an acceptable level.

-Inaccurate plans;

Visual images/3D modelling are for illustrative and for indicative purposes only. Details of hard and soft landscaping will be secured by a suitable condition. Plans submitted are to scale.

-Concerns over the sustainability of the development;

Suitable conditions for water consumption and carbon dioxide will be applied.

-Drainage concerns

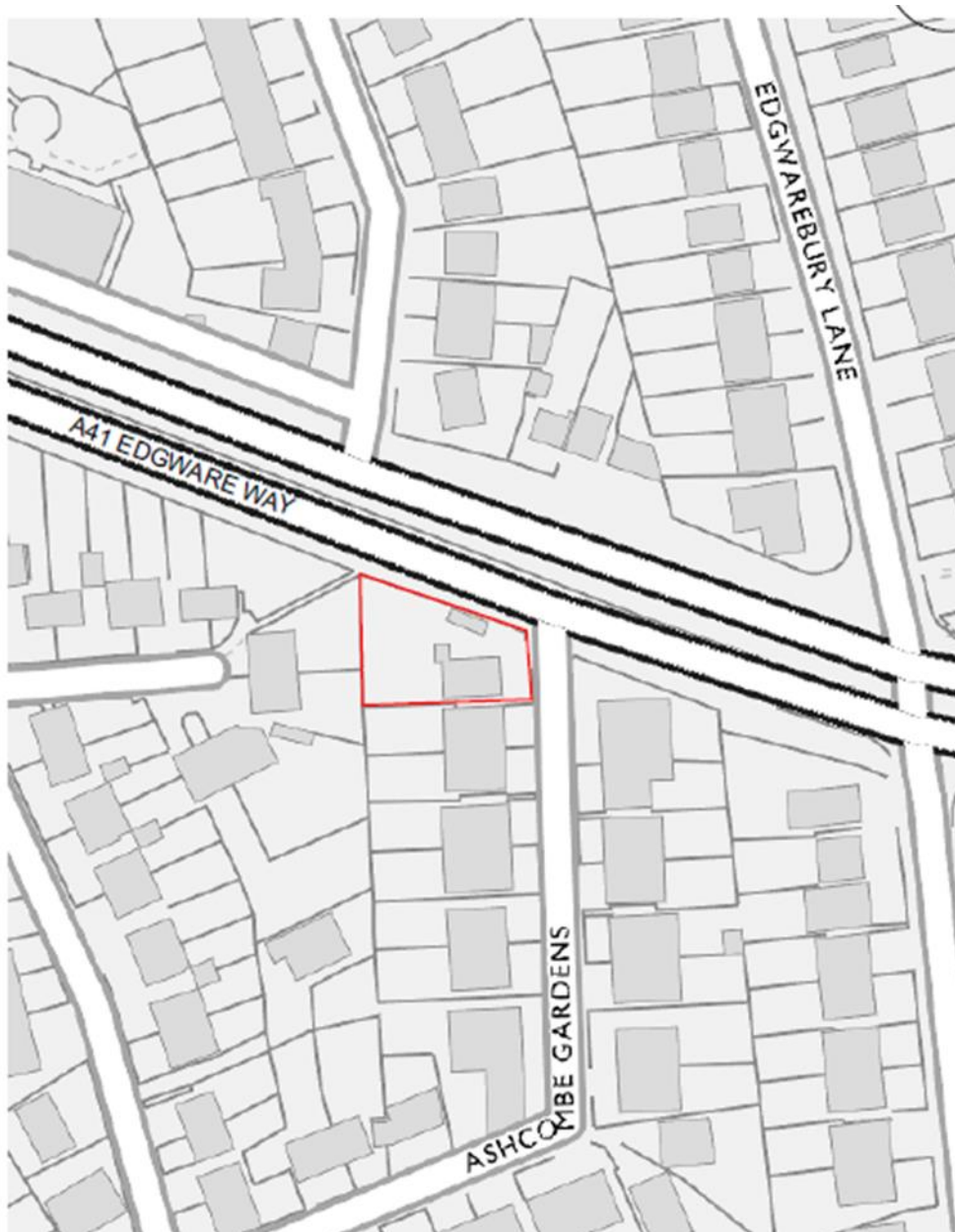
The developments will be required to accord all relevant building regulations.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the locality and would not result in an adverse impact to neighbouring occupiers. The application is therefore recommended for APPROVAL subject to conditions.



Location **Beth Shmuel Synagogue 169-171 Golders Green Road & 2 Woodstock Avenue London NW11 9BY** **AGENDA ITEM 9**

Reference: **20/6319/FUL** Received: 30th December 2020

Accepted: 30th December 2020

Ward: Golders Green Expiry 31st March 2021

Case Officer: **Alissa Fawcett**

Applicant: Mr Philip Strom

Proposal: Demolition of existing buildings on site (Mikveh retained) and erection of a four storey (above ground) mixed use building providing community function hall, synagogue, community offices and four residential flats, with basement level(s). Associated parking, refuse/recycling store and cycle store. Hard and soft landscaping. Front boundary wall and gates. Associated plant rooms
[ADDITIONAL INFORMATION INCLUDING HIGHWAYS INFORMATION]

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. 3. A financial contribution towards carbon off-setting of £50,644.50 in order to achieve net zero carbon dioxide emissions
4. A financial contribution of £11,250.00 towards street tree planting
5. Submission of a Faith Travel Plan
6. A financial contribution of £15,000 towards Travel Plan monitoring
7. Provision of the following costs towards extension of the Controlled Parking Zone (CPZ):
 - (a) A contribution of £16,000 towards a review of the BXE CPZ, cover the costs of public consultation and potential subsequent alterations to the existing hours of the BXE CPZ operation
 - (b) A contribution of £2,151.31 to amend the existing Traffic Management Order to exempt future residents from obtaining permits.
8. A financial contribution of £25,000 towards pedestrian safety measures in the vicinity of the site
9. Submission of an Activities Management Plan
10. Meeting the Council's costs of monitoring the planning obligation- £3,601.36

RECOMMENDATION II:

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

- 1 This development must be 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:
 - 2101_OSmap (Location Plan)
 - 2101_block (Existing and proposed block plan)
 - 2101_01B (Existing site plan)

- 2101_02B (Existing ground floor, first floor plan and loft floor plans)
- 2101_03Y (Proposed lower and upper basement plan)
- 2101_04Z (Proposed ground and first floor plan)
- 2101_05P (Proposed second and third floor plan)
- 2101_06G (Proposed roof plan and sections)
- 2101_07i (Existing and proposed contextual elevations)
- 2101_08F (Proposed primary elevations)
- 2101_09E (Proposed rear and flank elevations)
- 2101_10A (Refuse store details)
- 2101_11B (Cycle parking details)
- 2101_13A (Stone details)
- 2101_16 (Residential sightlines)
- 2101_17 (Section detail through forecourt)
- C2437-01 Rev A (Pre-development impermeable area and exceedance route plan)
- C2437-02 Rev A (Pre-development impermeable area and exceedance route plan)
- C2437-03 Rev D (Ground levels suds layout plan)
- C2437-04 Rev B (Roof level suds layout plan)

- Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s Discharge - 1 in 1 Year Storm - FEH Data
- Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s Discharge - 1 in 30 Year Storm - FEH Data
- Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s Discharge - 1 in 100 Year Storm - FEH Data
- Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s Discharge - Rev B - 1 in 1 Year Storm - FEH Data
- Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s Discharge - Rev B - 1 in 100 Year Storm - FEH Data
- Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s Discharge - Rev B - 1 in 30 Year Storm - FEH Data

- Document: Bat Survey Report (Version 1, dated: 11th June 2020) - produced by Practical Ecology
- Document: Technical Note - Fire Safety Feasibility review (Ref: TS200533-N01-ISSUE01; dated 17th November 2020)
- Document: Event Management Transport Plan Rev A DRAFT by Create Consulting Engineers Ltd (ref: AF/CS/P20-2126/03, May 2021)
- Document: Strategic Faith Travel Plan Rev A - DRAFT by Create Consulting Engineers Ltd (ref: AF/CS/P20-2126/02 DRAFT, May 2021)
- Document: Transport Statement - Revision D - Volume 1 of 2, by Create Consulting Engineers Ltd (ref: AF/VL/P20-2126/01 Revision C, November 2020)

- Document: Transport Statement - Revision D - Volume 2 of 2, by Create Consulting Engineers Ltd (ref: AF/VL/P20-2126/01 Revision C, November 2020)

- Document: Office Space Justification Statement - PLANNING ISSUE produced by John Stebbing Architects (4th December 2020)
- Document: Operational Management Plan - PLANNING ISSUE produced by John Stebbing Architects (11th December 2020)
- Document: GLA Carbon Emission Reporting Spreadsheet
- Document: FLOOD RISK ASSESSMENT & SUDS REPORT, produced by

Nimbus Engineering Consultants (Doc No. C2437-R1-REV-C)

- Document: Energy & Sustainability Statement produced by eb7 Ltd (14 October 2020) uploaded 25 May 2021
- Document: Daylight & Sunlight Report produced by Waldrams (ref: 2553, 3 November 2020)
- Document: Design & Access Statement, Revision A (dated: 16/11/2020) produced by John Stebbing Architects
- Document: Planning Statement Produced by Henry Planning (undated)
- Document: BREEAM New Construction 2018 Route 2 Assessment produced by Practical Ecology (17/11/2020)
- Document: Preliminary Ecological Appraisal Report Produced by Practical Ecology Version 1 (16 November 2020)

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D1, D4 and D8 of the London Plan 2021.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D4, D5, D8 and G7 of the London Plan 2021.

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

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

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

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

- 6 a) 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 October 2016) and Policy D14 of the London Plan 2021.

- 7 Before development commences, a report should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development with regards to its use as a synagogue, associated community hall and community offices.

The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development 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 7.15 of the London Plan 2015. Policy D14 of the London Plan 2021.

- 8 a) No development shall take place until 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 Synagogue; 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.

The development will also need to comply with guidance from Document E of the Building Regulations 1992.

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 (adopted October 2016) and Policy D14 of the London Plan 2021.

- 9 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of The London Plan 2015 Policy D14 of the London Plan 2021.

- 10 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. 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) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) 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 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 SI 1 of the London Plan 2021.

- 11 Before development commences, an 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 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 SI 1 of the London Plan 2021.

- 12 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.

- 13 Prior to commencement of the development hereby approved, a blast mitigation impact assessment (BMIA) and vehicle dynamics assessment (VDA) shall be submitted to and approved in writing by the Local Planning Authority.

a) Details shall include:

- oEvaluation of the buildings envelope to the effects of blast
- oProvide performance specifications for pre-manufactured systems subject to the identified blast loading (i.e. precast panels, windows, etc.)
- oInformation to the structural engineer and other design team members on how to incorporate the blast analysis results in to the building design
- oA vehicle dynamics assessment (VDA) to mitigate against the methodology of terrorists using a 'Vehicle as a Weapon,' to drive into crowds using the car park area and including all the external environment and pavement outside where people are likely to gather. The VDA will determine the installation of appropriate hostile vehicle mitigation (HVM) measures to the UK Government standard for HVM - IWA 14 (Parts 1 & 2) and BSI PAS 68/69

The reports shall be carried out by a suitably qualified blast engineer from the Register of Security Engineers and Specialists.

b) The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development is safe, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 14 The development hereby approved shall not be occupied until the existing crossover on Woodstock Avenue, NW11 has been closed and the highway has been reinstated in accordance with the plans submitted to and approved by the Local Planning Authority.

The existing redundant crossover is to be reinstated to footway level in accordance with the approved details by the Highway Authority at the applicant's expense.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 15 Prior to occupation of the development 2 disabled parking spaces shall be provided in accordance with the Drawing No. 2101_04Z submitted with the planning application. Thereafter, the parking spaces shall be retained and only be used as agreed and not for any purpose other than parking and turning of vehicles for the disabled use in connection with approved development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, a total of 14 long stay and 22 short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

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

- 17 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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

- 18 3 months prior to first occupation of the development hereby approved, a strategic level Faith Travel Plan that meets the requirements of the Transport for London document 'Travel planning for new development in London' and is TRICS compliant shall be submitted and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan Champion. The Travel plan should be reviewed in accordance with Transport for London's 'standardised approach to monitoring'.

Reason: To encourage the use of sustainable forms of transport to the site 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.

- 19 Before the permitted development is occupied, an event management plan 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 events management 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.

- 20 Prior to the first occupation or use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 21 a) The development hereby permitted is required to meet the BREEAM 'Very Good' rating/level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI 2 of the London Plan 2021.

- 22 Prior to occupation of the development refuse collection arrangements shall be in place in accordance with the submitted planning application.

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.

- 23 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 2 of the London Plan 2021.

- 24 The level of noise emitted from the 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 D14 of the London Plan 2021.

- 25 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 G5 of the London Plan 2021.

- 26
- 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 be 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.

- 27
- The development shall be implemented in accordance with the recommendations and enhancement measures, contained within Table 2 of the Preliminary Ecological Appraisal Report dated November 2020 prepared by Practical Ecology (and reiterated in Section 4 by the Bat Survey Report dated June 2021 prepared by Practical Ecology) 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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 28
- Prior to occupation of the development hereby approved, an electronic access control system shall be implemented in accordance with the following requirements:

oSecuring the buildings dynamically with little notice. This is to protect those people

using the building in the event of a Marauding Terrorist Threat (MTA) at the building itself or nearby. Develop a dynamic lockdown procedure incorporating the open source, Home Office 'Run Hide Tell' guidance should be adopted. The final exit Fire Escape doors should be designed to 'Fail Secure' during fire alarm activations to prevent an unlawful incursion by someone activating the system. However, this MUST comply with Fire Regulations and the Fire Strategy

Consideration needs to be given to how entry and exit points can be secured quickly, providing robust doors (in accordance with DOCO/Secured by Design advice) on all entrances that can be locked by the activation of a single control.

Reason: To ensure that the development is safe, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 29 Before the building hereby permitted is first occupied the first floor windows in the side elevation facing No. 1 Woodstock Avenue (as identified on Drawing No. 2101_16) 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).

- 30 No more than 750 persons shall be present on the site at any one time except for; 8 days of Passover, 2 Days of Shavuot, 2 Days of Rosh Hashana, 1 day of Yom Kippur, 9 days of Sukkot, 1 day of Purim, and 12 additional days in any calendar year which are notified to the council prior to the day of the event.

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

- 31 Prior to the first occupation of the new dwellinghouses (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 so that mains water consumption would meet a standard of 105 per head per day or less. 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).

- 32 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building

Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy D7 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 33 The development shall be implemented in accordance with the recommendations set out in the submitted Energy and Sustainability Statement by eb7 (as revised).

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 the 2016 Mayors Housing SPG.

- 34 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and gates, 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).

- 35 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 installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 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 DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 36 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).

- 37 No music or sound amplification shall be permitted on the Synagogue and its ancillary facilities (ground floor and above) any day after 11:00 pm.

Amplified music in the hall at lower basement level should be controlled by a noise limiter and shall be maintained 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 (updated October 2016) and Policy D14 of the London Plan 2021.

- 38 The offices use (annotated as Office 1 - 6 on Drawing No. 2101_05P) hereby permitted shall not be open to members of the public before 07:00 am or after 07:00 pm on weekdays and at no time on Saturday, Sundays and Bank and Public Holidays.

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

- 39 The hall at lower basement level (shown on Drawing No. 2101_03Y) hereby permitted shall not be open to members of the public before 07:00 am or after 01:00 am on weekdays, Saturdays, Sundays and Bank and Public Holidays.

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

- 40 The synagogue and ancillary facilities hereby permitted shall not be open to members of the public before 05:00 am or after 12:00 am on weekdays, Saturdays, Sundays and Bank and Public Holidays.

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

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 April 2022, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the

application under delegated powers for the following reason(s):

The proposed development does not include mitigations and provision for appropriate provision of carbon offsetting, street tree planting, and on street parking restriction measures and other highway compensatory measures. As such, the proposed development would fail to 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).

Informative(s):

- 1 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.

- 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 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

Works on public highways to facilitate the development will be at the applicant's expense and is likely to be undertaken under the S184/S278 Agreement of the Highways Act 1980.

- 5 The applicant is advised that Highways Licensing Team must be contacted to apply for a temporary crossover license. An estimate for this license can be obtained from the Highways Licensing Team, London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW
- 6 The applicant is advised that due to a number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

- 7 The applicant is advised that the bin store will need to be located within 10m of

public highway with clear access to the bin store on collection days otherwise the dustbins will need to be brought to the edge of public highways. The applicant is advised to contact the Refuse Collection Team for further advice on refuse collection arrangement in the borough.

- 8 The applicant is advised that Golders Green Road (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 9 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.

- 10 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.

- 11 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.

- 12 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."

- 13 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website:
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

- 14 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

- 15 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 16 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 17 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 18 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.
- 19 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 20 The following documents were also considered:

- Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s

- Discharge - 1 in 1 Year Storm - FEH Data
 - Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s
- Discharge - 1 in 30 Year Storm - FEH Data
 - Document: 169-171 Golders Green Road - Blue Roof Storage - 0.6l/s
- Discharge - 1 in 100 Year Storm - FEH Data
 - Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s
- Discharge - Rev B - 1 in 1 Year Storm - FEH Data
 - Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s
- Discharge - Rev B - 1 in 100 Year Storm - FEH Data
 - Document: 169-171 Golders Green Road - Ground Level Storage - 1.1l/s
- Discharge - Rev B - 1 in 30 Year Storm - FEH Data
 - Document: Bat Survey Report (Version 1, dated: 11th June 2020) - produced by Practical Ecology
 - Document: Technical Note - Fire Safety Feasibility review (Ref: TS200533-N01-ISSUE01; dated 17th November 2020)
 - Document: Event Management Transport Plan DRAFT by Create Consulting Engineers Ltd (ref: AF/CS/P20-2126/03, May 2021)
 - Document: Strategic Faith Travel Plan - DRAFT by Create Consulting Engineers Ltd (ref: AF/CS/P20-2126/02 DRAFT, May 2021)
 - Document: Transport Statement - Revision C - Volume 1 of 2, by Create Consulting Engineers Ltd (ref: AF/VL/P20-2126/01 Revision C, November 2020)
 - Document: Transport Statement - Revision C - Volume 2 of 2, by Create Consulting Engineers Ltd (ref: AF/VL/P20-2126/01 Revision C, November 2020)
 - Document: Office Space Justification Statement - PLANNING ISSUE produced by John Stebbing Architects (4th December 2020)
 - Document: Operational Management Plan - PLANNING ISSUE produced by John Stebbing Architects (11th December 2020)
 - Document: GLA Carbon Emission Reporting Spreadsheet
 - Document: FLOOD RISK ASSESSMENT & SUDS REPORT, produced by Nimbus Engineering Consultants (Doc No. C2437-R1-REV-C)
 - Document: Energy & Sustainability Statement produced by eb7 Ltd (undated)
 - Document: Daylight & Sunlight Report produced by Waldrams (ref: 2553, 3 November 2020)
 - Document: Design & Access Statement, Revision A (dated: 16/11/2020) produced by John Stebbing Architects
 - Document: Planning Statement Produced by Henry Planning (undated)
 - Document: BREEAM New Construction 2018 Route 2 Assessment produced by Practical Ecology (17/11/2020)
 - Document: Preliminary Ecological Appraisal Report Produced by Practical Ecology Version 1 (16 November 2020)

OFFICER'S ASSESSMENT

1. Site Description

The application (red line) site relates to Beth Samuel Synagogue, addressed 169 - 171 Golders Green Road, NW11 9BY, which is located on the west side of Golders Green

Road, and 2 Woodstock Avenue, NW11 9SG, immediately adjacent to the south, which is located on the junction of Golders Green Road and Woodstock Avenue.

The site is within the ward of Golders Green.

The site is not within a designated conservation area.

The site does not include any statutory or locally listed buildings, nor is it immediately adjacent to any.

There are no Tree Preservation Orders on the application site.

The site is in Flood Zone 1 according to the Government flood map for planning website.

The site is within a critical drainage area according to the Council's maps.

The site is not within an Area of Special Archaeological Interest.

The site is not within a Site of Importance for Nature Conservation.

According to the British Geological Survey's the bedrock geology of the site is London Clay Formation, like the majority of the Borough.

The site is outside, but close to, the designated Golders Green Town Centre (in accordance with the maps in Appendix 5 of Barnet's Development Management Policies Document DPD, 2012).

The buildings on site appear to be of late 1920's vernacular. Both buildings are set back approximately 17 metres from the back edge of the public pavement of Golders Green Road.

The existing buildings at 169 - 171 Golders Green Road, NW11 9BY have front gable-ended roofs and double height bay windows with inset arched porches. The roof design creates a butterfly roof and valley. The roof is pitched to the rear. The buildings have been extended to the rear over time.

The existing buildings at 169 - 171 Golders Green Road, NW11 9BY, which are a pair of semi-detached properties, are internally linked, and from the information submitted, have been in use as a Synagogue. There is a ground floor Mikveh to the rear.

The existing building at 2 Woodstock Avenue, NW11 9SG is a detached building and accessed via the frontage on Woodstock Avenue. The plans submitted show 4 self-contained flats in the building. This is also confirmed on the Valuation Office Agency's online tax valuation list. Similarly, the building appears to have been extended over time, and there is a garage to the rear.

2. Site History

Site History in relation to 2 Woodstock Avenue

Reference: F/02155/12

Address: 2 Woodstock Avenue, London, NW11 9SG

Decision: Approved following legal agreement

Decision date: 30 April 2013

Description: Two-storey rear extension, following demolition of existing garage and rear external stairs. Extension to roof including side dormer window and removal of existing dormer to provide an additional 1 self-contained flat.

Reference: F/00080/10/LIC

Address: 2 Woodstock Avenue, London, NW11 9SG (Land adjacent)

Decision: Exempt

Decision date: 16 November 2010

Description: Installation of a new green metal equipment cabinet. LICENCE NOTIFICATION

Reference: F/02455/09

Address: 2 Woodstock Avenue, London, NW11 9SG

Decision: Refused

Decision date: 16 September 2009

Description: Two storey rear extension, new mansard roof, internal alterations and formation of two additional flats.

Appeal reference: APP/N5090/A/10/2124471

Appeal decision: Dismissed

Appeal decision date: 28 October 2010

Reference: F/00992/09

Address: 2 Woodstock Avenue, London, NW11 9SG

Decision: Refused

Decision date: 19 May 2009

Description: Two storey rear extension. New mansard roof with front, rear and side dormer windows all to facilitate an additional two self contained flats.

Reference: F/00721/08

Address: 2 Woodstock Avenue, London, NW11 9SG

Decision: Withdrawn

Decision date: 06 June 2008

Description: Partial hip to gable, rear extension and three dormer windows to facilitate a loft conversion. Erection of two additional self contained flats.

Reference: C09538

Address: 2 Woodstock Avenue London NW11

Decision: Approved subject to conditions

Decision date: 21 October 1987

Description: Conversion to 4 self-contained flats, extension of front dormer window and provision of one parking space.

Site history in relation to 169-171 Golders Green Road

Reference: F/04463/11

Address: Beth Shmuel Synagogue, 169-171 Golders Green Road, London, NW11 9BY

Decision: Approved subject to conditions

Decision date: 16 December 2011

Description: Demolition of existing men's & ladies' mikvaot and existing rear outbuildings. Erection of single storey including basement mikva building comprising of men's mikva on ground floor, and ladies' mikva and plant room in the basement. External alterations including guard rails, rooflights and water tank.

Reference: F/02406/11

Address: 169-171 Golders Green Road, London, NW11 9BY

Decision: Approved subject to conditions

Decision Date: 13/07/2011

Description: Extension to the time limit for implementing planning permission F/00917/08 granted 13/06/08 for 'Demolition of existing men's and ladies mikvehs and basement plant room. Construction of single storey rear extension (including basement plant room) with new mikvehs at ground floor.'

Reference: F/01129/11

Address: Beth Samuel Synagogue, 169-171 Golders Green Road, London, NW11 9BY

Decision: Approved subject to conditions

Decision date: 03/05/2011

Description: Two storey front extension, single storey side extension and addition of a new second floor to existing synagogue.

Reference: F/00039/10

Address: Beth Samuel Synagogue, 169-171 Golders Green Road, London, NW11 9BY

Decision: Approved subject to conditions

Decision date: 17/02/2010

Description: Addition of a new second floor to existing synagogue.

Reference: F/00917/08

Address:

Decision: Approved subject to conditions

Decision date: 13/06/2008

Description: Demolition of existing men's and ladies mikvehs and basement plant room. Construction of single storey rear extension (including basement plant room) with new mikvehs at ground floor.

Reference: C02196E

Address: 169-171 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision date: 27/11/1990

Description: Retention of extension at rear of synagogue, with amended location of water tank

Reference: C02196D

Address: 169-171 Golders Green Road London NW11

Decision: Refused

Decision date: 10 July 1990

Description: Retention of extension at rear of synagogue

Reference: C02196C

Address: 169-171 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision date: 23 March 1988

Description: Single storey rear extension

Reference: C02196B

Address: 169-171 Golders Green Road London NW11

Decision: Refused

Decision date: 24 December 1987
Description: Single storey rear extension

Reference: C02196A

Address: 169-171 Golders Green Road London NW11

Decision: Approved subject to conditions

Decision date: 19 August 1970

Description: extension to rear to form Lecture Halls to ground and first floors and other alterations.

3. Proposal

The application proposes the demolition of the existing buildings on site (the Mikveh to the rear being retained) and erection of a four storey (above ground) mixed-use building providing community function hall, synagogue, community offices and four residential flats, with basement level(s).

There would also be associated parking, a refuse/recycling store and cycle storage. There will be hard and soft landscaping; a front boundary wall and gates and associated plant rooms.

Ground floor:

At ground floor the proposed building would have a total depth of approximately 37.6 metres. This includes the existing ground floor Mikveh, which would be retained.

At ground floor, the proposed building would sit forward of the front main wall of No. 173 Golders Green Road by 6.8 metres. It would align with the main front wall of No. 1 Woodstock Avenue on the opposite side of the road.

At ground floor, at its widest part, the proposed building would be approximately 22.5 metres in width.

At ground floor, the western corner of the proposed building would align with the front main wall of No. 173 Golders Green Road to the west.

It would then project 7 metres forward, which would be set in 3.5 metres from the western (side) flank wall.

This ground floor front projection would have a total width of approximately 18 metres. The projection would provide a frontage onto the forecourt accessed by Golders Green Road and accommodate the men's Shul entrance.

This projection would extend a length of 8.4 metres along the eastern (side) elevation (adjacent to the highway of Woodstock Avenue), to accommodate the women's entrance.

The eastern flank wall at ground floor would then project forward 1.8 metres towards the highway of Woodstock Avenue. The ground floor of the building would extend a length of 17.2 metres (which would accommodate the Shul internally), before setting back 2 metres then extending a further length of 9.7 metres adjacent to the highway of Woodstock Avenue to accommodate the entrance to the flats, as well as access to flues and the escape route from the basement hall.

Beyond that at ground floor would be refuse and recycling store for the proposed residential use and an external pathway leading to stairs down to the women's Mikvah.

First and second floor:

At first and second floor, the western corner of the proposed building would align with the front main wall of No. 173 Golders Green Road to the west.

It would then project 7 metres forward, which would be set in 3.5 metres from the western (side) flank wall.

Like the ground floor, the front projection would measure a width of approximately 18 metres.

On the eastern (side) elevation, this would be stepped. It would extend a length of 4 metres, before stepping back 0.6 metres and then projecting a further 4.4 metres in length before projecting forward 1.9 metres then extending a length of 17.3 metres. This would all be adjacent to the highway of Woodstock Avenue.

The residential core to the rear would be set back 2 metres from the eastern elevation. It would be 4.8 metres in depth and 6.2 metres in width and project beyond the main rear wall at first floor.

At first and second floor, the rear would measure a total of approximately 22.4 metres in width.

Third floor:

The third floor would be set in from the front wall and side (flank) walls.

To the front, the third floor would be set back from the front-most wall by 2 metres.

To the east, the third floor would be set back from the side wall by 2.5 metres.

To the west, the third floor would be set back from the side wall by 3.5 (Flat 4) to 4.6 metres (Flat 1 to Flat 3).

Balconies would project 2.2 metres (Flat 4) and 3 metres (Flat 1 to Flat 3) on the western elevation. They would have glazed guarding of 1.1 metres in height.

The third floor would have a total depth of approximately 26 metres.

Roof plan:

The roof would follow that of the third floor. It would be flat roof with photovoltaic panels and skylights. It would be a green roof (a layer of vegetation) and blue roof (water storage/management).

Lower and upper basement levels:

Below ground is a hall 5 metres in internal ceiling height.

To the north, there would be two levels of accommodation. To the south is a plant room

and staircase.

The lower and upper basement level(s) would be a total of 47 metres in depth and 24.7 metres at its widest part.

Forecourt, boundary and landscaping:

A 1.8-metre-high fence would be sited along the boundary adjacent to No. 4 Woodstock Avenue.

A raised planter bed would be located along the eastern elevation adjacent to the public pavement on Woodstock Avenue.

A low boundary wall topped with metal railings incorporating a number of gates would be located around the boundary of the site. This includes bollards and a sliding emergency exit gate which would face Woodstock Avenue. A pedestrian gate and vehicular sliding gate with piers either side would face Golders Green Road.

The boundary wall would be 0.8 metres in height, increasing with the metal railings to a total height of 2 metres. The piers facing Golders Green Road would be 2 metres in height.

The forecourt would be accessed by a pedestrian and sliding gate from Golders Green Road. It would accommodate two disabled parking spaces, in addition to a raised tree planter bed, cycle storage area, refuse/recycling store, service lift and flues. These structures would measure a height of 1.7 metres (as measured from the proposed west elevation, Drawing No. 2101_09E).

There would be a chupa shaft which the agent advises the top will sit flush with the floor and will only be opened with its sides lifted up temporarily during weddings. The agent advises that once the wedding ceremony is completed the shaft will be closed at ground level and the moveable partition reinstated. In essence it is a solution to having the community hall at lower basement level and not having to have the wedding ceremony outside on the forecourt.

The forecourt would be a laid in 'pisograma' paved/grass surface, which is a paver designed to facilitate the growth of grass in paved areas.

The covered cycle store sited along the western boundary on the forecourt would accommodate a total of 18 cycles and measure a length of 7.7 metres and width of 2.5 metres. The covered structure would be a total height of 2.8 metres.

3 cycle stands would be sited to the east, near the residential entrance accessed from Woodstock Avenue.

The refuse/recycling store and lift enclosure sited along the western boundary on the forecourt would be 1.5 metres in height. It would be 6.5 metres in length and 3 metres in depth.

There would also a refuse/recycling store sited along the external pathway. It would be a width of 5.6 metres and depth of 1 metre. The external pathway down to the women's Mikveh would be enclosed by 1.8 metre high fence and gate which these refuse/recycling bins would be set behind.

Heights of the building:

When viewed from the front elevation (of Golders Green Road, Drawing No. 2101_08F), the top of the second floor would measure 10.6 metres in height. This would increase to 11.8 metres when including the column parapet on either side of the front projection. This would increase further to 12.2 metres in height when including the parapet on the main section of the front projection.

The total height of the building (including the third floor), when viewed from the front elevation (of Golders Green Road, Drawing No. 2101_08F), would be 13.9 metres, increasing to 14 metres, taking into account the bulk of the rooflights.

The building is of a similar height when measured from the side elevation of Woodstock Avenue and rear elevation because the topography of the land is relatively level.

The existing single storey mikveh to be retained is 3.5 metres with a flat roof increasing to 5.1 metres with a pitch.

The louvred flue access and shutter door serving emergency access from the basement would be single storey, along the side elevation of Woodstock Avenue and measure a height of 3 metres with a flat roof.

The basement would be excavated a total of approximately 6.4 metres into the ground (as measured from the sections, Drawing No. 2101_06G).

4. Public Consultation

A site notice was posted 14 January 2021.

A press notice was printed 12 January 2021.

Consultation letters were sent to 418 neighbouring properties.

Re-consultation letters dated 10 June 2021 were sent out following the provision of additional information from the applicant, including highways information.

488 responses have been received, comprising 27 letters of objection, 463 letters of support and 3 letters of comment.

Letters of objection:

It is prudent to note that some objectors anonymised their names and/or did not specify their exact address. One objector erroneously submitted a support comment as objection.

The objections received can be summarised below.

- Insufficient parking in the development, creating parking pressures and traffic congestion in the surrounding roads.
- Cumulative impact on parking / road congestion from other building works and existing synagogues, hotels and function halls in the area.
- Existing Controlled Parking Zone times are insufficient and should be extended to prevent traffic and parking congestion associated with the development.
- Obstruction of personal driveways /property as a result of parking associated with the development

- A new synagogue, Beth Hamedrash Knesset Yehezkel (addressed 185- 187 Golders Green Road, London NW11 9BY), in close proximity to the application site has already been approved and erected with a function hall capacity for 300 people.
- The impact of the proposed development and existing similar development will not be fully realised until lockdown is lifted. There will be significant traffic and parking issues when all facilities are at full capacity at similar times.
- The suggestion that there will be a voluntary code as stated by the applicants that reception users would all be advised that there is no local parking available will be difficult to ensure compliance.
- Residential properties in neighbouring roads (Sneath/Ambrose/Garrick) have limited parking and will be affected by parking associated with the development.
- It is unlikely users will walk or take public transport to the synagogue, particularly for events such as weddings, placing an emphasis on personal vehicles.
- Two disabled parking spaces to serve the development is inadequate and likely to lead to inappropriate parking on double yellow lines, creating obstruction and further congestion.
- Increase in vehicular associated pollution.
- Cycle parking is unlikely to be used.
- Conflicting information within the application submission with regards to who the Community hall will serve (local people vs people from further afield).
- Extended CPZ hours would not solve the parking congestion issue as many of the people attending the hall are residents within the same permitted location.
- Noise, disturbance and disruption as a result of the construction phase.
- Structural damage to third party property
- The building is out of keeping with character and appearance of the area in terms of design (modern) and height (4 storeys)
- The development will impact on natural light to neighbouring properties
- Noise and disturbance from the use / comings and goings at the proposed development, particularly given that it will be open until 1am
- The applicant has not submitted a Basement Impact Assessment, as is normally required for large scale basement developments of this nature. The basement should be omitted.
- Pollution from litter, noise and vehicular emissions associated with the attendants of the development
- Most of the people commenting in support do not live very close by and therefore are not affected
- Should the council decide to grant planning permission for this particular application, similar conditions need to be applied to those for 185-187 Golders Green Road, NW11 9BY (15/07487/FUL & 18/1833/S73) particularly for operating times and delivery times
- The development is contrary to Policy DM13 as it will have an adverse effect on the residential amenity of neighbours, by reason of (among other factors) considerable additional noise, disturbance, traffic congestion.

Letters of support:

It is prudent to note that some letters of support did not include any comments(s), only name and address of the person registering their support for the application;

The letters of support received can be summarised below:

- Letters of support include a letter replicated with 31 signatories, expressing their support for the planning application;

- The existing building has not been updated or renovated for some time. It is no longer fit for purpose with the changing and growing needs of the community. This will provide more space and up to date (and multiple) facilities;
 - Minimal interference and inconvenience on surrounding residential amenity;
 - It is an important community facility. It will benefit all cross sections and generations of the community including for the youth and younger community by providing facilities for them;
 - Provides educational programmes;
 - Parking will not be an issue as most people live in the area and walk to the synagogue;
 - The provision of offices will be very welcomed by the community as its difficult to find offices in that area;
 - The proposed development is well designed;
 - The development will enhance the visual appearance of the area and surrounding roads and will be in keeping with the surrounding buildings;
 - The development will have a positive impact on people;
 - The development will allow the charitable work of the synagogue to continue;
 - It is sustainable as having a community hall on site will benefit the environment as this would negate the need for travel to suitable venues to celebrate events;
 - The minimum parking is a great incentive for the community to walk and cycle instead of driving. It will ease traffic congestion;
-
- There are already quite strict residential parking controls in the area and some roads in the area have houses that each have driveways with ample parking space (some for two cars);
 - While there may be some difficulties created for the immediate neighbours, the need and gain both for them and the wider community far out way any downside;
 - The proposed flats will enhance the current residential provision;
 - The development will on balance, markedly enhance residents experience of living in Golders Green;
 - Local places of worship were well established before surrounding residential developments were constructed;
 - The development proposes an expanded women's gallery;
 - The underground (basement) halls would provide sufficient sound mitigation to ensure minimal impact;
 - The community has a shortage of halls;
 - The site is well served by bus stops and accessible by cycle/scooters;
 - The proposed development is accessible to wheelchair users with the provision of a lift, whereas the existing premises are not;
 - Significant amount of support for the scheme;

Letters of comments (neither objecting or supporting the planning application):

Of those who provided comment one person did not specify their exact address and the other anonymised their name and did not specify their exact address

The letters of comments received can be summarised below.

- Support in principle, however, the plans should be amended to increase available on-site parking.
- Support of scheme as the center is a hub for the Jewish community, that attracts people from far and wide.

- Conditions must be applied to protect the parking on the neighbouring roads
- A new event hall of similar size was opened on 187 Golders Green Road. Due to Covid it has not been in use so the neighbours have not yet felt the effect from its use. This will exacerbate parking.
- Time restrictions for the event hall should also be considered as there will be noise when guests and service providers leave late in the evening or during the early hours of the morning.

Re-consultation letters dated 29 December 2021 were sent out following the provision of additional information from the applicant, including information relating to updated Travel information to reflect 750 regular attendees and occasional 1000 person events.

6 responses have been received, comprising 4 letters of objection and 2 letters of support

Letters of objection:

- Issue of parking
- Additional information relies on estimates
- Large building squeezed into tight plot
- Issue of congestion and traffic
- Out of character development
- No need for additional 4 flats
- Bulkiness
- Loss of light

Letter of support:

- A wholly beneficial project for the wider community
- This will be a very big asset for the Jewish Community

Internal Consultees:

Highways Authority: Acceptable subject to conditions and obligations
 Environmental Health department: Acceptable subject to conditions and informatives
 Recycling Waste and Street Scene Operations: Acceptable
 Trees Officer: No objection subject to conditions and obligations
 Planning Policy Team: No objection
 Urban Design officer: No objection
 Lead Local Flood Authority: Comments to be provided in addendum.

External Consultees:

Thames Water: No objection subject to conditions and informatives
 London Fire Brigade: No objection
 Metropolitan Police (Design out Crime): No objection subject to conditions
 Affinity Water: No comments received
 Ward Councillors: No comments received

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Relevant policies:

- Policy D1 London's form, character and capacity for growth
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D14 Noise
- Policy H8 Loss of existing housing and estate redevelopment (Part A)
- Policy E1 Offices
- Policy E2 Providing suitable business space
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 2 Minimising green house gas emissions
- Policy SI 13 Sustainable drainage
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car Parking
- Policy T6.1 Residential parking
- Policy T6.2 Office Parking
- Policy T7 Deliveries, servicing and construction

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: CSNPPF, CS1, CS5, CS6, CS9, CS10.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM13, DM14, DM16, DM17.

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

Barnet's Local Plan (Reg 22)

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Impact on character and appearance;
- Impact on amenity of neighbouring occupiers;
- Impact on amenity of future occupiers;
- Impact on highways and parking;
- Impact on trees;
- Impact on biodiversity/ecology;
- Flooding and drainage;
- Security/safety including fire safety;
- Sustainability and Accessibility;
- Refuse and recycling;

- Environmental Health matters;
- Any other material consideration

5.3 Assessment of proposals

Principle of development

The proposed development comprises the following:

- Community function hall (basement level)
- Orthodox Jewish Synagogue/Shul (ground floor level)
- Retention of the existing Mikvah (ground floor level - rear)
- A total of five Shtiebels (Shtiblach) for informal prayer and learning (ground floor and first floor)
- Office accommodation for the Beth Shmuel Synagogue and Mikvah (Holy Rabbi, Rabbi, Administration, caretaker room and conference room all on second floor level)
- Office accommodation (a total of six offices) for community organisations (second floor level)
- A total of four self-contained residential flats (third floor)
- Plant space

The main spaces, as existing and proposed can be compared as follows, taken from the submitted Planning Statement:

| Room function | existing | proposed |
|-----------------|-------------------|-------------------|
| Hall | n/a | 455sqm/410 people |
| Main Shul | 164sqm/185 people | 210sqm/200 people |
| Women's gallery | 95sqm/145 people | 145sqm/140 people |
| Shtiebel 1 | 22sqm/20people | 92sqm/90 people |
| Shtiebel 2 | 29sqm/30people | 53sqm/50 people |
| Shtiebel 3 | 40sqm/50people | 73sqm/70 people |
| Shtiebel 4 | n/a | 65sqm/60 people |
| Shtiebel 5 | n/a | 54sqm/50people |

The existing buildings on the application site are not locally or statutory listed buildings and the proposed development is not located within a designated conservation area.

Synagogue use, shtiebels and ancillary space:

The site of 169 - 171 Golders Green Road accommodates an existing Synagogue (Shul), in addition to associated shtiebels (space used for communal Jewish prayer), a womans gallery and ancillary space including caretaker space/offices. There is an existing Mikvah to the rear which will be retained as part of the proposed development.

The existing Main Shul at ground floor is approximately a floor space of 164 sqm. The proposed Main Shul at ground floor would have a floor space of approximately 211 sqm. In terms of capacity, the document titled 'Planning Statement' states that the Main Shul will

increase from 185 people to 200 people; an increase of 15 people.

The Planning Statement submitted in support of the application sets out the established need for the proposal (Section 7 of the Planning Statement) and sets out the space issues within the existing premises.

The document states:

"In terms of Synagogue space, the proposed new building does propose an increase in floor area, but this is to accommodate the existing numbers of congregants who use the building during the week more comfortably rather than seeking to significantly increase in the users of the building."

The application has been reviewed by Environmental Health officers who have assessed the application, including the Operational Management Plan submitted, and deemed it acceptable. Environmental Health matters will be discussed in greater detail further in this report.

As such, no objection is raised in principle to the proposed use as a Synagogue including the Main Shul, shtiebels and office accommodation for the use of Beth Shmuel Synagogue and Mikveh.

Community Hall:

The application proposes a community function hall of approximately 455 sqm, for a capacity of 410 people. This is a new use proposed.

The submission states there is, in the view of the applicant, a lack of provision of this type of facility within walking distance of the intended users, who are the Beth Shmuel community. It states that at present, community functions such as weddings and Bar/Bat Mitzvahs either need to take place within the main Shul space, which is difficult to manage, or they take place in other halls remote from the Synagogue, and to which motorised travel is often required (Section 8 of the Planning Statement).

Paragraph 14.1.2 of Barnet's Development Management Policies Document DPD (2012) states that community and education uses include amongst other things, community halls and other public meeting venues.

Policy DM13: Community and education uses of Barnet's Development Management Policies Document DPD (2012) states that in point b:

"New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties."

The site is outside, but close to, the designated Golders Green Town Centre boundary.

The application site is within PTAL rating 4 (where 0 is worst and 6b is best).

It is close to a number of bus stops and is 0.6 miles from Golders Green underground

station and Golders Green bus station (approximately an 11 minute walk according to Google maps).

Officers recognise that although the application site falls outside the designated Golders Green Town Centre, it is 'accessible by public transport, walking and cycling' as required by, and in the general thrust of, Policy DM13 of Barnet's Development Management Policies Document DPD (2012).

The proposed new community hall's impact on the free flow of traffic and road safety, and its impact on the amenity of residential properties will be discussed in greater detail further in this report.

In principle, a community / function hall in this particular location is considered acceptable.

Office use:

Policy DM14 of Barnet's Development Management Policies Document DPD (2012) states in point b that:

"i. All proposals for new office space should follow a sequential approach which considers town centre sites before edge of centre sites."

Policy E1 Offices of the London Plan 2021 sets out similar policies in terms of the locations of increasing in the current stock of office space.

The site is outside, but close to, the designated Golders Green Town Centre.

Offices 1 to 6 will be a total of approximately 150 sqm.

The Planning Statement states:

"...the proposals also seek to accommodate more office space for affiliated Orthodox Jewish community organisations. These are currently scattered across the Golders Green area often operating from ad hoc offices in dwellings or less than ideal locations in buildings with difficult access arrangements. By providing purpose-built fully accessible office accommodation Beth Shmuel will be able to give space to affiliate organisations at the heart of the community they strive to serve."

The applicant has submitted an 'Office space justification' statement (John Stebbing Architects, dated 04 December 2020), as well as the planning statement which addresses this element of the scheme (Section 12).

In summary, the applicant states that: "The additional office accommodation will be used by affiliate community organisations serving the needs of the Orthodox Jewish Community. Many of the people working in those offices will be existing users of Beth Shmuel and it could be argued, therefore, that by providing this space it will actually reduce the number of journeys compared to the existing situation." [Paragraph 3.2 of the office space justification statement].

The applicant also states that "the local CPZ operates from 11am to midday and is designed to make it inconvenient to park in the surrounding streets for a working day. In addition to the site's PTAL 4 rating the office users will benefit from the ample cycle parking incorporated into the front forecourt of the site." [Paragraph 3.2 of the office space

justification statement].

The Planning Statement states that hours of operation for the offices will be limited to 0700 - 1900 hours Monday to Friday.

The submitted 'Office space justification' statement includes in its Appendices letters from local community organisations expressing interest in such office space.

The applicant highlights Paragraph 92 of the National Planning Policy Framework (2019) which states that, amongst other things:

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...

e. ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Furthermore, Policy CS8 of Barnet's Core Strategy DPD (2012) sets out policies supporting business by, in part:

"encouraging development that improves the quality of existing employment provision"

And

"in order to support small to medium sized enterprises new employment provision should include a range of unit sizes and types such as affordable and flexible workspaces and home working hubs"

The applicant therefore states that the provision of a small amount of office type accommodation for businesses affiliated with the community should be accepted as an exception which does not require a sequential assessment. The applicant also highlights the benefits which multi-functional / community facilities bring (as aforementioned).

The Council's Planning Policy officers have reviewed these documents and raise no objection to the inclusion of office space, based on the justification provided in this particular instance.

Residential use:

Policy DM07 of Barnet's Development Management Policies Document DPD (2012) sets out policy in regards to protecting housing in Barnet. It states that loss of residential accommodation will not be permitted unless it meets certain criterion as set out in points (a) to (e) of that policy.

Policy H8 Loss of existing housing and estate redevelopment of the London Plan 2021 states in point A:

"Loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace".

No. 2 Woodstock Avenue currently accommodates four existing residential flats.

From Officer calculations, existing Flat 2 and Flat 3 fall below current space standards (as set out in Table 3.1 of the London Plan 2021 and repeated in Barnet's Sustainable Design

and Construction SPD 2016). Although existing Flat 1b meets floorspace standards it is unlikely to provide acceptable living accommodation due to head heights in the roof space where two bedrooms are located. As such, the current residential use is of relatively poor quality.

The residential use would be replaced by four residential flats (same number of flats) all of which meet minimum floorspace standards as set out in Table 3.1 of the London Plan 2021, and would each benefit from their own outdoor amenity spaces (which the existing flats do not).

The four proposed flats total of 263sqm compared to existing Class C3 floorspace of 236sqm. This represents an increased level of overall floorspace.

The proposal would therefore not represent the loss of residential accommodation and would satisfy development plan policy in this regard.

Summary:

In such circumstances, Officers find that there is nothing to specifically preclude the re-development of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such, the principle of re-development of the site to provide a multi-functional community use (including a function/community hall and office space) is considered to be acceptable.

Impact on the character and appearance of the area

Relevant policy:

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

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy D3 Optimising site capacity through the design-led approach of London Plan 2021 sets out policies in respect of the design-led approach; form and layout; experience and quality and character.

Policy D5 Inclusive design of London Plan 2021 sets out policies for achieving standards of accessible and inclusive design.

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: "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."

Officers Assessment of the scheme:

The combined application site of addresses No. 169-171 Golders Green Road and 2 Woodstock Avenue comprises a corner site location at the junction of Woodstock Avenue with the main Golders Green Road, relatively equidistance between the North Circular Road (A406) to the north-west of the site and designated Golders Green Town Centre to the south-east of the site.

As explained in the applicant's Design and Access Statement by John Stebbing Architects (Section 3.2) that "based on historic maps it is thought that 169-171 Golders Green Road and 2 Woodstock Avenue were both built in the first decade of the C20, as part of the same phase of sub-urban development of large semidetached houses along the western edge of Golders Green Road."

The mansion block of flats on the opposite side of Golders Green Road were built sometime during the interwar period (Section 3.2 of the Design and Access Statement).

The character of the area is, therefore, predominantly early 20th century suburban form of development, with a distinction between the main road of Golders Green Road and side streets including Woodstock Avenue, of which the application site is located.

Building lines and frontages (including landscaping):

It is observed that Woodstock Avenue marks the change between the two different building lines. The buildings to the south-east (No. 1 Woodstock Avenue and the King Solomon Hotel) are set approximately 6 to 7 metres closer to Golders Green Road than the existing buildings at No.2 Woodstock Avenue and 169-171 Golders Green Road (and the neighbouring buildings to the north-west).

The proposed redevelopment of the site uses this as an opportunity to follow the building line to the south-east. This is demonstrated on the proposed ground and first floor plans (Drawing No. 2101_04Y).

The western corner of the proposed building at ground, first and second floors would align with the front main wall of No. 173 Golders Green Road. It would then project 7 metres forward, which would be set in 3.5 metres from the western (side) flank wall. This front projection would form part of the design of the building.

Furthermore, the proposed building would remain set back 10.7 metres from the back edge of the pedestrian pavement along Golders Green Road.

In regards to the building line to the south-west along Woodstock Avenue, the existing building of No. 2 Woodstock Avenue already sits forward of the established front building of Woodstock Avenue.

As shown on the dotted outlines on the proposed ground floor plans (Drawing No. 2101_04Y), the proposed building would in part, stay within the existing building line of No. 2 Woodstock Avenue, and in other parts extend no further than 0.2 to 0.4 metres further forward. At all parts it would be set back at least 1 metre from the back edge of the pedestrian pavement of Woodstock Avenue.

A raised irrigated planting bed is proposed along the side elevation adjacent to Woodstock Avenue, and to the front forecourt, soft landscaping is proposed in the form of tree planter

bed on the eastern corner of the site (as the junction bends into Woodstock Avenue) and 'pisograma' hit and miss paved/grass surface. There are no existing trees on site and this therefore represents an improvement in landscaping terms.

Being a corner site there are two primary elevations, especially when viewed from the south west, looking up Golders Green Road, and the proposed building addresses this.

The frontage facing Golders Green Road represents a 'grand' entrance in design terms and provides the men's entrance to the Shul. Along the primary frontage on Woodstock Avenue, there is a women's entrance on the front projection. Further along the elevation facing Woodstock Avenue is also a sperate entrance to the residential flats and further on entrance to the existing Mikveh (via a side external pathway adjacent to No. 2 Woodstock Avenue) and escape from basement hall.

The Design and Access Statement advises that the multiple entrances which serve the building will all be in use during the week; which will ensure an active frontage. Both primary elevations have a well-designed fenestration placement, including at ground floor level.

The applicant also proposed a low boundary wall topped with metal railings. The brick wall would 0.7 metres high, increasing to 2 metres with the metal railing, recommended by the Design out Crime officer for security reasons. The brick wall is low rise and would not impact the openness of the site. It is therefore acceptable.

Form, height, scale, and bulk:

Planning Officers accept that many of the C20 buildings along Golders Green Road have been converted into flats or other mixed uses, with associated roof and rear extensions. It is also accepted that many of the front gardens have been turned into hardstanding.

The mansion blocks on the opposite side of Golders Green Road also mark a transition in height and scale.

Recently there has been examples of wholesale redevelopment of these semi-detached dwelling with larger new blocks of flats or community buildings.

These include, as listed in the applicants Design and Access Statement:

- 177-179 Golders Green Road, NW11 9BY (application reference: F/04351/11, decision dated 26 March 2012)
- 185-187 Golders Green Road, NW11 9BY (application reference: 15/07487/FUL, decision dated 21 July 2016)
- 213 - 215 Golders Green Road, NW11 9BY (application reference: 18/0579/RCU, decision dated 29 April 2019)
- The architect also points to the scale of the Maurice and Vivienne Wohl Campus to the north of the site

The first two examples represent a departure from the traditional design of the buildings along this part of Golders Green Road.

The proposed development follows the concept of these approved design with a modern, flat roof form, albeit more detailed than the neighbouring examples.

When viewed from the submitted contextual elevations (Drawing No. 2101_07i) the proposed building would represent an increase in height, as well as an increase in scale, mass and bulk compared to the existing buildings on site.

The topography of the Golders Green Road does gradually slope upwards as one progresses south-easterly towards the application site. The proposed building follows this slope in land levels and rhythm of roof heights in this regard.

To the north-west, immediately adjacent to No. 173 Golders Green Road is a three-storey height element of the proposed building which is in line with the main front wall of No. 173 Golders Green Road. This three-storey element is approximately 1.2 metres greater in height than the ridge line of No. 173 Golders Green Road. The building then projects forward of the front main wall of No. 173 Golders Green Road by 7 metres, at the same height, albeit with the addition of a parapet.

When including the third floor (top floor) this would increase to 4.1 metres greater in height than the ridge line of No. 173 Golders Green Road. However, the third floor would be set in from the front wall and side (flank) walls. To the front, the third floor would be set back from the front-most wall by 2 metres. To the east, the third floor would be set back from the side wall by 2.5 metres and to the west, the third floor would be set back from the side wall by 3.5 to 4.6 metres. This set back would off-set this increase in height, to a degree.

To the south west, the building would be 1 metres greater in height (to the top of the second floor) than the ridge line of No. 4 Woodstock Avenue, increasing to 3 metres greater in height (to the top of the third floor) than the ridge line of No. 4 Woodstock Avenue.

As previously stated, to the east, the third floor would be set back from the side (eastern) wall by 2.5 metres. Furthermore, the existing ground floor Mikveh will be retained, which will maintain a gap of approximately 8.5 metres between the proposed development and No. 4 Woodstock Avenue, which will offset and mitigate the increase in scale, height, and bulk.

As existing, there is a transition in scale from the taller Golders Green frontage to the lower rise Woodstock Avenue context.

Planning Officers accept that due to its corner location, the application site can accommodate an increase in height, bulk, and scale, as is proposed. The upper level is set back from all elevations, which would reduce the perceived mass.

The depth and width of the proposed building is similar to the existing buildings on site and it is in keeping with the established pattern of development where buildings occupy the majority of the width and depth of their respective plots.

Architecture and materiality:

The Design and Access Statement explains how the design, architecture and detailing takes inspiration from examples seen in Israel and America, with design referencing classical forms in a pastiche style (Section 4.0 of the Design and Access Statement). The applicant views it as a 'landmark building' on this corner location.

A simple palette of large format natural Lincolnshire ashlar stone and brickwork is proposed, with stone detailing. Section 8 of the Design and Access Statement provides an

example of where the architects have used natural Lincolnshire stone extensively on a recently completed building.

The windows of the building will aluminium powder coated in a mid-grey.

To the south of the Woodstock avenue elevation would be a single storey block which provides the fire escape route from the basement. This is to be an aluminium clad Hormann sectional in a colour to match the windows frames of the main shul. There will also be a louvred area which provides ventilation to the flues and basement plant area. This is to be a Colt 3UL Universal Louvre, again in colour to match the window frames of the main shul.

Window fenestration will be arranged in a symmetrical fashion which is followed through across both primary elevations facing Golders Green Road and Woodstock Avenue.

Design process:

Section 5 of the Design and Access Statement sets out the pre-application advice process the applicant undertook, and the changes made, prior to submission of a formal planning application. This included in conjunction with the Urban Design officers and Planning Officers.

The Urban Design officer has assessed the planning application and is satisfied with the design of the proposed development.

Summary:

In summary, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the application site and surrounding area.

Conditions have been recommended to ensure that the materials used for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with the development plan policies that relate to design, character, appearance, and landscaping matters.

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.

No. 1 Woodstock Avenue:

To the south east on the opposite side of the junction is No. 1 Woodstock Avenue.

This appears to be in residential use, although the exact internal layouts are unclear.

The existing property at No. 2 Woodstock Avenue (proposed to be demolished) has windows facing the application site at approximately 14 metres.

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states 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 proposed development is for non-residential development at ground, first and second floor.

The residential element at third floor would be at a higher level than this building and therefore not cause undue overlooking or loss of privacy.

Notwithstanding the fact that the proposed development is non-residential use at ground, first and second floor the agent has provided Drawing 2101_6, showing sightlines to No.1 Woodstock Avenue.

As demonstrated from the plan, where the proposed building has windows facing directly the opposite windows to No.1 they are either set at least 1.7m above the internal ground floor area and/or they are obscured at first floor level. At second floor level, the windows to the proposed offices do not directly face the dormer windows to No.1 Woodstock Avenue. Further more the offices will be vacated in the evenings.

No. 1 Woodstock Avenue is separated from the application site by approximately 14 metres. Furthermore, the side elevation of No. 1 Woodstock Avenue facing the application site is north-western facing. It is not considered that the proposed development would impact the outlook from or light to these neighbouring windows.

In summary, the proposed development would not detrimentally harm the amenity of these occupiers to an unacceptable level.

No. 173 Golders Green Road:

No. 173 Golders Green Road adjacent to the site to the north-west appears to be in community use.

As existing the ground floor of both No. 173 and the application site (169 - 171 Golders Green Road) appear to project the depth of the plot. The building line of the first floor of both buildings also appear to be in line.

From the proposed plans submitted, the rear building line of the first, second and third floor appear to be in line with that on No. 173 Golders Green Road.

The residential core is sited approximately 15 metres away from the boundary adjacent to No. 173 Golders Green Road.

There will be windows in the side elevation facing No. 173 Golders Green Road, however, on the basis that No. 173 is not in residential use, this is deemed acceptable.

For the above reasons, it is not considered the proposed development would impact the residential and visual amenities of No. 173 Golders Green Road.

No. 4 Woodstock Avenue:

To the rear to the south is 4 Woodstock Avenue.

The property was granted planning permission for: "Conversion of existing dwelling into 6 no self-contained flats. First floor rear extension. Associated parking, refuse and recycling store, amenity space" (planning application reference: 17/1626/FUL, decision dated 26 May 2017).

The plans approved under this consent show that all the windows in the elevation facing Beth Samuel Synagogue, 169 - 171 Golders Green Road and 2 Woodstock Avenue are secondary windows serving the respective rooms. The decision notice attached a condition stating:

"Before the building hereby permitted is first occupied the window(s) on the eastern elevation facing No. 2 Woodstock Avenue and Beth Samuel Synagogue at No. 169 to 171 Golders Green Road and the windows on the western elevation facing No. 6 Woodstock Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

As above-mentioned, the rear building line would come no closer to No. 4 Woodstock Avenue than existing at first floor and above (12 metres distance), apart from the residential core. The residential core would be sited approximately 8.2 metres.

The garden area serving No. 4 Woodstock Avenue is sited beyond the red line boundary of the site (i.e. adjacent to the rear of No.173 Golders Green Road).

The proposed development is sited north-east of No. 4 Woodstock Avenue.

For the above reasons it is not considered the proposed development would detrimentally impact the visual and residential amenities of these occupiers.

Other neighbourly/amenity issues:

Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) states that new development should take into account neighbouring properties to ensure that nuisance will not be caused from lighting during night time hours.

Paragraph 6.2.11 of the Operational Management Plan by John Stebbing Architects dated 11 December 2020 states that: "The lights of the Synagogue will be operated by timer, switching off at 00.15am (apart from during Shavuot - see above) and switching back on at 5am."

The document advises that Shavuot is a time of quiet learning and is used by men in the evening and larger main services (families) for 2 days. This is the only occasion during the year the Shul will be used all night for reading of the Torah. There is no singing, music or dancing during these 24 periods. It occurs around May/June.

Considering the surrounding context of the site and mixed character and uses along Golders Green Road, in addition to the proposed development's relationship with the immediate neighbouring buildings, the application is considered acceptable in terms of

impact of lighting during night-time hours. Furthermore, the submitted 'Energy Statement states (Section 7.8) that the site is in a highly urbanised location, and therefore will significantly not contribute to increasing the effects of light pollution. It advises that the design team will follow the appropriate ILE design guidance with a view to achieving compliance with BREEAM issue Pol 04 Reduction of night-time light pollution.

In terms of mechanical or ventilation plants, the environmental health officer has deemed the development acceptable subject to conditions securing details of these.

Impact on amenity of future occupiers:

A total of four self-contained residential flats are proposed at third floor level.

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 the national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes, amongst other things, wheelchair accessibility, the London Plan Policy 3.8; Minimum floor space, the London Plan Policy 3.5; and Outdoor amenity space, the Sustainable Design and Construction SPD.

London Plan Policy 3.5 has since been superseded and replaced with Policy D6 Housing quality and standards of the London Plan 2021 and London Plan Policy 3.8 has since been replaced with Policy D7 Accessible housing of the London Plan 2021.

Barnet's Sustainable Design and Construction SPD (2016) sets out further design standards.

Planning Officers are satisfied that the proposed units meet the minimum internal space standards for new dwellings as set out in Table 3.1 of the London Plan 2021, and built-in storage standards.

The units meet the bedroom floor areas and widths as specified in Policy D6 points (2) and (4) of the London Plan 2021.

The units would have a minimum floor to ceiling height of 2.5 metres, as specified in Policy D6 point (8) of the London Plan 2021.

Glazing to all habitable rooms would not be less than 20% of the internal floor area of the room. The bedrooms and living rooms/kitchens would have reasonable outlook. The units would be dual aspect. They would not be facing any neighbouring windows due to their position at third floor. As such, the units comply with Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

The applicant has submitted an 'Internal Daylight and Sunlight Report' by Waldrams (dated 03 November 2020, as amended). It states in the executive summary that all habitable residential rooms within the scheme meet their target values for ADF [average daylight factor]. Ten out of eleven habitable rooms meet their target value for daylight distribution; the one remaining room is a bedroom which achieves 74% daylight distribution against the

target 80%, which is close.

The 'Internal Daylight and Sunlight Report' advises that in sunlight terms, three out of four main living spaces meet the target values for annual and winter sunlight. The window serving the remaining living room (Flat 4) faces within 90° of due north and so has a reduced expectation for direct sunlight.

The agent explained via email dated 15 February 2021 that the living room for Flat 4 is north facing because: a) due to the corner turret feature and the need to pull the third floor massing away from the front of the building, there would be a pinch point in this flat caused by the need to maintain an entrance door corridor for energy efficiency and fire safety reasons b) when situated to the north the living room would be served by larger fenestration and better outlook whereas the smaller south window better serves a bedroom and c) in the case of this flat the bedroom does not need to be located away from the deck access as it is at the end of the walkway with occupiers less likely to be disturbed. Nonetheless, upon amendments, the rooflights have been reconfigured to serve the living areas over the bathroom.

Notwithstanding the findings of the 'Internal Daylight and Sunlight Report' glazing to all habitable rooms would not be less than 20% of the internal floor area of the room, as required by Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

In regards to outdoor amenity space, Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) states that for flats, 5 sqm of space per habitable room is required.

Appendix 2 - Glossary of Barnet's Sustainable Design and Construction SPD (2016) states that rooms exceeding 20 sqm will be counted as two rooms when defining 'habitable room'. Therefore, considering the proposed living /kitchen/dining areas in the flats exceed 20 sqm in total area, they are considered two habitable rooms. This totals four habitable rooms for Flats 1, 2 and 3 and three habitable rooms for Flat 4.

With Flats 1, 2 and 3 providing outdoor terraces of approximately 17 sqm this results in a total shortfall of 3 sqm each (9 sqm shortfall in total). Flat 4 provides approximately 7 sqm of outdoor terrace, resulting in a shortfall of 8 sqm.

In response the architect has stated in an email dated 15 February 2021 that the scheme has been designed to exceed the standards set out by London Plan Policy D6 (which has lower standards stipulating a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings) and the applicant has tried hard to meet the requirement of Barnet's Sustainable Design and Construction SPD. The architect believes Flat 1, 2 and 3 meet the SPD's standards (if one considers the living/kitchen/dining rooms are one room) and Flat 4 falls short by 2.9 sqm due to the pinch point created by the corner turret feature, however Flat 4 is situated at the end of the deck access and thus the space outside the bedroom which is south-facing and private enough to be suitable for a resident to sit out and enjoy.

Notwithstanding these points, Planning Officers recognise that the existing flats at No. 2 Woodstock Avenue are of generally low quality and do not provide private outdoor amenity space for all occupiers; there is a small rear garden area but the access and use is unclear.

Therefore, although it represents a technical breach of the Council's higher outdoor amenity space standards as set out in the SDC SPD (2016), the flats meet the London

Plan standards for outdoor amenity space (Policy D6 point 9).

Furthermore, the application site is in an accessible location close to amenities and services in the designated Town Centre and is 0.9 miles to Childs Hill Park and 1.1 miles to Golders Hill Park (according to Google maps).

For these reasons, the outdoor amenity space provided is considered acceptable.

In regards to accessibility, Policy D7 Accessible housing of the London Plan 2021 states that:

"A To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'

2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'."

The agent advises that the flats are not suitable to be considered under Part M4(3), specifically because they cannot accommodate the storage and charging areas required for 2x wheelchairs (paragraph 3.25), although they would comply in all other respects to M4(3). All 4 flats will comply with Part M4(2).

It is noted that the flats would have lift access. As abovementioned, it is recognised that the existing flats at No. 2 Woodstock Avenue are of generally low quality, and it is considered that the proposed development would represent a better standard of accommodation, as such, the proposal is considered acceptable in regard to accessibility.

Summary:

In summary, the proposed development is considered acceptable in terms of its impact on amenity and standard of living accommodation for future occupiers. Although the units would fail to meet some standards in terms of guidance for outdoor amenity space (local standards) and Part M4(3) (London wide standards), the benefits of the scheme outweigh the harm and thus this is considered, on balance, to be acceptable in this instance.

Impact on Highways and Parking:

Relevant policy:

Paragraph 109 of the National Planning Policy Framework (2019) states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy T6 Car parking of the London Plan 2021 set out parking policies at London wide level.

It states, amongst other things:

"A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.

C An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.

D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.

E Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking.

...

I Adequate provision should be made for efficient deliveries and servicing and emergency access

L Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London."

Policy T6.2 sets out office parking standards and policies.

Policy T6.4 sets out hotel and leisure uses parking standards and policies.

Policy T6.5 sets out non-residential disabled persons parking standards and policies.

Policy T7 sets out policies for deliveries, servicing and construction.

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's strategic policy in regards to travel and transportation.

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's policies in regards to travel impacts and parking standards. Point g part 1 of Policy DM17 states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development.

Transport Officer's Assessment:

A Highways Officer has assessed the application and provided the following assessment below:

"Site and Surroundings:

The site is located on the north-western side of the junction between Golders Green Road (A502) and Woodstock Avenue, NW11. A502 is a suburban through road connecting the site with North Circular Road (A406) and Hendon to the northwest as well as with Finchley Road (A598) within Golders Green Town Centre to the east. After that, A502 keeps running to the southeast up to Hampstead where it terminates.

The corner plot of land contains a two-storey building comprising the Synagogue facilities and an existing Mikvah (Use Class D1) in the rear garden with a total Gross Internal Floor Area (GIFA) of 808 sqm. There is a vehicular crossover off A502 that provides access to a car parking area accommodating 12 off-street parking spaces in relation to the property Nos. 169-171. Cycle parking is not provided on site.

The eastern side of the plot adjoining Woodstock Avenue, NW11 is occupied by an existing two-storey building consisting of 3x1-bedroom and 1x2-bedroom residential flats (Use Class C3). There are two pedestrian accesses facilitating the residential property off Woodstock Avenue, NW11. The residential units are also benefited by a vehicular crossover off Woodstock Avenue, NW11 serving an existing double garage that can house 2 off-street car parking spaces.

The immediate vicinity of the site on A502 is subject to linear development including a mixture of community (Use Class D1), residential blocks of flats (Use Class C3), hotel and leisure facilities (Use Class C1) as well as health and medical centres (Use Class D1). Woodstock Avenue, NW11 is a predominantly residential road comprising two-storey semi-detached properties on either side. Menorah Primary School (Use Class D1) is located at the T-junction of Woodstock Avenue, NW11 with The Drive, NW11 within a 3-minute walking distance from the site.

The surrounding roads are subject to the one-hour Brent Cross Station Controlled Parking Zone (CPZ - Zone BXE) in force from Monday to Friday between 11am and 12pm. Vehicular parking is restricted at the junction of A502 with Woodstock Avenue, NW11 by Double Yellow Lines (DYLs) which do not allow waiting at any time. Additionally, there are Parking Pay and Display bays in close proximity to the site on A502 westbound and Sneath Avenue, NW11 northbound.

A502 is a single carriageway approximately 12.5-metre wide subject to a 30mph speed limit. It provides 4 to 6-metre wide footways on each side in the vicinity. Woodstock Avenue, NW11 has approximately 7.5-metre carriageway width subject to a 20mph speed limit by way of a zone and provides approximately 2.5-metre wide footways on either side.

Public Transport Accessibility:

The Public Transport Accessibility Level (PTAL) for the site is assessed as 4 which is regarded as good accessibility. There are two Transport for London (TfL) bus stops in each direction of A502, Woodstock Avenue Stops R and B, located directly opposite the frontage and 1 minute away from the site to the east respectively. These bus stops are served by 5 bus routes (83, 183, 210, 240, N5 and N83). Bus route 210 links the site with Brent Cross Shopping Centre to the southwest and Finsbury Park to the east. Bus route 83 runs a 24-hour service and links the site with Hendon to the west and Wembley

heading south. Bus route 183 heads northwest providing connection to Hendon and Harrow. Bus route 240 connects the site with Mill Hill East and Edgware to the north and northwest respectively. Bus route N5 providing night services links the site with Colindale, Burnt Oak and Edgware to the northwest as well as passes by Hampstead, Camden Town, Euston to terminate at Trafalgar Square central London to the southeast.

All bus routes connect the site with Golders Green Town Centre and the London Underground station accessed by Northern Line services providing frequent and speedy services to central London. A bus and coach station is located adjacent to the London Underground station, both of which are accessible on foot as they lie within a 10-minute walking distance from the site. Brent Cross London Underground station also served by Northern Line is 9 minutes away from the site on foot to the southwest.

Cycling network:

Although there are no designated cycle lanes on A502 and the local area, the site lies in proximity to the Local Cycle Network (LCN) running along Finchley Road (A598) to the east and Dunstan Road, NW11 to the south.

Walking infrastructure:

There is a pedestrian crossing with zebra marking to the west side of the junction between A502 and Woodstock Avenue, NW11 in the immediate vicinity whilst another pedestrian crossing is observed heading northwest before the junction of A502 with Ambrose Avenue, NW11. Woodstock Avenue, NW11 at the junction with A502 provides tactile paving on both sides facilitating the passage of wheelchair users.

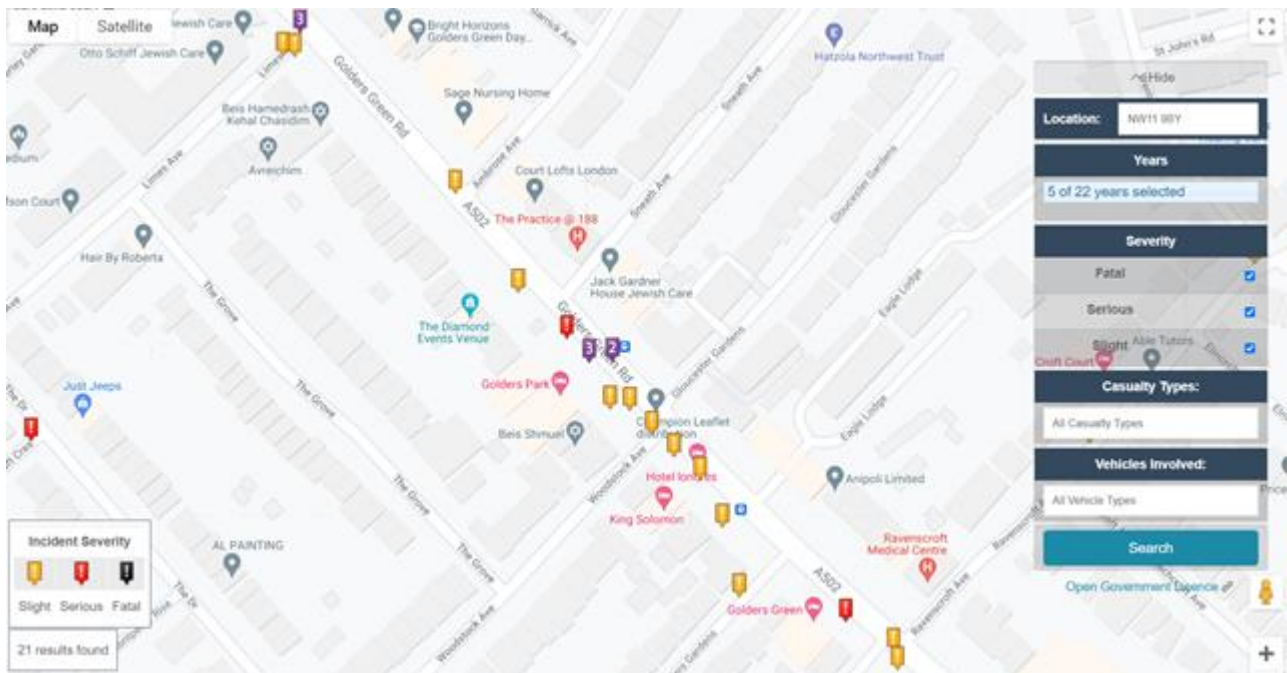
Road Safety:

A search was undertaken on Crash Map database for the last 5 years (2016-2020) to find out whether there are any accident records within 50 metres on either side of the site.

Crash Map includes official data published by the Department for Transport which is based on records submitted to them by police forces. The records relate only to personal injury accidents on public roads that are reported to the police and subsequently recorded.

Information on damage-only accidents, with no human casualties or accidents on private roads or car parks are not included in this data.

The results of our search show that a total of 11 personal injury accidents have been recorded within proximity to the site, 10 of which have been classified as "Slight" in severity and 1 of them has been classified as "Serious". The serious accident occurred to the west of the site close to the T-junction of A502 with Sneath Avenue, NW11. Out of 10 slight injury accidents, 6 involved pedestrian casualties, 1 of those involved pedal cycle casualty whilst the rest of them were related to vehicular collisions. Figure 1 below demonstrates the above results extracted from Crash Map database.



Development Proposal:

The proposal is for the demolition of the existing buildings on 169-171 Golders Green Road except for the existing Mikvah that will be retained, and 2 Woodstock Avenue to construct a four-storey mixed-use building with basement level to house the following facilities:

- o A community function hall at the lower basement level with a GIFA of approximately 801 sqm.
- o Ancillary facilities on the upper basement of approximately 270sqm. GIFA and the existing Mikvah (ritual baths) of 170sqm. to be retained
- o Synagogue facilities on the ground floor level of approximately 538 sqm. GIFA including a men entrance from the forecourt area and a women entrance from Woodstock Avenue, NW11. The existing 161 sqm. Mikvah will also be retained at the rear side of the ground floor level
- o The first floor will house additional facilities in relation to the Synagogue including 4 Shtiebels (communal prayer rooms) and ancillary amenities of approximately 514-sqm. GIFA
- o A total of 519sqm office space (Use Class B1) in association with the Synagogue intended to serve affiliate community organisations working on the needs of the local Orthodox Jewish community will be accommodated on the second floor
- o A total of 4 residential flats of 278sqm GIFA will be provided on the third floor, 3 of which to comprise 2 bedrooms and 1 consisting of 1 bedroom. Each flat will have access to a private terrace area.

The existing vehicular crossover off A502 will be retained to facilitate access to the forecourt area whilst the existing 12 off-street parking spaces will be reduced to 2 disabled parking spaces due to the proposed extension of the building footprint. Off-street parking will not be provided for the residential flats which are proposed to be car-free.

A total number of 22 cycle parking spaces will be provided on the forecourt area in relation to the proposed Synagogue facilities and 8 cycle parking spaces will be provided for the residential units adjacent to their ground floor entrance facing Woodstock Avenue, NW11.

The proposed bin store serving the Synagogue facilities will be located adjacent to the site entrance from A502 whilst the proposed residential bin store will be provided within proximity to the flats' entrance from Woodstock Avenue, NW11.

Pedestrian and Vehicular Access Arrangements:

Although no alterations to the existing vehicular crossover off A502 facilitating the Synagogue are proposed to take place, the existing vehicular crossover off Woodstock Avenue, NW11 will be made redundant as the double garage will be demolished and no off-street parking will be provided for the residential element. Hence, the existing crossover will need to be reinstated to the footway level to improve pedestrian safety and accessibility. This will require the applicant to submit a separate application under S.184 of the Highways Act 1980 to the Local Highway Authority for review and the works will need to be carried out in accordance with the approved design and construction details accompanying that application.

Assessment of Vehicular Parking provision:

Religious and community element

There are no parking standards for places of worship set out in the London Plan, hence any proposed car parking provision needs to be demand-responsive and depend on the levels of PTAL in relation to the site. The PTAL rating for this site is 4 (good accessibility). On this occasion, it is proposed for the existing 12 car parking spaces associated with the Synagogue facilities to be reduced to 2 disabled parking bays within the curtilage of the site.

Although congregants are not expected travel by any other modes of transport except for walking to and from the Synagogue on Shabbos and Holy Days, 25% of the total 750 to 1,000 existing members are expected to travel by car on the weekdays. Considering the submitted weekday morning prayer schedule of Beth Shmuel Synagogue and the fact that morning and evening study sessions take place every day, it is likely that there are overlaps among the prayer slots as well as between the study sessions and the prayer slots resulting in greater demand for car parking than what is anticipated.

Residential element

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 3 and 5.5 parking spaces.

Based on the PTAL rating for the site as 4 (good accessibility), 4.5 off-street parking spaces would be required to meet the parking standards of DM17 policy. However, no off-street parking spaces will be provided for the residential units resulting in a shortfall of up to 5 parking spaces as per the DM17 policy requirements.

Even though the applicant suggests the proposed residential flats be car free subject to a S106/Unilateral Undertaking Agreement, this will not prevent future occupants from

parking their car vehicles on the CPZ bays. As mentioned in the preceding section, the BXE CPZ operates from Monday to Friday between 11am and 12pm and therefore only deters daily commuters from leaving their cars locally to walk to the Brent Cross and Golders Green London Underground stations located within walking distance from the site in order to reach central London.

Summary and conclusion:

Taking the above into consideration, it is expected that the proposed development will increase parking pressures on the surrounding roads. As mentioned in the preceding section, the BXE CPZ operates from Monday to Friday between 11am and 12pm so it does not provide sufficient restrictions to deter parking from the residential and community element of the scheme. The proposed mixed-use development is likely to displace parking on-street. Our current records show that the BXE CPZ area has not been reviewed for over 15 years, and due to the number of developments in this area, the BXE CPZ would certainly benefit from a review to ensure parking continues to work well for residents and businesses. Highways would therefore request a S106 contribution of £16,000 to cover the costs of public consultations and potential subsequent alterations to the existing hours of the BXE CPZ operation.

Assessment of Vehicular Parking Layout:

Please note that the proposed disabled parking spaces on the site frontage will need to be 4.8-metre long by 2.4-metre wide with an additional 1.2-metre wide traffic zone to the front and the side of the parking space. Therefore, the total size of the disabled bays needs to be 6-metre long by 3.6-metre wide.

The submitted vehicle tracking drawing No. 03/001 demonstrates that a large car can enter the proposed disabled parking spaces, manoeuvre within the curtilage of the site and exit it in a forward gear which complies with the highway requirements.

Trip Generation Assessment:

The Synagogue undertook a travel survey of its existing users on 15/07/2019 collecting 242 members' responses to identify the modal share of person trips associated with it as follows.

- 145 walked = 60%
- 53 arrived by car = 22%
- 31 cycled = 13%
- 6 used public transport = 3%
- 5 arrived by taxi = 2%
- 2 arrived by motorcycle = 1%

Based on the survey results, 25% of the 750 to 1000 members in total will travel by private forms of transport to and from the site whilst three quarters of them are anticipated to either walk, cycle or travel by public transport.

These results correlate with the Method of Travel to work data from the 2011 Census for 6 local wards (Golders Green, West Hendon, Hendon, Childs Hill, Finchley Church End and Garden Suburb) used by the consultants to estimate how the generated trips would be distributed across the existing and surrounding transport network.

As well as modes of travel, the travel survey collected the home postcodes of the 242 respondents and reported the following results.

- o 160 live in NW11 9** = 66%
- o 33 live in NW11 0** = 14%
- o 27 live in NW11 8** = 11%
- o 15 live in NW4 *** = 6%
- o 3 live in NW11 7** = 1%
- o 2 live in HA8 *** = 1%
- o 1 lives in N16 *** = 0.5%
- o 1 lives in Manchester = 0.5%

Considering the above survey results, over 80% of the existing Synagogue users live within walking distance from the site and therefore they can travel sustainably to and from it on the weekdays.

It is expected that all the Synagogue Members will walk to the site on Shabbos and the main Holy Days when the building will be at its busiest as it is forbidden to travel by other modes of transport.

The submitted Transport Statement also included a morning weekday prayer schedule including time slots from 5:30am to 11:30am. Additionally, it is mentioned that members return to the Synagogue for the afternoon prayers no later than sunset which means by 3:30pm during the winter and by 9:30pm throughout the summer.

Aside from the prayer slots, daily study sessions take place at the Synagogue facilities which are attended for 4 hours by approximately 60 men every morning and 30 men in the evenings.

It appears from the submitted weekday prayer schedule and the above details that there are overlaps among the prayer slots as well as between the study sessions and the prayer slots. The arrival times of the morning prayer slots and the study sessions correlate with those related to the proposed office spaces. Considering those in conjunction with the 25% of members expected to travel by private forms of transport to the site every day, it is likely to cause impacts on the local highway network by increasing the traffic congestion levels during morning and afternoon peak time periods.

Summary and conclusion:

There is likely to be an increase in the pedestrian crossing demand and the level of traffic congestion during the morning and evening peaks in the vicinity of the site. This would have an adverse impact on road safety and therefore a S106 contribution of £25,000 is sought towards measures to minimise traffic congestion and improve road safety.

Cycle Parking and Storage:

According to the submitted Drawing Nos 2101_04Y and 2101_11B, a total number of 22 cycle parking spaces will be provided for the Synagogue members and office employees on the forecourt area as well as 8 cycle parking spaces for the proposed four residential flats.

Residential element:

The cycle parking provision for the residential units exceeds by 1 cycle parking space the requirements of the London Plan Cycle Parking standards requiring a total number of 7 long-stay cycle parking spaces on this occasion. The applicant is advised that the long-stay parking spaces need to be secured in an enclosed compound that will be well-lit, overlooked and accessible by the residents only. The type of stands will need to ensure that both the frame and at least one wheel of the bike can be locked.

Additionally, the space adjacent to the site entrance off Woodstock Avenue, NW11 appears to be tight and so would make it difficult for cyclists to safely manoeuvre in and out of the cycle parking spaces.

Hence, the details provided for residential cycle parking are not acceptable on highway grounds. The applicant will need to submit revised site layout as well as cycle parking and storage design plans in accordance with the London Plan Cycle Parking standards and London Cycling Design standards.

Religious and community element:

As per the London Plan Cycle Parking standards, the proposed office spaces (Use Class B1) of 519sqm. GIFA will need to provide 4 long-stay and 1 short-stay cycle parking spaces.

The proposed Synagogue and community facilities (Use Class D1) of a total 2,122.8 sqm. GIFA will need to provide 2 long-stay cycle parking spaces for the staff and 21 short-stay cycle parking spaces for the visitors in accordance with the London Plan Cycle Parking standards.

Considering the above, the proposed office, religious and community facilities will require a total of 6 long-stay and 22-short stay cycle parking spaces. Therefore, the provision of 22 cycle parking spaces for these land uses is falling short of 6 cycle parking spaces according to the London Plan standards.

The applicant is advised that the long stay cycle parking spaces will need to be accommodated within a storage facility. The type of stands needs to ensure that both the frame and at least one wheel of the bicycle can be locked. The short-stay cycle parking for the visitors can be provided outdoors but needs to be well-lit and overlooked. The type of stands needs to ensure that both wheels and the frame of the bicycle can be locked.

The applicant will also need to ensure that at least 5% of the visitors' cycle parking spaces can accommodate a larger cycle.

Summary and conclusion:

The applicant will need to provide revised site layout and cycle design drawings in terms of cycle parking for the residential units as well as the Synagogue and office facilities to accord with the London Plan Cycle Parking standards and the London Cycling Design Standards (LCDS).

Delivery and Servicing Arrangements:

Drawing No. 2101_04Y shows that the proposed bin store for the Synagogue and the associated offices will be located adjacent to the gated access off A502 and the residential bin store will be placed within proximity to the entrance to residential flats accessed from

Woodstock Avenue, NW11. Both bin stores will be provided within 10 metres from public highway which is acceptable on highway grounds. The applicant is advised that the dustbins will need to be taken to the back of footway on collection days.

The submitted vehicle tracking drawing No. 03/001 shows that an ambulance vehicle can enter the forecourt area, reverse back within it and egress from the site in a forward gear. Additionally, a fire brigade truck will access the site in case of emergency by reversing back into the forecourt and exit the site in a forward gear thereafter. Drawing No. 03/002 shows that all the uses of the proposed building will be within 40 metres from the location where the emergency vehicle will stop which is acceptable on highway grounds.

Swept path analysis Drawing No. 03/003 included in the Transport Statement shows that a mini bus vehicle can also negotiate the access to enter the forecourt area for dropping off/picking up attendees, manoeuvre within it and exit the site in a forward gear. The mini bus service will be used to carry attendees to and from the site in respect of events taking place within the community function hall in order to reduce private car use as much as possible by people living out of the local area.

Notwithstanding the above, the applicant did not provide any information about supply deliveries in relation to the Synagogue and how many trips are expected over the course of the day. Hence, a Delivery and Servicing Plan will be requested by a way of a condition. This will need to include information about the estimated supply delivery trips expected to and from the site, the size of vehicles to be used, confirmation that supply deliveries will be avoided on peak time periods and any measures to be taken in respect of highway and pedestrian safety and accessibility.

Event Management Plan:

The submitted Operational Management Plan for the Synagogue facilities does not include any details on how to effectively manage road traffic and pedestrian accessibility when large events taking place so that highway and pedestrian safety will not be compromised.

Therefore, the applicant will need to submit an Event Management Plan for the Synagogue prior to commencement of the development to set out how large events will be managed to reduce potential traffic congestion and improve road safety. This will be requested by a way of a condition.

Faith Travel Plan:

Despite the measures included in the Transport Statement (TS) for encouraging sustainable transport, a Draft Strategic-Level Faith Travel Plan is requested. This is to be secured by a way of S106 Agreement including a minimum contribution of £15,000 towards Travel Plan monitoring.

Demolition, Construction Management and Logistics Plan:

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

RECOMMENDATION:

The application is recommended for approval on highway grounds subject to the following S106 contributions, conditions and informatives:

- o £2,151.31 CPZ permit restriction
- o £16,000 towards CPZ review
- o £25,000 towards measures to reduce traffic congestion and improve road safety
- o A minimum of £15,000 towards Faith Travel Plan monitoring"

Following the updated Travel information in December to reflect 750 regular attendees and occasional 1000 person events, Highways had the following comments;

- The increased numbers will put this proposal on par with the Hippodrome. Hence, our approach will be similar and a robust events management plan, dealing with any parking displacement and road safety implications are likely to be the focus. Notwithstanding the fact that an events management plan has been prepared by the applicant, an annual events management plan and the appropriate travel plan contribution will need to be secured via s106. Ideally, the events management submitted by the applicant can be approved prior to determination and its delivery also secured via a s106.

[List of conditions and informatives follow]

Impact on trees:

Policy G7 Trees and woodlands of London Plan 2021 sets out tree policies.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that trees should be safeguarded (point k).

When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. Point j sets out requirements in regard of hard and soft landscaping.

A tree officer has assessed the application and commented that there are no trees of any significance within the site boundary.

The proposed basement fills the majority of footprint of the site. A small planter at the front of the site is proposed and this is supported, details of this are required, ideally the surface water from the car park is used to irrigate the planters (See SUDS plan 'GROUND LEVEL SuDS LAYOUT PLAN C2437-03 B'). These details can be a condition of any approval.

Ecological improvements are recommended with in Section 4 of the 'Ecological Appraisal' of the site.

The proposed Roof Section Planning 2101-06F plan shows green/blue roof below PV array this is supported. Exact details must be submitted which should allow for wildflowers and ponds to gain maximum biodiversity benefits.

The applicant could also consider a contribution to new street tree planting nearby; 15 trees along Golders Green and Woodstock Road would make a significant improvement in the quality of the local area street scene and allow the development to meet biodiversity improvement gains. The cost of this contribution would be £750.00/tree to supply, plant

and maintain until established £11,250.00.

The tree officer has concluded that he has no objection subject to conditions for landscaping to the frontage, details of green roof and obligations to secure financial contributions for new street tree planting.

Impact on biodiversity/ecology:

Policy G6 Biodiversity and access to nature of London Plan 2021 sets out the policies regarding protection for biodiversity and identified/designated sites.

Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides a similar protection.

The application site is not in a Site of Special Scientific Interest, nor is it in a Site of Importance for Nature Conservation. It is not a European site.

The applicant has submitted a Bat Survey Report Version 1 dated June 2021 produced by Practical Ecology. The results in Section 3 conclude that during the pre-dawn re-entry survey "No bats were observed emerging from the building by any surveyor. No bats commuting or foraging were observed or recorded by any surveyor." During the dusk emergence survey: "No bats were observed emerging from the building by any surveyor. No bats commuting or foraging were observed or recorded by any surveyor."

The report concludes in Section 4: "It is considered that, as no bats have been recorded roosting, foraging, or commuting within the area of the Site during two surveys, that bats are likely absent from this area, or occur at notably low density.

This is likely due to significant light pollution and a lack of prey species linked to the area being dominated by sealed surface/ hard standing with heavy traffic.

As per recommendations within the PEA, two integrated bat boxes should be installed into the new building as part of best practice to compensate for the loss of potential roosting features. These should be on the southwest aspect, at least 5m above ground level and away from any direct artificial illumination."

The information provided in the bat survey submitted with the application is sufficient to support the above application. As such, no further surveys are required.

A condition will be attached to ensure that the recommendations set out in Section 4 of the Bat Survey Report and Section 4 of the Preliminary Ecological Appraisal Report Version 1 dated November 2020 by Practical Ecology are implemented.

Flooding and drainage:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) sets out policies in regards to flooding and run off.

Policy SI 13 of the London Plan 2021 sets out policies for sustainable drainage.

Policy SI 12 of the London Plan 2021 sets out policies for flood risk management.

Upon the provision of further information, the Sustainable Drainage Team have requested

further information from the applicant which is currently under review by SUDS officer and their comments will be provided in the addendum.

Thames Water have raised no objection to the scheme.

Security/safety including fire safety:

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. Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and Londonwide standards, which includes Secure by Design.

A Design out Crime Officer from the Metropolitan Police Service has assessed the application and entered discussions with the architect.

They raise no objection to the proposed development subject to conditions.

In terms of fire safety, Policy D12 of the London Plan (2021) requires major development to be accompanied by Fire Statement providing details of, inter alia; building construction methods, means of escape and access to fire services personnel.

The application is accompanied by a Technical Note regarding fire safety (dated 17 November 2020) by Tenos (reference: TS200533- N01-ISSUE01).

The London Fire Brigade have reviewed this document, and the submitted plans and have raised no objection to the proposed development.

Accessibility and Sustainability

BREAAM:

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and London-wide standards, which includes BREEAM. Table 2.20 of Barnet's Sustainable Design and Construction SPD (2016) states that development proposals should achieve a minimum "Very Good" rating.

The Executive Summary (Section 1) of the submitted Energy & Sustainability Statement prepared by eb7 (14 October 2020, as revised) states that the proposed development will be designed to and comply with the BREEAM standard of "Very Good". A condition has been attached accordingly.

Carbon Emissions:

Policy SI 2 Minimising greenhouse gas emissions of the London Plan 2021 states:

"A. Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

1) be lean: use less energy and manage demand during operation

- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

B. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

C. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain."

The Executive Summary (Section 1) of the submitted Energy & Sustainability Statement prepared by eb7 (14 October 2020, as revised) states that the development achieves an overall improvement (BER/TER) in regulated emissions of 45.97% over the Part L 2013 standard and that a carbon off-set payment of £50,644.50 is payable for the major non-domestic element in line with New London Plan policy. This has been attached as an obligation.

Water Savings:

For the residential element of the scheme, Table 2.11 of Barnet's Sustainable Design and Construction SPD (2016) states that: "New dwellings should be designed to ensure that a maximum of 105 litres of water is consumed per person per day." This is reiterated in Policy SI 5 Water infrastructure of the London Plan 2021. A condition will be attached accordingly.

Accessibility:

As abovementioned earlier in the report, the agent advises that the flats are not suitable to be considered under Part M4(3), specifically because they cannot accommodate the storage and charging areas required for 2x wheelchairs (paragraph 3.25), although they would comply in all other respects to M4(3). All 4 flats will comply with Part M4(2).

Considering the existing flats at No. 2 Woodstock Avenue are of poor quality, and the flats would have lift access, this is deemed acceptable.

In summary, the proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

Refuse and Recycling:

The application has been considered acceptable by the Council's Recycling Waste and Street Cleaning Services.

Environmental Health:

The application has been assessed by an Environmental Health officer and they have raised no objection subject to conditions.

The applicant has submitted an 'Operational Management Plan' in support of the application.

As stated earlier in the report, in terms of the of Synagogue space, the proposed new building does propose an increase in floor area, but this is to accommodate the existing numbers of congregants who use the building during the week more comfortably rather than increase the number of users (Paragraph 5.11 of the Operational Management Plan). The new Shtiebels (Shtiblach) will take the pressure off the main Shul space and allow it to be kept clean, tidy and more befitting of the religious sanctuary it is ideally supposed to be (Paragraph 5.12).

In regards to the synagogue use, the Operational Management Plan explains that the rhythm of Jewish religious life is dictated by the seasons, the phases of the moon, and centuries of Jewish law and tradition (Paragraph 6.2.2) and that as existing, the hours of operation of the Synagogue spaces will be 5am to midnight every day, which is dependent on the seasons and set out in a table in Paragraph 6.2.3 of the 'Operational Management Plan'.

Paragraph 6.2.4 advises that for the synagogue use: 'Amplified music or microphones cannot generally be used at all in the Synagogue spaces (ground and first floor) during Friday night or Saturday services, or generally during Yom Tov festivals', except for three exceptions of which two of these amplified music/sound ends at 11pm. The third exception is for a time of quiet learning where there is no singing, music or dancing.

During the busiest times (Friday evenings and Saturdays) motorised transport and amplified music is forbidden by Jewish law.

In regards to the community hall use, the document states in terms of physical noise control it will be located within a 2 storey deep windowless basement (Para. 7.4.1); amplified music will be controlled by noise limiter (Para. 7.4.4) and the plant is contained within the envelope of the building to avoid visual and/or acoustic nuisance externally (Para. 7.4.5).

Section 7.3 sets out measures proposed for the management of attendees and operational noise control of the synagogue use.

The Planning Statement advises: "If there's a large event going on in the basement hall it won't be at the same time as a large event in the Shul."

The Event Management Transport Plan advises: "At the end of an evening function (such as a wedding) it is highly unlikely that 750 people will all try and leave the building at the same time and there will be a staggering of departures from the building with guests, staff and caterers leaving at different times. This number of people travelling to and from the proposed redevelopment Site will, however, require careful planning and management to minimise any disruption to the local highway and public transport networks."

This means that at its peak level of activity i.e. when a large wedding, study group and evening prayer session would be running concurrently, there could be up to 750 people attending the Beth Shmuel Synagogue simultaneously. A condition has been attached accordingly restricting maximum capacity.

The Environmental Health officer has also reviewed the submitted Operational Management Plan and commented that it has covered any initial concerns with outbreak from amplified noise (noise limiter, windowless basement). The Operational Management Plan also states that there will be no music after 11pm which is supported (for the synagogue use).

For the community hall, amplified music/noise may run later, however the environmental health officer is satisfied as there are no windows in the basement. Furthermore, the applicant proposes to use a noise limiter, which is supported by the Environmental Health officer.

With regard to the coming and going of people we have not received complaints of this nature from the current site. There was a complaint in 2019 regarding loud music but this was never witnessed and the complainant did not confirm their address (only an email was sent).

The plan is comprehensive and Environmental Health is satisfied that noise will be controlled appropriately.

Conditions:

In accordance with Section 100ZA of the Town and Country Planning Act 1990, the agent has agreed to the pre-commencement conditions.

Obligations/Contributions:

Recommended obligations are set out below:

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement 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. A financial contribution towards carbon off-setting of £50,644.50 in order to achieve net zero carbon dioxide emissions
4. A financial contribution of £11,250.00 towards street tree planting
5. Submission of a Faith Travel Plan
6. A financial contribution of £15,000 towards Travel Plan monitoring
7. Provision of the following costs towards extension of the Controlled Parking Zone (CPZ):
 - (a) A contribution of £16,000 towards a review of the BXE CPZ, cover the costs of public consultation and potential subsequent alterations to the existing hours of the BXE CPZ operation

(b) A contribution of £2,151.31 to amend the existing Traffic Management Order to exempt future residents from obtaining permits.

8. A financial contribution of £25,000 towards pedestrian safety measures in the vicinity of the site

9. Submission of an Activities Management Plan

10. Meeting the Council's costs of monitoring the planning obligation- £3,601.36

5.4 Response to Public Consultation

A number of letters of support, objection and comment were received in response to the application. These have been considered and addressed, where possible, through the Officer assessment that forms the main body of this report.

A large number of the objections received relate to highway and parking concerns which have been addressed through the Highway Authority's response, and any related outstanding issues are considered to have been addressed through the Highway Authority's recommended conditions and legal obligations.

Matters that have not been addressed through the main body of the report, are responded to as follows:

- Damage to third party property as a result of the construction of the development is a civil matter between the affected/interested parties, and is therefore outside the scope of consideration of this assessment.
- Noise, disturbance, and general disruption during the construction phase of the development can be monitored and managed through the recommended Construction Management Plan condition that is recommended. A degree of noise and disturbance is to be expected with any development of this nature, however, the terms of the condition will ensure that this is managed to an acceptable level.
- Littering is a criminal offence which can be regulated and enforced by other authorised bodies (including the Police and Environmental Health).
- The structural aspect of the proposed basement is bound to and regulated by Building Control legislation and is not a material planning consideration.
- Whilst the proximity/location of respondents relative to the development's consultation is a material consideration, regard must still be had for the any material planning considerations that they raise.
- A condition has been recommended for submission of further details with regards to delivery and servicing of the development to ensure that it minimises impact on the local highway network and amenities of neighbour residents and businesses.

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;
- 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 proposed development would provide considerably improved new facilities for an existing community use.

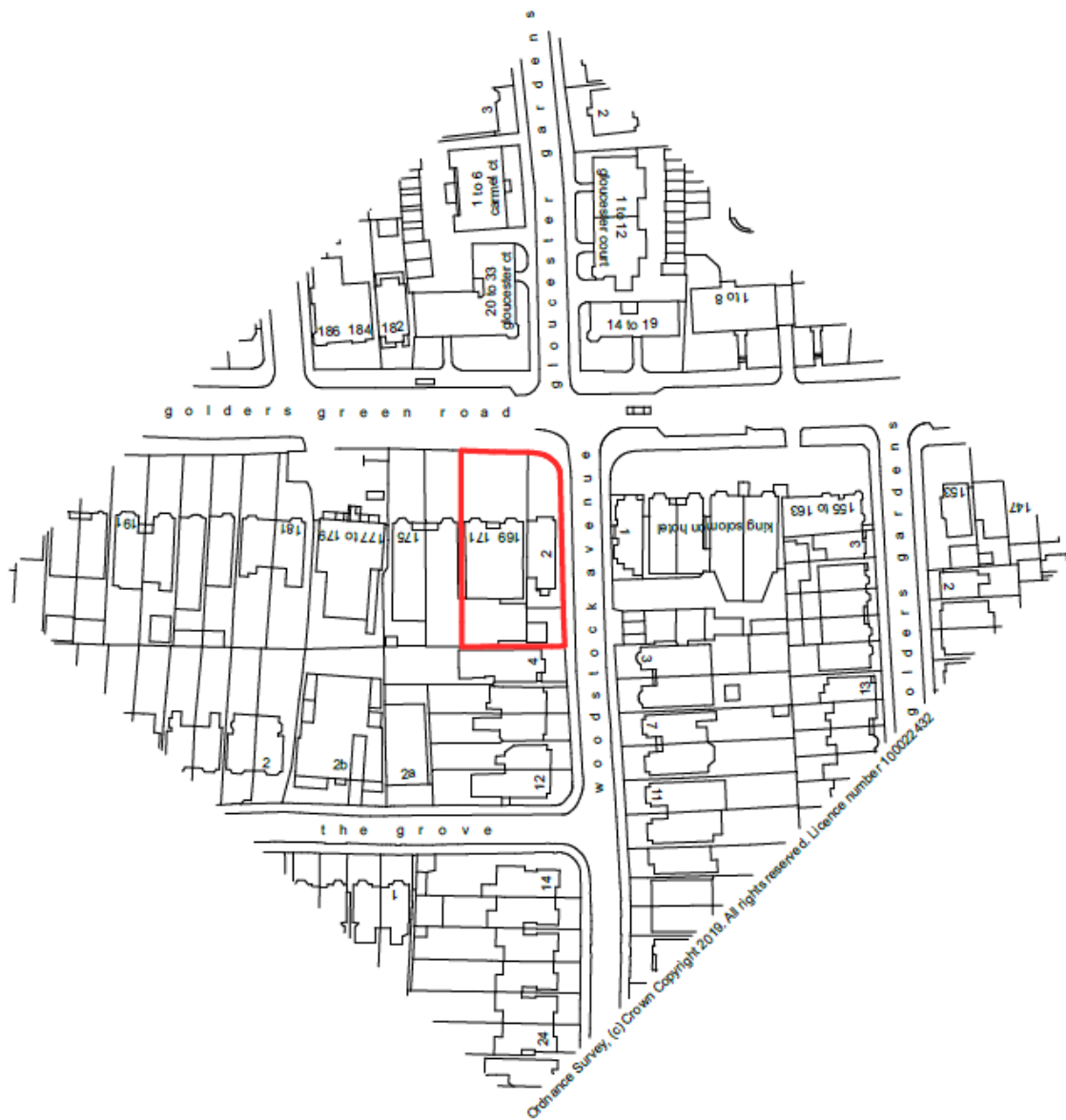
In terms of likely negative impacts, the application has attempted to address these through the design proposal and submission of technical documents. It is suggested that the majority of these impacts can be mitigated through conditions and S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions and obligations to be secured by Section 106, the proposed development is considered to be acceptable and is therefore recommended for approval.



This page is intentionally left blank

| | | |
|----------------------|--|---|
| Location | Yew Tree Court Bridge Lane London NW11 0RA | |
| Reference: | 21/5116/OUT | Received: 22nd September 2021 Accepted: 22nd September 2021 Expiry 17th November 2021 |
| Ward: | Golders Green | |
| Case Officer: | Sinead Normoyle | |
| Applicant: | Robert STEIN | |
| Proposal: | Construction of an additional mansard storey to the existing building to provide 9no. self-contained flats and installation of new lifts | |

AGENDA ITEM 10

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

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

Reason: For the avoidance of doubt and in the interests of proper planning and so

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

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

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

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

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

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

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

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

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

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

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

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

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

6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

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

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

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

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

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

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

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

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

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

- 10 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

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

- 11 The materials to be used in the external surfaces of the building(s) shall match

those used in the existing building(s).

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

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

The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2012 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

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

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

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

Informative(s):

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

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

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

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

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

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

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

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and

industrial areas;

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

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

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

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

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

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

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.

OFFICER'S ASSESSMENT

1. Site Description

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

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

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

2. Site History

Reference: F/00654/09

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

Decision: Approved subject to conditions

Decision Date: 20 April 2009

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

Reference: 18/8115/ENQ

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

Issue Date: 23 March 2018

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

3. Proposal

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

4. Public Consultation

Consultation letters were sent to 209 neighbouring properties.

- 25 Objections letters were received.

The objections are summarised as follows:

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

Internal Consultees

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

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted

and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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

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

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of Development

The Borough has an attractive and high-quality environment that the Council wishes to

protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the character of the street in which the site is located and the scale and proportion of the houses.

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

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

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

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

It is proposed to build an additional floor on top of the existing flat roof of the building which will measure 1,297m². The new application proposes a new gross internal floor area of 818m² to facilitate no. 9 self-contained flats.

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

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

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

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

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

Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. The proposal must not harm the residential amenities of neighbouring occupiers. This includes ensuring adequate light, outlook, privacy and avoiding a sense of overbearing appearance or enclosure to neighbours. This is a requirement of Policy DM01.

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

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

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

Provision of adequate accommodation for future occupiers

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

The London Plan (2021) and the Sustainable Design and Construction SPD (2016) set out the minimum space requirements for residential units and bedrooms. The London Plan states 2xbedroom 4 person units should measure a minimum of 70m².

The proposal features 9 self-contained units.

- 7 x 2-bedroom 4 person

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

Total of 36 persons

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

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

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

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

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

Room stacking/siting

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

The stacking arrangement is considered acceptable.

Light/Outlook

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

Provision of adequate outdoor amenity space for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats this is 5m² of space per habitable room. The existing flats have 143 habitable rooms and the proposed an additional 38. The minimum external amenity requirement would be 905 square metres.

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

Highways and parking

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

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

Summary of results:

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

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

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

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

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

Waste

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

5.4 Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should have been designed to achieve a 36.3% CO₂ reduction over Part L of the 2012 building regulations. This level of reduction is to comply with the requirements of the London Plan and the 2016 Housing SPG's requirements and a condition would be attached to any permission to ensure compliance with this Policy.

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

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

flats.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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



This page is intentionally left blank

| | | |
|-------------------|--|---------------------------|
| Location | Rear Of 153 Friern Barnet Lane London N20 0NP | |
| Reference: | 21/2109/FUL | Received: 14th April 2021 |
| | | Accepted: 22nd April 2021 |
| Ward: | Oakleigh | Expiry 17th June 2021 |

AGENDA ITEM 11

| | |
|----------------------|---|
| Case Officer: | Tania Sa Cordeiro |
| Applicant: | Mr Bull |
| Proposal: | Construction of 3no two storey dwelling houses with rooms in the roofspace. Associated amenity space, landscaping and parking |

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Draft Construction Management Plan, prepared by Stuart Henley and Partners
 Drg.no. GD/210050/R2 Rev.1 (Arboricultural Implications Assessment and Tree protection Plan), prepared by Bartlett Consulting
 Drg.no. GD210050dTPP Rv2 (Tree Protection Plan)
 Drg.no. GD/210050/R3 (Arboricultural Method Statement and Tree Protection Plan Report), prepared by Bartlett Consulting
 Drg.no. 5045_11_Rev.H (Proposed Site Plan)
 Drg.no. 5045_12_Rev. A (House 1 - Proposed Floor Plans)
 Drg.no. 5045_13 (House 2 - Proposed Plans)
 Drg.no. 5045_14 (House 3 - Proposed Plans)
 Drg.no. 5045_15_Rev. A (House 1 - Proposed Elevation)
 Drg.no. 5045_16 (House 2 - Proposed Elevation)
 Drg.no. 5045_17 (House 3 - Proposed Elevation)
 Drg.no. 5045_18_Rev. A (House 1, 2 & 3 - Proposed Elevation)
 Drg.no. 5045_01 (Site Location Plan)
 The above plans were received on the 11th October 2021.

Design and Access Statement

The above plans were received on the 22nd April 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 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.

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

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

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

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

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E of Part 1 of Schedule 2 of that Order shall be carried out within the area of Rear Of 153 Friern Barnet Lane, London N20 0NP and the new dwelling's hereby approved.

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

- 7 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.

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

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

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

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

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

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

10 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations at first floor and roof level shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 11 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).

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

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

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

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

- 13 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD 2016 and Policy HC1 of the London Plan 2021.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

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

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

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

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

- 18 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 7.21 of the London Plan 2016.

- 19 a) Before any site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) hereby permitted commences, the applicant shall submit for approval an ecological survey incorporating details of measures to secure net biodiversity gain on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval.

b) The development shall be implemented in full accordance with details approved under this condition.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Section 197 of the Town and Country Planning Act 1990 in accordance with Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan (2021)

- 20 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; swept path drawing showing vehicles entering, turning around and exiting the 8 parking spaces within the curtilage of the development shall be submitted to and approved in writing by the Local Planning Authority.

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.

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

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

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 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."

- 3 If the development is carried out it will be necessary to provide a habitual crossover access to facilitate construction access to the development site including any associated works to the public highway. Following completion of the development, the footway including any associated works on public highway, will be reinstated by the Highway Authority at the applicant's expense. An estimate for this cost of works and the Application Forms can be obtained from the Highway Development Control Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 4 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.
- 5 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW.

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

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

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

Informative: The applicant should apply for a Habitual Crossing License for construction vehicles

- 8 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 9 The applicant is advised that Highways Licensing Team must be contacted to apply for a temporary crossover license. An estimate for this license can be obtained from the Highways Licensing Team, London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 10 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 11 The applicant is advised that any removal or relocation of the existing street furniture including lamp columns as a result of the proposed development would be subject to the Highway Authorities approval and undertaken at the applicant's expense by the Council's term contractor for Highway Works. An estimate for the works can be obtained from Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 12 The applicant is advised that Friern Barnet Lane (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Crossover Team in Development and Regulatory Services should be consulted in this respect.
- 13 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 taken prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development. 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.
- 14 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

For further details on exemption and relief, please visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a vacant L shaped site, located close to the junction with Friern Barnet Lane. To the rear, the site wraps around the rear gardens of Temple Lodge and Westwards House which are located on St. James Avenue. Access to the site is proposed from St. James Avenue.

The site is located on the south western side of St. James Avenue, within Oakleigh ward.

The site is located within an established residential area in a tight knit suburban area, comprising of a mixture of detached and semidetached dwellings with fairly large private rear gardens. It sits within spacious surroundings with mature landscaping and thick established tree belts. The green, suburban character of the site and wider area is emphasised further with the mature hedges running along the rear of the properties of the dwellings.

The application site does not lie within a conservation area, nor is it adjacent to a listed building. However, the site benefits from very mature trees, some of which are protected by TPOs.

In addition, the site lies within an Archaeological Priority Area.

2. Site History

Reference: N01216K/07

Address: 155 Friern Barnet Lane, London, N20 0NP

Decision: Approved subject to conditions

Decision Date: 27 June 2007

Description: Erection of a two storey detached house (OUTLINE APPLICATION)

Reference: N01216J/02

Address: 155 Friern Barnet Lane, London, N20 0NP

Decision: Approved subject to conditions

Decision Date: 24/04/2002

Description: Erection of two-storey detached house (Outline).

3. Proposal

The proposal is for the 'Construction of 3no two storey detached dwelling houses with rooms within the roof space. Associated amenity space, landscaping and parking'.

The plot is L shaped and wraps around the rear gardens of Temple Lodge and Westwards House which are located and fronts onto St. James Avenue. Access to the site is proposed from St. James Avenue.

Each detached house is two storey's with provision for 2no. car parking spaces and private amenity space to the rear of each individual plot.

House 1

House 1 is sited to the front of the site fronting St. James Avenue. It has a hipped roof with an eaves height of 5.4m and maximum height of 10m. It has a width of 8.5m and a depth of 9.8m. In addition, to the front, a two storey gabled feature measuring 3m in depth accommodates the front porch and entrance to the dwelling and a single storey rear projection from the rear wall measures 2m in depth.

1no. small dormer with a flat roof is centrally located on the rear roof. In addition, 1no. side dormer with a pitched roof sits flush with the flank wall and project into the side roof slope measuring 2.8m in width, 2.7m in height and 1.1m in depth.

It is 5b10p dwelling with a GIA of 220.67m². Private amenity space of 70m² is allocated to the rear of the property. In addition, 2no.off-street parking is provided to the rear of the site.

House 2 and 3

House 2 and House 3 are sited to the rear of the site adjacent to the rear gardens of Temple Lodge and Westwards House. This pair of detached dwellings are identical in design and scale. They comprise of 4b7p with a GIA of 162sq.m, each. Private amenity space is provide to the both these dwelling to the rear. House 2 will have a space of 147m² and House 3 will have a space of 135m², allocated to them.

They have a hipped roof with an eaves height of 5.4m and maximum height of 9m. It has a width of 6.6m and a depth of 11m. In addition, a single storey projection from the rear wall measures 2m in depth. The front elevation features a single bay window and a canopy that extends across the front door and the bay window, at ground floor.

Internally the ground floors will accommodate living spaces with bedroom on the upper floors. Access to the site is provided via St. James avenue which runs perpendicular to Friern Barnet.

4. Public Consultation

Consultation letters were sent to 30 neighbouring properties. 11 responses have been received. Out of which 3no. were neutral and 8 letters of objections

Comments have been summarised below:

- Boundary fence between the site and 155a is replaced by a 2m high one and replace trees
- Impact on privacy due to proximity to the rear gardens
- Access road at the beginning of St James Avenue will create extra traffic and noise
- Additional stress on existing parking issues
- Over development, which will greatly impact the wildlife and green spaces
- Devastate the existing "wildlife corridor" running behind Friern Barnet Lane;
- Loss of protected and mature trees, will have a negative impact on the balance of animal life and could, potentially, decimate the area

- Grossly oversized and no consideration has been given to the neighbourhood privacy and landscape
- Out of keeping with the local pattern of development and the character of this part of Friern Barnet Lane;
- Affect views with the loss of trees and light
- Unnecessary pollution
- Site is in an Archaeological Priority Area, condition to be added

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of residential development

The area is characterised by residential developments and therefore residential use is the characteristic use in the vicinity. In addition, it is noted that the site received planning consent for a 'two storey detached property' under reference no. N01216K/07. Therefore, the principle of a residential dwelling at this site is considered to be acceptable.

Character and appearance

The site benefits from very verdant surroundings with thick mature trees, especially to the rear of the site. These existing green boundaries are not only an important character of the overall area but also offers a positive protective barrier along with an effective and significant screening. Furthermore, the site is covered with groups of TPO's. Therefore, the proposal was referred to the Authorities Arboricultural officer and a suitable scheme has been secured to ensure that the proposed development will retain a reasonable amount of existing greenery, in addition to the provision of new soft landscaping scheme, which will help to maintain the verdant character of the area. This will be secured by way of a condition.

The Council's Residential Design Guidance SPD recommends that all developments should protect and enhance the gardens at residential properties as the spaciousness of gardens makes an important contribution to Barnet's distinctiveness. St James Avenue and Friern Barnet Lane are made up of a mixture of housing type, however the pattern of development on this section of road is characterised by large detached and semi-detached houses within very spacious surroundings. They predominantly comprise of buildings with relatively generous, private residential gardens to the rear. Therefore, care has been taken to ensure that the proposed dwellings are designed in a way that it would harmonise with the immediate street scene and does not compromise the established character of this street.

House 1 is set back from the street and sits further back from the front building line of the adjacent properties on St. James Avenue and therefore will retain the mature trees to the front of the site. House 2 and House 3 are sited adjacent to the rear gardens of Temple Lodge and Westwards House within spacious and verdant settings. Furthermore, due to their sitting, they are not visible from the street scene.

With regards to the design and scale and siting of the proposed dwelling's, they are comparable to the houses on St. James Avenue. The proposal has provided an adequate amount of buffering and landscaping between flank walls and boundaries to adjacent properties. Therefore, given the distances afforded between the proposed dwellings and adjacent dwellings, they would not result in a cramped form of development. The proposal would have an acceptable impact on the established pattern of development and character of St James Avenue.

The applicant has not provided details of the materials to be used for the new dwelling's. However these will be secured by way of a condition, to ensure the materials used will be in keeping with the character and appearance of the area.

Impact on Living condition of neighbouring residents

New developments should have due regard to the amenity of existing occupiers in neighbouring buildings. Careful consideration needs to be given to the siting and the scale of development and the impact the proposed development will have on the amenity of neighbouring occupiers.

The Residential Design Guidance SPD advocates that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

The dwellings are designed to maintain sufficient and adequate distance between the new dwellings and the side / rear elevations of neighbouring properties. There is a buffer of approximately 9m between the flank walls of House 1 and adjacent property at Temple Lodge. To the rear House 2 sits closest to the boundary with Temple Lodge, the rear elevation of this property is set away by approximately 16m from the flank wall of House 2, at first floor level. Therefore, due to the siting of these two walls, no concerns are raised with regards to loss of outlook from the rear windows of Temple Lodge. Furthermore, all windows proposed on the flank walls and side roof slopes serve non habitable rooms and will be conditioned to be obscure glazed, therefore there are no concerns with regards to overlooking and loss of privacy, as well.

The proposed dwellings would introduce some additional views to neighbouring properties from the first floor rear windows, however having regard to the grain of the area and the presence of existing residential windows with similar outlook, it is not considered that the proposal would be detrimental to the privacy of the occupants of any neighbouring property.

Furthermore, adequate boundary treatment will ensure that the windows proposed at ground floor level will not lead to overlooking or loss of privacy to neighbouring occupiers. This will be secured by way of a condition.

Due to the siting of the property, and its relationship with the neighbouring properties, the proposal is unlikely to have a detrimental impact on the amenities of neighbouring occupiers to an unacceptable level.

Provision of adequate accommodation for future occupiers

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

All residential developments are expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD (adopted 2016) and 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. All three dwellings comply with these standards.

The required minimum London Plan space standards for 5 bedroom 8 persons over 2 storey is 121sqm. House 1 would accommodate 10 people within 5 bedrooms and is providing a GIA of 220.67m². In addition, space standards for 4 bedroom 7 person over 2 storey is 115sqm. House 2 and House 3 will accommodate 7 people within 4 bedrooms and is providing a GIA of 162m². All three dwellings meet and exceeds the internal space requirements.

New residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered, and single aspect dwellings should be avoided". The units would generally benefit from suitable outlook to habitable rooms.

With regards to outdoor amenity space, all new residential development is expected to provide suitable, private and useable outdoor amenity space for future occupiers. The dwellings would benefit from private garden's which would meet the space standards for each respective dwelling. Officers do not raise any objection in this regard.

The proposal has also provided adequate hard and soft landscaping to the front and rear of the property, which has been approved by the Authority's Arboricultural officer, subject to further details, with regards to the selection of plants and shrubs.

Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards.

The site is located on the south-western side of St James Avenue, N20 and forms a back land plot that is the extension of the rear gardens associated with the properties facing Friern Barnet Lane (B550) and St James Avenue, N20. Access is provided by an existing vehicular crossover off St James Avenue, N20 situated 1.8 metres away from an existing lamp column.

The surrounding area is predominantly residential comprising two-storey detached, semi-detached and terraced residential properties. The site lies within walking distance from Whetstone Town Centre including a primary shopping area and a wide range of local facilities. There are also places of worship in the vicinity, such as the Parish of Friern Barnet to the north as well as St James the Great and St Katherines Church to the south of B550.

The nearby roads are not subject to any formal on-street parking controls, however, the nearest crossroad junction with St James Close, N20 and Queens Well Avenue, N20 is restricted by a way of double yellow lines that do not allow any either vehicular parking or waiting at any time.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 1b which is regarded as very poor accessibility.

The proposal is for the construction of three detached dwelling houses (Use Class C3) consisting of 4+ bedrooms each. 2 off-street parking spaces will be provided per dwelling and 2 additional visitors' parking spaces will be accommodated within the curtilage of the site. The properties and the off-street parking spaces will be facilitated by a private driveway to be accessed via a new vehicular crossover off St James Avenue, N20. Apart from that, 2 pedestrian gates will enable pedestrian to get into the site from St James Avenue, N20, one of which will serve the bin store of House 1 on collection days. The second one further north along the frontage will serve all the residential units via walkways to be constructed in front of them.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 4.5 and 6 parking spaces.

Based on the PTAL rating for the site as 1b (moderate accessibility), 6 off-street parking spaces would be required to meet the parking standards of DM17 policy. Therefore, the provision of 6 car parking spaces (2 per dwelling) on site and 2 car parking spaces for visitors complies with the requirements of DM17 policy.

Cycle storage

The proposed development will need to provide 2 long stay cycle parking spaces per dwelling in accordance with the London Plan Cycle Parking standards. The cycle parking spaces will need to be secured in enclosed storage facilities that are well-lit, overlooked and accessible by the residents only. The type of stands will need to allow both the frame and at least one wheel of the bicycle to be locked. Design details for the cycle parking spaces and the storage facilities will also need to be provided in accordance with the London Cycle Design Standards (LCDS). This information will be secured by a way of a condition.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2020).

As per the proposed Site Plan one bin store will be provided to the side of each one of the proposed residential units. The bin store of House 1 will benefit from a pedestrian gate off St James Avenue, N20 to provide clear and levelled access to collect the waste on collection days. Additionally, a hard standing will be put in place within proximity to the driveway entry where the dustbins will be taken to be emptied by the refuse crews. The proposed arrangements are acceptable on highway grounds. Further details will be required with regards to bin enclosures which will be secured by way of a condition.

5.4 Response to Public Consultation

- Boundary fence between the site and 155a is replaced by a 2m high one and replace trees
- Impact on privacy due to proximity to the rear gardens
- Access road at the beginning of St James Avenue will create extra traffic and noise
- Additional stress on existing parking issues
- Over development, which will greatly impact the wildlife and green spaces
- Devastate the existing "wildlife corridor" running behind Friern Barnet Lane;
- Loss of protected and mature trees, will have a negative impact on the balance of animal life and could, potentially, decimate the area
- Grossly oversized and no consideration has been given to the neighbourhood privacy and landscape
- Out of keeping with the local pattern of development and the character of this part of Friern Barnet Lane;
- Affect views with the loss of trees and light
- Unnecessary pollution

Concerns have been mainly addressed within the body of the report.

- Site is in an Archaeological Priority Area, condition to be added

A condition has been attached requiring an assessment to be carried out to determine whether the site is known or is likely to contain archaeological remains, prior to development.

Where there is good reason to believe that there are remains of archaeological importance on a site, the Council will consider directing applicants to supply further details of proposed developments, including the results of an archaeological desk-based assessment and field 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, 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.



Location **1 Manor Close Barnet EN5 4BP**

Reference: **21/1597/FUL**

Received: 23rd March 2021

Accepted: 23rd March 2021

Ward: Underhill

Expiry 18th May 2021

AGENDA ITEM 12

Case Officer: **Will Collier**

Applicant: Alex Seymour

Proposal: Single storey rear extension with 1no rooflight. Alterations to the front entrance door with new front window, and a new door to the rear

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:

1796AS_FUL SH1 Revision A
Planning Statement

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 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).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation of the extension facing the garden 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).

- 5 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).

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 applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a two-storey semi-detached dwelling house, which is located on Manor Close, Barnet, within the Underhill Ward. The application site, no.1 Manor Close, has a two-storey rear projecting gable, and the building is divided into two flats and this proposal relates to the ground floor flat.

Manor Close is residential in character comprising of 2 no. pairs of semi-detached properties located within a cul-de-sac. The properties are identical in design and form. The site can be accessed from Wood Street. The flat has an existing front and side entrance. The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

No relevant Planning History.

3. Proposal

This application seeks permission for a proposal to erect:

- o A single storey rear extension with 1 no rooflights.
- o Alterations to the front entrance door with new front window, and a new door to the rear.

The alterations to the front consist of a new front entrance with curved glass canopy above. This canopy is about 1.5 metres in width, 0.6 metres in depth, with a maximum of 2.8 metres in height above ground level. A new en-suite window is proposed to the left of the front entrance.

The alterations at the side involve infilling the existing side entrance door, such that the only access would be via the front. Flat 1A's (flat above) entrance door on the side would remain in place unchanged.

The front driveway would remain as hardstanding with space for two parking spaces and refuse storage area.

The proposed rear extension is sited on the rear of the existing rear projecting element of the building. It would measure 3 metres in depth, 4.92 metres in width, with a flat roof about 3.15 metres in height. The proposed rear extension would also include 1 square rooflight (1 metre by 1 metre) positioned centrally in the roof space.

The proposal has been amended during the course of the application to have a flat roof with one rooflight, instead of a previously proposed lean-to pitched roof with two rooflights. The windows on the rear elevation of the extension have been amended to two windows at conventional height instead of one single high-level window.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

7 objections were received. The issues and concerns raised are summarised below:

- o Property has limited parking
- o Rear extension is too large for the space and there is nothing similar in size nearby.
- o Lack of remaining amenity space.
- o A large, rendered wall with a high strip of window will not suit the look of the property. The siting of the amenity area close to the rear wall and adjacent to the common boundary would raise noise pollution issues.
- o The proposed height of the rear extension would be above the floor line for the flat above and it would be considered as an encroachment of neighbouring property; pitched roof is too high and should be a flat roof.
- o Loss of outlook from first floor flat above (No. 1A) and from its garden - overbearing to this garden.
- o Concerns regarding the structural stability of internal works.
- o Manor Close is too narrow for large vehicles and skips associated with the construction.
- o Front alterations detract from the uniformity of the frontages of Nos 1 - 4 Manor Close, which were built together in the 1930s and visible to passers-by.
- o The proposed extension bringing the back wall so much closer to the neighbouring garden, would still cause the feeling of privacy being lost. This causes overlooking of the garden area.
- o This property is in a small community with small gardens and an extension could encroach on the neighbouring residents' privacy and space in an oppressive way.
- o Noise and air and odour pollution resulting from kitchen opening onto amenity area on the common boundary, especially in summer with possible outdoor barbecues and given more people are working from home.
- o The roof lights will when open allow the general commotion of a kitchen to permeate to the neighbour's upper bedroom.
- o The floodlights are going to produce commotion to the neighbours above and adjacent.
- o Noise and odour issues could be mitigated by re-locating the extension on the common boundary with No. 2 Manor Close and ensuring the rooflights are non-openable.
- o Correction to wording - 1 - 4 Manor Close were designed as 8 maisonettes originally.
- o The rear extension would restrict access to guttering
- o Loss of property values.
- o Infilled doorway on side - would be difficult to find matching brickwork.
- o Side window of rear extension should be obscure glazed.
- o With COVID having changed how everyone is working from home, the building progress cause a distraction and a potential loss of business.
- o The layout design is deemed poor with scope for improvement.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2021

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The properties on Manor Close (Nos 1-4) are identical in form and design. The proposal involves minor alterations to the front door and window with a glass canopy over the new door. It is considered that moving the entrance of the property to the front elevation is acceptable and the glass canopy will not detract the original appearance of this series of properties. The glass canopy on the front entrance is of small scale and assessed to have no significant impact on the uniformity of the frontages.

The proposed single storey rear extension of 3 metres in depth is considered to be subordinate to the existing house which would not be detrimental to the character and appearance of the house and the surrounding properties in the area.

With regards to the proposed materials, the applicant has indicated on the plans that the extension would be of white render to match rear elevation of the main dwelling house. This is considered acceptable.

The rear elevation of the extension has been amended such that two windows of standard ground floor level height are proposed instead of one single high-level strip window. In terms of design and appearance this is considered an improvement and acceptable in terms of visual amenity.

Given the size of the property and the site in which it sits, the proposal is not considered to result in overdevelopment or a cramped form of development. The proposal would be simple in design and would respect the appearance of the host property. The proposed extensions are not considered to be a dominant addition to the dwelling and are in keeping with the principles of good design.

As such the proposal is considered to be subservient to the host dwelling and would comply with Policy DM01 of Barnet's Development Management Policies DPD and would have an acceptable impact on the character of the original property, street scene and wider locality.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The application site is a ground floor flat and therefore there are the nearest neighbouring properties are: Flat 1 A above, and flats in the adjoining semi (Nos 2 and 2A Manor Close).

Light and outlook:

The proposed rear extension is about 3 metres deep and set 3 metres away from the common boundary with No 2 Manor Close. It is thus considered this distance away from the boundary is sufficient to ensure no detrimental impact on light or outlook at the flats at No. 2 Manor Close.

It is noted a number of objections have highlighted the extension would have an overbearing impact on the garden of Flat 1 A, located south of the extension. However, it should also be noted that the extension is set nearly 1 metre away from the boundary of this garden.

Taking this into account, together with the depth and amended roof design of the extension and that it does not span the full width of the property, it is considered not to cause an adverse overbearing impact on this garden.

The proposed alterations at the front raise no concerns in respect of outlook or light at neighbouring properties.

Privacy:

The proposed windows in the southern elevation of the extension are considered to result in overlooking to the neighbouring garden of Flat No. 1A. However, it is considered this would be sufficiently mitigated by a condition for these two windows to be obscure glazed. The side window in the west elevation of the extension is sufficient far from neighbouring properties: there is a highway (Manor Close) and substantial boundary treatment acting as sufficient separation and screening between properties.

The proposed French doors on the east elevation open out into an amenity area adjacent to the common boundary. A number of objections have raised concern that this would cause a loss of privacy to No. 2 Manor Close. However, taking into account these doors are set 3 metres away from the common boundary together with the existing boundary timber fence (at least 1.5 metres in height) and that there are no opposite facing windows at No. 2 Manor Close, it is assessed that there would be no adverse overlooking.

Noise, odour, and light pollution:

With respect to concerns about noise and odour emanating from the kitchen extension and amenity area on the common boundary, it is not considered these are sufficient concerns given the proposal is domestic and residential in character.

With regard to light, the amended roof design for a flat roof with single rooflight is considered to mitigate this concern sufficiently: the roof is set sufficiently low in height and the roof glazing sufficiently limited to ensure no adverse light pollution to neighbouring properties. The French doors (2 meters wide) are also considered not to cause adverse light pollution taking into account they are set back from the common boundary by 3 metres and the residential character of the development.

- Whether harm would be caused to the residential amenities for existing/ future occupiers of the flat:.

Sustainable Design and Construction SPD (adopted October 2016) states that, "Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough." It further mentions that, "Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 sqm per habitable room. In this case the new layout will see 3 habitable rooms (2 bedrooms and living room), as the new kitchen/dining room does not exceed 13sqm, it will not be counted as a habitable room. Therefore, the unit will need to provide an amenity space of 15sqm. The property benefits from a very modest rear garden located mostly to the side of the extension, and the extension will occupy a significant area of this garden.

Having measured the rear garden, it appears that although the garden retained would be 19.6sqm, only 15sqm can be counted as useable space, and therefore meets the required space requirements for outdoor amenity space.

Concerns have been raised about the level of outlook enjoyed by the new extension. This is not accepted given the French doors and fenestration on the rear and side elevations of the amended design.

5.4 Response to Public Consultation

Objections have been largely addressed in the body of the report. Some further responses are set out below.

- o The proposal would reduce the amenity space for the 2-bedroom flat, The 19.6 SQM courtyard designed accessible by two double doors is questionable, let alone enjoy the modern lifestyle of BBQs, which in addition bring the nuisance of smell and smoke.

This has been assessed above, two habitable room units requires 15sqm private amenity space and the proposal would have 19.6sqm space.

- o a large, rendered wall with a high strip of window will not suit the look of the property.

The proposed rendered wall would fit within the existing rear wall of the property. Furthermore, the amended design no longer has high-level windows.

- o The proposed height would be above the floor line for the flat above and it would be considered as an encroachment of neighbouring property.
This has been overcome by the amendments to the roof design from pitched to flat roof.

Other objections are not considered to be planning materials consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **60 Corringham Road London NW11 7BX**

Reference: **20/5573/HSE**

Received: 20th November 2020

Accepted: 21st December 2020

Ward: Garden Suburb

Expiry 15th February 2021

Case Officer: **Alissa Fawcett**

Applicant: Mr Michael Koppelman

Proposal: Replacement of windows

AGENDA ITEM 13

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:

Site Location Plan

Block Plan

Amended window details - Golders Green Joinery

Window section drawing showing 4-6-4 double glazed unit

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 windows hereby approved shall match the original windows in material and style.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Corringham Road, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a locally-listed, semi-detached, two-storey residential dwelling with rooms in the roofspace.

The adopted Character Appraisal, 2010 notes;

"Rotherwick Road and Corringham Road form the rough Z shaped spine of this area which terminates with a fine view of the Heath. Corringham Court and Corringway lead off from Corringham Road effectively providing a buffer between it and the Golders Green Railway sidings and workshops.

These streets lead from the busy Finchley Road to the serenity of the Heath extension. The housing reflects this movement, with symmetrical groups of semi-detached houses near to Finchley Road, and formal courtyard compositions close to the Heath providing a transition to the large houses of Hampstead Way. A broad strip of grassed land belonging to Thames Water runs behind the gardens from Golders Green to the Wild Hatch footpath, seen from gaps between Nos. 60, 62 and 87, 89 Corringham Road.

Whilst Corringham Road lacks street trees to soften its appearance, the hedged gardens are generally attractive and the ambiance is very green. On the corner of Corringham and Rotherwick Roads, the houses are set back from the street behind a retained group of large oak trees that once stood on a field boundary and now have a major impact on the appearance of the road. Most houses have hedges, Nos. 89-117 continuously blackthorn while privet and laurel occur elsewhere. Because of on-street parking problems caused by the proximity to the underground and the shops of Golders Green, many gardens have hardstandings, which sometimes detract from the setting of the houses. The pavements are edged by poorly-maintained red bricks, and parked cars intrude.

All the houses in this section of Corringham Road are statutorily or locally listed and constitute a particularly good townscape sequence."

2. Site History

Reference: F/02516/13

Address: 60 Corringham Road, London, NW11 7BX

Decision: Withdrawn

Decision Date: 23 July 2013

Description: Non material amendment to planning permission Ref:C14484J/07 dated: 31/5/2007 for "Erection of a three storey building containing 8no. flats". Amendments to include: Pitch to front elevation changed and dormer added in place of rooflight

3. Proposal

Under this application it is proposed to replace the original windows with new double glazed units.

Amended details have been provided and are annotated to show the double glazed units have an overall thickness of 14mm.

4. Public Consultation

Site Notice: 23.10.2020

Press Notice: 07.01.2021

6 consultation letters were sent to neighbouring properties.
10 letters of objection have been received.

The views of objectors can be summarised as follows;

- Retrospective application started without consent
- Replacements do not match original details
- No investigation as to whether original windows could be repaired
- Secondary glazing could have improved the thermal performance of original windows
- Details of replacements not appropriate
- Site location plan does not include neighbours
- Window company unknown
- Replacements out of character
- Inappropriate replacements should be removed
- Applicant has disregarded regulations for window replacement
- Dangerous precedent

A re-consultation was carried out following the receipt of amended details. This expired on the 24th December 2021.

3no further representations were received, which can be summarised as follows:

- New plans not appropriate/sketchy/insufficient and inadequate
- Joint guidance from Council and Trust not abided by/should have been abided by in the first place
- Appropriate legal action should be sought
- Original objections still stand
- An actual window should be commissioned to compare with the originals

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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

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

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

ul Supplementary Planning Documents

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Preamble

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

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

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

5.4 Assessment of proposals

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

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

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

This application seeks consent for replacement of existing fenestration with new double-glazed units with an overall thickness of 14mm (4-6-4).

Impact on the character of the host building and wider Conservation Area

Whilst, the proposed replacement of existing windows does involve the loss of original historic fabric, it is noted that many other buildings have successfully replaced their windows with new double glazed units without resulting in any loss of significance to the building. It therefore considered that the principle of window replacement is acceptable subject to detailing.

Unfortunately, the replacements that were initially proposed and inserted without consent did not sufficiently match the details and profiles of the original windows. When retrospective consent was sought for these inappropriate windows significant concerns were raised and further replacement required to cease whilst appropriate double glazed windows were sought.

The details of amended replacement windows submitted more recently are considered to be appropriate replacement windows showing acceptable detailing and profiles when compared to the initial replacements. The window manufacturer is noted as being on The Hampstead Garden Suburb Trust's list of approved contractors and has successfully replaced window throughout the Conservation Area, as such the proposed replacement windows are not considered to detrimentally impact on the character of the individual host locally listed property or wider Conservation Area.

Impact on the amenity of neighbouring occupiers

It is not considered that the amended proposals, which show an appropriate replacement for the original windows would result in any loss of amenity to the occupiers of neighbouring properties.

Impact on trees

The proposals which are confined to the external envelope of the building are not considered to result in any harm to trees.

5.5 Response to Public Consultation

The comments received have been noted and new details of replacement windows have been provided by Golders Green Joinery, a window company on the Hampstead Garden Suburb Trust's list of approved contractors. The amended details are considered to be appropriate and show a double-glazing thickness of 14mm (4-6-4) in line with other approvals. As such, and as detailed above it is considered the amended details can be approved.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the amended new windows would not detrimentally impact on the qualities of the host locally listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.



This page is intentionally left blank

Location 228-232 Hale Lane Edgware HA8 9PZ

Reference: 21/0275/FUL

Received: 19th January 2021

Accepted: 20th January 2021

Ward: Hale

Expiry 17th March 2021

AGENDA ITEM 14

Case Officer: Wilf Foster

Applicant: Rabbi Zalman Sudak

Proposal:

Rebuilding of the existing front wall and installation of new pedestrian and vehicular access gates with associated railings
Installation of a floodlight pole and two CCTV poles to replace existing

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed front boundary treatment, by reason of its excessive scale and unsympathetic appearance, would have an unacceptable enclosing and overbearing impact on the streetscene and be out of character in a road characterised by relatively open frontages. As such the proposal would be detrimental to the streetscene and local character, contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

Informative(s):

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

submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

2 The plans accompanying this application are:

Drawings: 7318-PL-LP; 7318-PL01; 7318-PL03; 04214.01-5000-01 (Sheets 1-6); BC/002063-03_SC_100-01.

Design and Access Statement, p-ad, January 2021.

Consultation letter, London Borough of Barnet, 11 November 2021.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a detached property located along Hale Lane; situated in the ward of Hale. The road is mainly residential in character although there is a mixture of uses along the road. The applicant's submission states that "the site as a whole is used as a children's nursery and for other community purposes for the local community".

The property is not listed and it does not lie within a conservation area.

2. Relevant Site History

Reference: 17/6678/HSE

Address: 228 Hale Lane Edgware HA8 9PZ

Decision: Approved subject to conditions

Decision date: 19.12.2017

Proposal: Roof extension involving rear dormer window, 3no. rooflights to front elevation, 4no. rooflights to each side elevation to facilitate a loft conversion. New crown roof

3. Proposal

The application proposes "Rebuilding of the existing front wall and installation of new pedestrian and vehicular access gates with associated railings. Installation of a floodlight pole and two CCTV poles to replace existing".

4. Public Consultation

A site notice was erected on 28 January 2021. Consultation letters were sent to 66

neighbouring properties. A total of 23 responses were received in support of the proposed development.

5. Planning Considerations

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the

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

Supplementary Planning Documents

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.

Residential Design Guidance SPD (adopted October 2016)

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 site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the local highways network and parking.

5.3 Assessment of proposals

Impact on character and appearance of the existing site, street scene and surrounding area:

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.

Ground levels fall from east to west on Hale Lane. Frontages on Hale Lane within the vicinity of the site generally consist of open driveways and low brick walls. This gives an open character to the surrounding area. The site benefits from an existing front and side boundary treatment consisting of a wall measuring approx. 0.8 metres in height and black metal gates of a similar height. The existing plans also show a section of brick wall with railings to the front of No. 228 which measures approx. 1.5 metres in height; however, this appears to be a recent addition and does not appear to benefit from planning permission. As such, this element is not considered to be a lawful form of development and is accordingly given little weight.

The proposal involves the replacement of the existing front and side boundary treatment with a new boundary treatment consisting of a low brick wall, black metal railings above, and black metal pedestrian and vehicular gates. The overall height of the proposed boundary treatment varies slightly given the sloping ground levels, but has an average height of approx. 2 metres. This is significantly higher than other front boundary treatments within the surrounding area. Additionally, the black metal railings and gates are considered to be an incongruous, obtrusive, and overbearing form of development. The proposed boundary treatment would have a substantial enclosing impact on the street that would be incongruous and detrimental to the streetscene. It would be contrary to the established character of relatively open frontages and would set a harmful precedent for higher and more overbearing front boundary treatments on Hale Lane.

The proposals also include the erection of 1no 3-metre floodlight pole and 2no 4-metre CCTV poles to the frontage of the site. It is noted that these would replace the 3no existing

floodlight poles, which measure between 3 and 5 metres in height. Although it is not clear if the existing poles benefit from planning consent, they appear to have been existing for more than 4 years and therefore are deemed to be exempt from enforcement action. The proposed replacement poles would not be higher than the existing poles and therefore, on balance, it is not considered that they would have an unacceptable impact on the local character.

For the above reasons, the proposed development is considered to be harmful to the streetscene and local character. As such, the proposals are contrary to 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 development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The proposed boundary treatment would enclose each side of the site. It has a height of approx. 2 metres adjacent to the neighbouring property at No. 234. Given its siting on the side boundary of the property and not fronting the highway, this would be in accordance with the height of a boundary treatment permissible under permitted development. Therefore, this would not be considered to have an unacceptable impact on the neighbouring occupiers.

The proposed boundary treatment has a height of approx. 2.8 metres adjacent to the neighbouring property at No. 226. However, there is a significant change in levels between the two properties and therefore this would be closer to 2 metres as measured from the neighbouring property side. Additionally, it is noted that a relatively high hedgerow already forms the boundary treatment on this side. On balance, the proposed development is not considered to result in an unacceptable overbearing impact to the neighbouring property.

Other matters:

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due 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.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
- (a) Tackle prejudice, and
 - (b) Promote understanding
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (6) The relevant protected characteristics are-
- Age;
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

S149 (5) of the Act requires that the Council have due regard to the need to:-

- '(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-
- (a) Tackle prejudice and
 - (b) Promote understanding'

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

It is noted that the proposed development would provide additional security for the religious facility at Nos. 228-232 Hale Lane and as such would some benefit people within a protected group (religion or belief). However, this must be assessed as part of a planning balance against the other impacts of the proposed development. In this instance, as discussed above, the proposed development is considered to result in substantial harm to the character of the surrounding area. It is considered to adequate security for the site

could be provided without resulting in this extent of harm. On balance, officers do not consider that the benefits of the proposal would outweigh the identified harm and therefore it is considered that the proposals would be unacceptable and contrary to the aims of the Local Plan.

5.4 Response to Public Consultation

N/A.

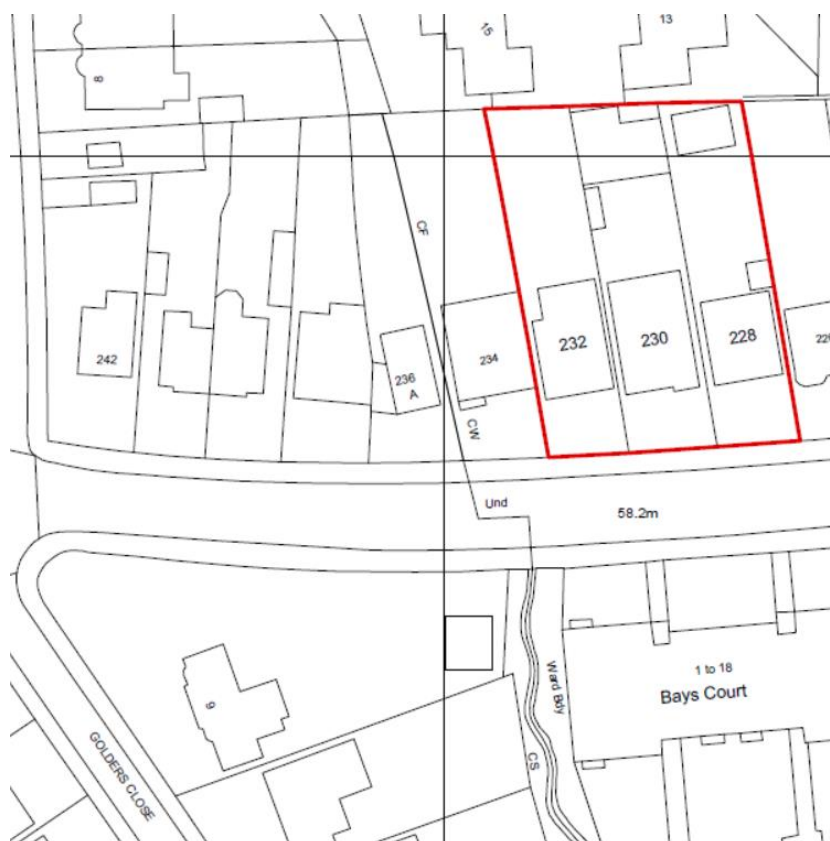
6. Equality and Diversity Issues

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

Equality and diversity issues are elaborated on in more detail above.

7. Conclusion

Having taken all material considerations into account, it is considered that proposed development would have an unacceptable impact on the streetscene and local character. This harm is not considered to be outweighed by any public benefits of the proposed development. As such, officers consider that the proposals would be contrary to planning policy including Policy DM01 of the Local Plan. This application is therefore recommended for refusal.



This page is intentionally left blank

COMMITTEE REPORT

| | | | |
|--------------------------|--|------------------|------------|
| LOCATION: | Lee Close (near 13 - 24), Barnet EN5 5HP | | |
| REFERENCE: | TPF/1068/20 | Received: | 07.12.2020 |
| WARD: | High Barnet | Expiry: | 29.07.2021 |
| CONSERVATION AREA | | | |

| | |
|------------------|---|
| AGENT: | PRI - Insurance Services |
| PROPOSAL: | 1 x Oak (applicant's ref. T1) - Fell and treat stump. T2 of Tree Preservation Order |

RECOMMENDATION:

That Members of the Planning Committee determine the appropriate action in respect of the proposed felling of 1 x oak T1 (applicant's ref.) – Standing in T2 of the Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, cultivar, size and siting of one replacement tree shall be agreed in writing with the Local Planning Authority and these replacement trees shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the tree(s) is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 17.06.2021

Consultees:

Neighbours consulted: 68

Replies: 2 objections have been received to the removal of the oak tree.

Objection 1

Resident at present address since 1997 and find it very disturbing that anyone would wish to fell this Oak tree which is a focal point for a large array of wildlife in the local vicinity. Tree also provides privacy & shade for both residents & users of the nearby public footpath in addition to the ecological benefits it provides for citizens living, working or otherwise present in the local area.

Objection 2

Detrimental affect on wildlife. Even owls can be heard in the tree at times

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

B/01681/12 Change of use of public open space to extend the residential curtilage of 30 Cromer Road, including erection of new boundary fence and widening of hardstanding on front garden. Erection of part three storey side side extension and part single storey side and rear extension. Finally Disposed of

N08744 Single storey rear extension. Approve subject to conditions

N/02271/D application approved subject to conditions (1974) detail not available.

PLANNING APPRAISAL

1 Introduction

An application form proposing felling of 1 x Oak (applicant's ref. T1) - Fell and treat stump. T2 of Tree Preservation Order in connection with alleged damage at 30 Corner Road

The application has been submitted by PRI - Insurance Services acting as agent on behalf of Plexus – who are dealing with a claim of alleged subsidence damage at 30 Cromer Road.

2 Appraisal

Trees and Amenity Value

The subject oak tree stands within the grounds of Lee Close (near 13 - 24), Barnet EN5 5HP a flatted development in proximity to 30 Cromer Road. The subject oak tree is part of a group of 2 ash and 2 oak trees growing along the boundary between Lee Close and Cromer Road.

These trees are protected by TPO/CA/305/G1 (x 2 ash x 1 oak) TPO/CA/305/T1 oak which are located on the grass verge on Cromer Road. The tree preservation order was made in 1995.

The subject tree provides a high level of visual softening between the development at Lee Close which was built on the Former Depot Lytton Road in the late 1990's and Cromer Road built in the 1970's.

It is likely that the subject tree pre-dates these developments by over 100 years Cromer Road was built on a former cricket ground (1932 to 1941) historic maps and Lee close on an allotment site. The trees are detailed on the historic map (1865 to 1894) along side the public footpath that runs along the rear boundary of 30 Cromer Road and Lee Close.

These trees provide significant visual amenity and wildlife habitat to both the residential properties within Lee Close and Cromer Road. Their presence in the street scene is considerable feature and a reduction in tree numbers would be a significant loss to the community.

The tree preservation order protecting these trees was made in 1995 during the planning process for Lee Close.

The subject oak tree T1 (applicant's plan) is approximately 18m high and has a stem diameter of around 900mm. The tree is in good health with no obvious physiological or structural defects that would merit the felling of this tree.

3 The application

The application submitted by Environmental Services was registered on the 07.12.2020. The reasons for the proposed felling of the oak tree (applicant's ref. T1) cited in section 5 of the application form are:

"Our Ref: 139577

*Statement of Reasons for Tree Preservation Order Application to fell and treat x1 tree (T1)
at: Land in the grounds of Lee Close, Barnet EN5 5HP*

- 1. The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.*
- 2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £10,000 and £30,000, depending upon whether the tree/s can be removed or must remain.*
- 3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.*
- 4. It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.*
- 5. We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 25th June 2019 clearly links Oak tree as the cause of damage to the risk address*
- 6. Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted."*

4 The supporting documentation comprises:

Arboricultural Consultancy for Oriel Services limited ref: 132891
Cunningham and Lindsey INSURANCE CLAIM CONCERNING SUSPECTED
SUBSIDENCE ENGINEERING APPRAISAL REPORT Date: 29/05/2019 Our Ref:
6871382
CET Property Services Level monitoring from 06/11/219 to 06/11/2020
CET Property Services SITE INVESTIGATION FACTUAL REPORT
EPSL European Plant Science Laboratory tree root EPSL Ref: R28760

5 Findings

Damage at the property was first notified by the house holder to their insurers in August 2018 and subsequent site investigations were carried out during 2019 and 2020. Following the receipt of the application to fell the protected tree the councils structural engineer provided the following comments:-

"Further to the application I would comment as follows;

- 1. Full details of the damage with annotated photos and sketches of the crack patterns.*
- 2. Damage appears to be in the rear and side extension, does extension have building control approval.*
- 3. TP1 foundation 1.4m, slightly shallow for an oak tree 18m from building.*
- 4. The engineer's report does have SI data but not monitoring.*
- 5. The monitoring is sufficient to show enhanced seasonal movement.*
- 6. Boreholes backfilled with concrete have been used as stable datum.*
- 7. Rear BH is shallow at 2.6m, hand auger refusal. Roots appear to be full depth of borehole, full extent of*

roots not determined.

8. Soil tests are not conclusive regarding desiccation, soil suction or Oedometer testing not done."

A site visit undertaken on the 29th September 2021 found that all the vegetation within 30 Cromer road (H1) and the small shrub group (SG1) have been removed.

The submitted level monitoring indicates that there is some seasonal movement occurring which appears to be in the rear and side extension. The level of movement seems to be slight in nature. The submitted sketches of the damage provided also show crack widths between 2mm and 5mm.

It is common practice to categorise the structural significance of the damage in this instance, the damage falls into Category 2 (slight).

BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick slightly and require easing and adjusting. Typical crack widths up to 5 mm."

BRE Digest 251 notes that *"For most cases, Categories 0, 1 and 2 can be taken to represent 'aesthetic' damage, Categories 3 and 4 'serviceability' damage and Category 5 'stability' damage. However, these relationships will not always exist since localised effects, such as the instability of an arch over a doorway, may influence the categorisation. Judgement is always required in ascribing an appropriate category to a given situation."*

The foundation level monitoring shows seasonal movement of the rear extension. The trial bore holes BH 1 located at rear extension find high plastic soils to 2.6m deep where the trial pits ends for the following reason *"BH ends at 2.6m. Claystone too dense to hand auger. BH dry and open on completion."* Tree roots were found to be below the 1.4m deep foundations and identified as (Quercus) oak. The structural engineer notes that a foundation depth of 1.4m is "slightly shallow for for an oak tree 18m from building."

The BH 2 located to the front of the property was abandoned for the following reason:-*"Hand dug trial pit to 650mm, then used bar through voids down face of brickwork to possible top of the foundation Abandoned at 1250mm, made ground collapsing."* A trail pit was dug in a different location at the front of the property and found the following highly shrinkable clay soils at 2.5m.

The Council's Structural Engineers, having assessed all the submitted information, note:
*"Following the addition information provided I can confirm that we have sufficient supporting information to validate this application.
Looking at the overall picture and the additional monitoring provided it is likely that the Oak tree is implicated to the damage incurred to the property."*

The Council's Structural Engineer has also noted: *"that foundation depth of the rear extension recorded from BH/TP1 for a High Shrinkage soil is less than the anticipated depth required by the NHBC 4.2 Guide for the tree distance recorded to the rear*

extension. According to LABC foundation calculation site the required depth of the foundation at the rear extension should be a minimum of at least 1.5m

The Tree Preservation Order that includes the oak tree (T1) was made in 1995 which post dates the construction of the rear extension which gained planning permission in 1987. Given the trees' size and position, as well as the contemporaneous NHBC guidance regarding foundation depth, the construction of the single storey rear extension in the early 1980s should have had due regard to the presence and mature growth of the oak trees.

The oak tree predates the construction of the extension at 30 Cromer Road so there may be a risk of further damage caused by soil heave. This has not been confirmed and no predicted heave calculations have been submitted with this application. However, it is unlikely for the Council to be liable for any damage if the removal of the tree is granted.

Removal of the subject oak tree would be of significant detriment to public amenity and the character and appearance of the area as it would increase the visibility of the development at Lee Close. By increasing visibility of the built form and eroding the verdant suburban character of the area.

Only 2 objections have been received

6 Legislative background

As the oak tree is included in a Tree Preservation Order, formal consent is required for their treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the trees are considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In section 5 of the submitted application form it is stated: *"The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £10,000 and £30,000, depending upon whether the tree/s can be removed or must remain."*

On the 16th December 2021 the Council received a letter from Plexus ref: GRH-SED.001-156 stating the following *“We understand that due to the presence of underground services in the area, including a gas main, owned by third parties, it is not viable to operate heavy digging machinery at the site. Therefore, the current engineering view is that the appropriate scheme to be implemented is Option 4 : Piled Slab : estimated >£300,000. Please note that this scheme is expected to require the Insured to move into alternative accommodation for up to one year.”*

This increase in cost is considerable from the £30,000 originally stated within the application.

When considering this the higher figure of £300,000 should be used. It is highly likely that the applicants will pursue the Council for any additional cost incurred if this application is refused.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO oak tree that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the oak tree is so high that the proposed felling is not justified on the basis of the reasons put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineers have noted that the *“oak tree would be implicated in the subsidence damage to the extension”*. There is also uncertainty about the risk of heave, it is also clear that the foundations were not constructed in accordance with NHBC guidance current at the time.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it).

If it is concluded on the balance of probabilities that the roots of the oak tree are the ‘effective and substantial’ cause of damage or alternatively whether they ‘materially contributed to the damage’ and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that the repair works for 30 Cromer Road may be in excess of an extra £300,000 if the subject oak tree is retained.

7 COMMENTS ON THE GROUNDS OF OBJECTION

Objectors have commented on the loss of visual amenity and impact on wildlife. If the application is approved there will be a loss of visual tree amenity.

The tree preservation order legislation and guidance does not cite provision of habitat as a reason to make an order. However oak trees are a species of tree that does provide a high level of ecological value and habitat niches.

8 EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

9 CONCLUSION

The agent, PRI - Insurance Services, proposes to fell one oak tree standing within the grounds of Lee Close (near 13 - 24), because of it's alleged implication in subsidence damage to the single storey rear extension of that property.

The subject oak tree has high public amenity value and is visible from publicly accessible locations. It is part of a tree group which is important for wildlife as well as in preserving the character of the area and softening the adjacent built form. The loss of this oak tree will reduce the sylvan character of land between Lee Close and Cromer Road.

The Council's Structural Engineers have assessed the supporting documentary evidence and have noted that the subject oak tree is implicated in the subsidence damage to the extension. However, the subject tree is not the only causative factor in the alleged subsidence damage, the primary reason is deficient foundations. It is uncertain if there is a risk of heave damage as a consequence of felling this oak tree.

The financial implications for the public purse, and public amenity value/benefits of the subject oak tree need to be weighed.

If it is concluded on the balance of probabilities that the oak trees' roots are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 30 Cromer Road may be in excess of an extra £300,000 if the subject oak tree is retained) if consent for the proposed tree felling is refused.

Members need to decide whether or not the proposal is justified, having regard to the reasons put forward in support of it, given the likely impact of the proposal on the amenity of the area; bearing in mind the potential implications for the public purse that may arise from the Decision for this application.

This page is intentionally left blank