

MEETING

PLANNING COMMITTEE C

DATE AND TIME

THURSDAY 3RD MARCH, 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.

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Monday 28 February 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

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

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	
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)	5 - 14
7.	Liberty Court, 141 Great North Way, NW4 1PR, 21/5847/FUL	15 - 32
8.	Dolphins, Totteridge Green, N20 8PE, 21/0625/FUL (Totteridge)	33 - 58
9.	4 Hocroft Road, NW2 2BL, 21/6065/HSE (Childs Hill)	59 - 66
10.	Bishop Douglass School, Hamilton Road N2 0SQ, 20/4107/FUL (East Finchley)	67 - 86
11.	71 Sunny Gardens Road, NW4 1SJ, 21/3818/FUL (Hendon)	87 - 104
12.	22 Broadfields Avenue, HA8 8PG 21/5746/HSE (Edgware)	105 - 114
13.	Garages to the rear of Gloucester Court, Golders Green Road, NW11 9AA 20/5433/RCU (Golders Green)	115 - 130
14.	Any item(s) that the Chairman decides are urgent	

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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

AGENDA ITEM 6

Case Officer: Wilf Foster

Applicant: Ms Henry

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

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 consented use is operated by the specified responsible individual as assessed by the Council only, to protect the residential amenities of neighbouring occupiers 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

Members of Planning Committee C 17th January 2022 deferred this application to assess the impact of the care home on the neighbourhood by seeking more information on the following which has been incorporated within the body of the report:

- a) officers to explore and find any evidence to noise and disturbance including why the police and paramedics were called out on different occasions;
- b) how the care home is run including Ofsted reports;
- c) request further comments from the Children's Services ;

d) information on the petition signed by 54 residents.

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.

A petition was submitted to the council in August 2020 in relation to the continued use of the host property as a care home following the end of the temporary permission. The petition is signed by a total of 47no people. Its contents are summarised below:

- The impact on neighbouring properties is detrimental due to noise, disturbance, anti-social behaviour and disruption.
- Frequent visits to the property by emergency services causing disruption to parking and vehicular access.

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 2no 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/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.

Officers have requested additional information during the course of this application in relation to reports of incidents involving emergency services being called to the property during the previous use as a children's home. The applicant has provided a record of such incidents, comprising a total of five instances over the entire period 2017-2021. Three of the incidents were during the period 15th July 2021 and 13th August 2021 and involved one young person whose placement was terminated shortly following the third incident. The

applicant has also provided an Ofsted report from the most recent visit in October 2020. This “did not identify any serious or widespread concerns in relation to the care or protection of children” and found improvements in terms of the effective running of the home. This assessment is considered to provide additional reassurance that the proposed use would be operated effectively to mitigate the potential for disruptive incidents.

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 1 no 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.

The issues raised in the petition, submitted prior to the validation of this planning application, are considered to be similar to those detailed above and therefore the above comments also apply.

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.



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Location Liberty Court 141 Great North Way London NW4 1PR

Reference: 21/5847/FUL Received: 3rd November 2021
Accepted: 5th November 2021

Ward: Finchley Church End Expiry 31st December 2021

Case Officer: Wilf Foster

Applicant: Avon Grounds Rents Limited

Proposal: Roof extension to provide an additional storey comprising of 4no. self-contained flats

AGENDA ITEM 7

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: 141LC-A-01-002; 141LC-A-02-101; 141LC-A-02-102; 141LC-A-02-103; 141LC-A-02-104; 141LC-A-03-101; 141LC-A-03-102; 141LC-A-03-103; 141LC-A-05-101; 141LC-A-05-102; 141LC-A-06-101; 141LC-A-06-102; 141LC-A-06-103; 141LC-A-06-104; 141LC-A-07-101.

Daylight and Sunlight Assessment for Planning (ref 4030), T16 Design, August 2021.

Transport Statement, Crosby Transport Planning (ref PC/P2177 TS), September 2021.

Car Stacker Details, Total Lifting Solutions.

Noise Impact Assessment (ref VA3751.210903.NIA), Venta Acoustics, September 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 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawings no. 141LC-A-01-002 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason

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

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

approved details prior to first occupation and thereafter be maintained as such.

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

- 9 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts [and shutters] must be submitted to and approval by the Local Planning Authority.

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

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

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

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

- 11 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 April 2013).

- 12 The level of noise emitted from the car stackers 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 Policies D13 and D14 of the London Plan.

- 13 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 car stacker, 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.

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

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

- 15 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.

- 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 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 London Plan 2021.

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

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 19 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.

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 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 London NW9 4EW.

Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the

Cleansing Department.

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.

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 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.

- 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.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the northern side of the Great North Way (A1), within the Finchley Church End ward. The site comprises part three-, part four-storey purpose-built block of self-contained flats.

The surrounding area is predominantly residential in character and comprises a variety of building heights ranging from two to four storeys. To the rear of the site is Copthall Playing Fields. The site is not within a conservation area, nor is it a listed building.

2. Site and other Relevant History

Reference: C14890/02

Address: 141 - 151 Great North Way London NW4 1PP

Decision: Approved following legal agreement

Decision date: 24.07.2003

Proposal: Erection of two, two-storey buildings including rooms in the roofspace, comprising 24 flats and parking for 34 cars with access from Great North Way following demolition of existing buildings (outline).

3. Proposal

The application seeks approval for "Roof extension to provide an additional storey comprising of 4no. self-contained flats".

The proposed extension would add an additional storey to the existing building, resulting in a part four-, part five-storey building. The lower part four-storey element is located adjacent to the neighbouring property at Madison Court. The proposed extension would be finished with a dark grey timber composite cladding. The roof material will be a similar zinc finish to the existing roof. The proposal also involves the re-cladding of existing timber cladding with the proposed timber composite cladding.

The proposals will provide 4no additional residential units. The proposed units are as follows:

- Unit 1: 2-bedroom/4-person, 71.4 sqm;
- Unit 2: 2-bedroom/4-person, 76.0 sqm;
- Unit 3: 1-bedroom/2-person, 54.2 sqm;
- Unit 4: 1-bedroom/2-person, 54.6 sqm.

The proposal includes balconies for each unit and a new rooftop communal amenity area. The total amenity space provision is approx. 68.5 sqm.

4. Public Consultation

A site notice was posted on 18th November 2021. Consultation letters were sent to 69 neighbouring properties.

A total of 8 objections have been received. Their contents can be summarised as follows:

- Concerns regarding increased parking congestion.
- Concerns regarding highways safety.
- Concerns regarding noise and disturbance during construction.
- The proposal is out of keeping with the local character.
- The proposal will result in loss of light and outlook to neighbouring properties.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The 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, CS6, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM09, DM13, DM17.

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

Barnet's Local Plan (Reg 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.

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 adequate living conditions would be provided for future occupiers;
- Whether harm would be caused to the surrounding highways network.

5.3 Assessment of proposals

Principle of development

The existing building contains a purpose-built block of flats. The proposal is to provide an additional 4no residential units by way of an extension to the existing building is consistent with the existing land use and would contribute to housing supply in the borough. As such, there is no objection to the principle of development, subject to the considerations below.

Impact on the character of the area

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

The proposal would add an additional 1no storey to the existing building. The resulting building would be a maximum of five storeys on the corner with Greenlands Lane and four storeys adjacent to the neighbouring property Madison Court. Given the asymmetric roof design, the height is at its lowest point adjacent to Madison Court. The difference in height between the host property and the neighbouring property would be approximately one-and-a-half storeys. It is not considered that this increase would result in an unduly overbearing relationship with the neighbouring property, given the spacing between buildings and the host property's corner siting. Additionally, given the presence of a four storey building located on the eastern end of the row of buildings on Great North Way (No.

185-195), the proposed four/five storey building would form a "book-end" to the row that would be in keeping with the streetscene and local character.

The proposed extension would match the form of the existing building, with the existing roof form and proportions replicated. The area of roof to be omitted to facilitate the communal roof garden would have a minimal impact on the external appearance of the building and is not considered to be harmful. The proposed balconies are contained within the envelope of the building and are considered to have an acceptable appearance. Additionally, the proposed re-cladding is considered to be acceptable. It is noted that this is intended to improve the fire safety of the building.

The proposal involves the addition of 4no car stacking units to the rear car park. The proposed stacker units comprise two tiers, with the lower tier stored below ground when not in operation. As such, the principal visual impact would be the metal frames which have a height of approx. 2 metres. This is not considered to have an unacceptable impact on the local character, given their siting within the existing car park and the relatively mixed character of the area.

Overall, it is considered that the proposed development would have an acceptable impact on the character of the area and the streetscene, in accordance with planning policy including Policy DM01.

Impact on the amenities of neighbouring occupiers

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

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

The neighbouring property to the east is at Madison Court, a two-and-a-half storey building comprising flats. To the west, the site is bounded by Greenlands Lane, with a motor vehicle repairs garage. Copthall Playing Fields is to the rear.

Regarding the relationship with Madison Court, as noted above, the proposed extension would result in a four storey building adjacent to the shared boundary. There is a generous gap between flank walls that would be retained. Additionally, there are no habitable windows on the flank wall of the neighbouring property facing the site. It is noted that there are rear-facing windows on a protruding side element adjacent to the shared boundary. However, the submitted daylight and sunlight assessment demonstrates that there would be no significant adverse impacts on these or any other windows on the neighbouring property. Overall, officers consider that the proposed extensions would not result in an unacceptable overbearing impact or loss of light or outlook to the neighbouring flats at Madison Court.

The proposal includes windows on the flank elevation facing the neighbouring property at Madison Court. However, these would have a similar relationship to the existing windows below and therefore are considered to have an acceptable impact.

The proposed car stackers to the rear, given their modest scale when not in operation, are

not considered to have an unacceptable overbearing impact on the neighbouring property at Madison Court.

Overall, it is considered that the proposed development would have an acceptable impact on the residential amenities of all neighbouring occupiers, in accordance with Policy DM01.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM02 of the same document states that where appropriate, development will be expected to demonstrate compliance with the following national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum floorspace standards in accordance with outdoor amenity space requirements set out in Barnet's Sustainable Design and Construction SPD (2016).

The proposals would provide the following new residential units:

- Unit 1: 2-bedroom/4-person, 71.4 sqm;
- Unit 2: 2-bedroom/4-person, 76.0 sqm;
- Unit 3: 1-bedroom/2-person, 54.2 sqm;
- Unit 4: 1-bedroom/2-person, 54.6 sqm.

The proposed units would meet minimum internal space standards and would be acceptable in this regard. The proposed units are all dual aspect and would benefit from good levels of light and outlook. The proposed bedrooms would meet minimum room sizes.

Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) sets out outdoor amenity space requirements.

Paragraph 2.3.1 of the document states: Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable.

Following revisions, the proposals include private amenity areas comprising approx. 3.5 sqm for each unit, and a communal amenity area comprising 54.8 sqm. Weight is given to the proximity of the site to open space to the rear. Additionally, it is noted that the existing units do not benefit from outdoor amenity space and therefore the proposals would benefit the occupiers of the existing units also. Thus, on balance, the provision of outdoor amenity space for the proposed units is considered to be acceptable.

Highways

The site lies within a PTAL 0 zone, which means that it has the lowest public transport accessibility. In line with requirements set out on Policy DM17 of the Barnet Local Plan,

the required off-street car parking provision for this proposal is 5no spaces. Therefore, the proposed provision of 4no spaces is an under-provision of 1no off-street car parking space in relation to standards. However, given that there are visitor parking bays available on site, should there be an over-spill of 1no car parking space from the proposed units, it is expected that it should be safely accommodated there. Therefore, on balance, the provision of 1no space per new unit is deemed not expected to have a significantly detrimental impact on the surrounding public highway. Highways officers have confirmed that they are satisfied with the proposed development on highways grounds based on the above and subject to the attached conditions.

Regarding cycle parking, it is considered sufficient to attach a condition to ensure compliance with London Plan standards, given that there is space within the site to provide this.

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

Refuse

The proposals include an enlargement of the existing refuse storage area adjacent to Greenlands Lane. It is considered sufficient to attach a condition to ensure compliance with local standards.

Accessibility and Sustainability

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

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

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

5.4 Response to Public Consultation

- Concerns regarding increased parking congestion.
- Concerns regarding highways safety.

These issues are addressed in the highways section of the report. Highways officer have not raised objection to the proposals in this regard.

- Concerns regarding noise and disturbance during construction.
- This is not considered to warrant a reason to refuse permission.

- The proposal is out of keeping with the local character.
 - The proposal will result in loss of light and outlook to neighbouring properties.
- These issues are addressed in the above report.

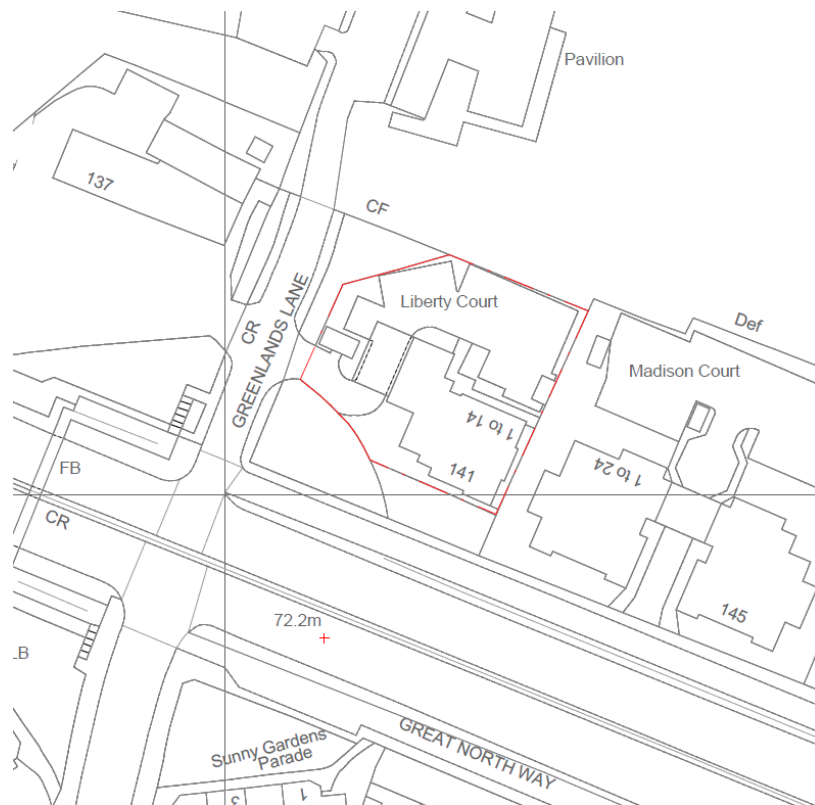
6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the

commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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



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Location Dolphins Totteridge Green London N20 8PE

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

Ward: Totteridge Expiry 5th April 2021

Case Officer: Mansoor Cohen

Applicant: Mr & Mrs Alan Cleary

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

AGENDA ITEM 8

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Drawing no. 1 of 1 - Topographical survey
Drawing no. 1 of 2 - Existing elevations
2022-P-001 - Location Plan as existing
2022-P-201 - Site plan as existing
21-006_C01 - Engineering layout
21-006_SKC01 - Drained Areas Analysis Sketch
2022-P-401 B - Proposed Elevations
2022-P-206 B - Proposed Layouts
2022-P-205 E - Site plan as proposed with Section AA
2022-P-202 D - Site plan showing proposed house with approved house hatched
2022-P-203 - Overlay of proposed and existing footprints
2022-P-402 - Elevation comparison with approved dwelling
Arbtech 'Preliminary Ecological Appraisal Survey', dated 30/02/2021
Arbtech 'Bat Emergence and re-entrance Surveys', dated 03/02/2021
Arbtech 'Arboricultural Method Statement', dated 7 May 2021
Heritage Statement, dated January 2021
Design & Access Statement, dated 27 January 2021

Letter from Bell Cornwell, dated 31 March 2021
Arbtech AIA 02 Rev A - Arboricultural Impact Assessment
Arbtech TPP 02 Con Rev A - Tree Protection Plan - Construction Phase
Arbtech TPP 02 Demo Rev A - Tree Protection Plan - Demolition Phase

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

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

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

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

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

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

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

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

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

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved

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

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

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

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

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

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

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

- 7 a) Before the development hereby permitted is first occupied, details of cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 9 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

prevent the fragmentation of habitat

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

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

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

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

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

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

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

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

13 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevation(s) facing 'The Croft' and 'Highfield' shall be glazed with obscure glass only and shall be permanently retained as such

thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

- 17 a) Notwithstanding the approved documents, no development or site works shall take place on site until details of a temporary construction route has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, the following:

- i. Proposed temporary construction route and temporary access that must retain established trees and vegetation wherever possible.
- ii. Vehicle tracking to prove access is possible
- iii. Adequate ground protection to ensure that construction vehicles do not damage the soil structure below the route.
- iv. Arboricultural impact and method statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction-recommendations
- v. Appropriate level of mitigation/replacement planting for any trees removed to facilitate the access route.
- vi. Formal written consent from the landowner of the wooded verge

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 22 a) The proposed ecological mitigation and enhancements as recommended within the approved 'Bat Emergence and Re-entrance Surveys' document by Arbtech, dated 03.02.2021 shall be carried out in full accordance with the details recommended in this document.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and

Informative(s):

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

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

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Please visit

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

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

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

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

importantly delays in an emergency situation.

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.
"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

OFFICER'S ASSESSMENT

1. Site Description

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

There are many architecturally important properties in the area and a number of properties which are listed, of significant note located directly to the north of the subject site is 'The Croft', a Grade II listed building. The application site itself currently contains a modern house built in the late 1960's and is of little architectural merit. The current property has a floor area of 197m² and is arranged over three levels including a basement.

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

2. Relevant Site History

Reference: B/00276/14

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

Decision: Approved

Decision Date: 13 March 2014

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

Reference: B/00440/11

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

Decision: Approved subject to conditions

Decision Date: 16 March 2011

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

Reference: B/00290/11

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

Decision: Approved subject to conditions

Decision Date: 16 March 2011

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

Reference: N10150P/07

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

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

Decision Date: 24 April 2007

Description: Demolition of existing house.

Reference: N10150Q/07

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

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

Decision Date: 24 April 2007

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

Reference: N10150F/05

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

Decision: Approved subject to conditions

Decision Date: 8 May 2006

Description: Demolition of existing dwelling and erection of a part single, part two-storey

dwelling house (with rooms in roofspace and basement) and attached double garage.

Reference: N10150G/05

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

Decision: Approved subject to conditions

Decision Date: 24 July 2006

Description: Demolition of existing house.

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

3. Proposal

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

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

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

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

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

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

4. Public Consultation

A press and site notice were placed on 16th and 18th February 2021 respectively.

Consultation letters were sent to 33 neighbouring properties.

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

Objections:

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

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

- Giles Quarme Architects:

- no objection in principle to the redevelopment of the existing house.
- current proposals are inappropriate because they cause harm to the setting of the adjoining listed building and also to the character and appearance of the Conservation Area.
- If a new bespoke scheme was brought forward that did not cause the harm described in this report, then the owners of The Croft would not object. However, the current off-the-shelf design takes insufficient cognisance of the importance of both those significant heritage assets and because the proposals for the new house are not "neutral", as claimed, but actually cause "harm", they should be refused.
- DWD:
 - Pastiche design detracts from the quality of original buildings within the local area and lacks rationale for design and material use.
 - application does not provide sufficient justification for the loss of trees and hedges, and insufficient detail has been provided on the proposed replacement soft landscaping and trees as mitigation
 - lack of adherence to validation requirements, further supporting information is required.
 - no submission of an archaeological report as required by the NPPF.
 - Out of character, in particular given its juxtaposition to The Croft, a statutory listed building of significant importance.
 - References to previous unauthorised tree felling
 - Proposal does nothing to preserve the charm, character and quality of the area.
 - the development would not be at all consistent with the current area; in particular the conservation aspects of it.
 - concern about the impact of the development on the heritage trees - there will, it seems be damage to trees and hedges
 - concerns over site maintenance during construction
 - aesthetics of the building would not be consistent with the area
 - proposal should be considered with great care and due diligence to heritage assets and its surroundings
 - The tree report proposes to remove 2 oak trees, an apple tree and a large section of hedgerow. There is no proposal to replace the trees or hedging along the northern boundary.
 - No photographic evidence or visuals of the proposed new dwelling to make an informed judgement
 - It is not clear what materials are proposed
 - Appears to be "off the shelf" development and would feel very out of place on Totteridge Green erode the special character
 - Oversized, disproportionate and double the existing dwelling,
 - The Statement does not acknowledge that the Grade II Listed Croft is immediately to the north of the Site.
 - Council has a duty and privilege to preserve and enhance this area
 - no evidence that the lapsed permissions are still extant and therefore a fallback position does not exist

In support:

- Octagon specialise in building one-off properties and a track record of building quality homes, many of which are award-winning
- influence taken from nearby properties such as The Croft and Green Oaks.
- Materials to be used will look aged and in keeping avoiding the new build look
- will protect trees and replace any lost including hedges
- environmentally sustainable over and above the existing dwelling

- existing dwelling is an eyesore
- will enhance the location and area built to a high standard and specification
- no subterranean basement which was part of previous approval
- proposal should always be considered within the context of the current property and not unbound or based on an ideal building
- development purposely aims to be consistent with the local character and is a net gain for the area given the current dwelling.
- None of these three trees can be older than a few years based on their sizing and their lack of presence in previous planning documents (see N10150K/06 - a 2006 survey). If anything the trees being removed are may be negatively impacting the larger, mature trees by growing over the same ground. It is clear there are no trees being removed that will have a net negative impact on the surrounding environment.
- reports of trees being removed (questionably) by a previous owner should be considered irrelevant for this planning.
- the proposed dwelling is far smaller than the previous approval and smaller than some neighbouring properties.
- complaint about being built closer is misrepresentative
- Council should stick to an evidence based decision
- proposal makes a positive contribution to the area, and is an improvement over the existing dwelling.

Neutral:

-Totteridge Residents' Association:

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

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

4.1 Internal/Other Consultation

Heritage officer -

'Conservation Area:

The existing building is of no architectural merit and does little to preserve or enhance the character and appearance of the Totteridge Conservation Area. The proposed development would make use of high quality materials and draw upon features of buildings found nearby within the conservation area, adding to the mixed character of the conservation area. The proposal would therefore preserve and to an extent enhance the character and appearance of the Totteridge Conservation Area.

Proposed against existing:

The main two storey bulk of the proposed building would sit further away from the northern boundary with The Croft than the existing building currently does and therefore cannot be considered to cause any additional harm to the setting of the listed building.

The single storey wing would still afford a substantial separation distance to the neighbouring Croft which itself is set a significant distance from the common boundary and lined with dense trees and plantation.

The single storey wing features a part pitched roof, part flat roof utilising the decline of the site to further mitigate its visibility.

Given the substantial separation distances between the respective buildings when

combined with the recessed nature within the plot, the two buildings would not be visibly read as one and therefore the proposal would not result in harm to the listed building or its setting. In any event, any glimpsed views of the respective buildings would be limited due to the wooded area consisting of trees and shrubbery that would reduce their visibility from the street scene.

It should be noted that there are recent approvals for proposals to the listed Croft and its grounds which will have a greater impact on the listed building and its setting than will the development proposed here.'

Highways - No objections.

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

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Draft Local Plan (Reg 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

Residential Design Guidance SPD (adopted October 2016).

Sustainable Design and Construction SPD (adopted October 2016)

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

Totteridge Conservation Area Character Appraisal Statement (2008)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of the proposed development

The planning history and previous appeal decision, found that the principle of demolition of the existing dwelling and replacement with a larger footprint was acceptable. The existing building is a modern built building (1960's) and lacks any architectural merit or features that would be worthy of protection. Thus, the existing building does not positively contribute to the Conservation Area and its removal in itself would not cause harm to the Conservation Area or harm to the significance of the neighbouring heritage asset.

The plot size is substantial both in depth and width and therefore subject to a suitable replacement dwelling and the below considerations there is no objection in principle to the demolition of the existing dwelling and provision of a new dwelling. It is noted that the commissioned Heritage report by 'owners' of The Croft, concur that there is no objection to

the demolition of the existing building subject to a suitable replacement.

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

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Act also requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.

Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states: 'In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 16 of the NPPF (2021) sets out detailed government policy on conserving and enhancing the historic environment. The following paragraphs are of direct relevance:

Paragraph 195 of the NPPF (2021) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. 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.

Paragraph 199 states When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 201 states Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent.

Paragraph 202 continues and states Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HC1 of the London Plan 2021 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

Policy CS5 of the Core Strategy (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 the Council's Development Management Policies (2012) states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

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

Impact on the Conservation Area:

As noted above, the subject site benefits from previous planning consents for the redevelopment of the site, although these appear to have now lapsed and no supporting evidence has been provided to determine otherwise. Similar to previous approvals, the current application seeks to increase the footprint of the new dwelling and re-align its orientation from present. The appeal decision relating to N10150Q/07 (appeal reference APP/N5090/A/07/2058188/WF) forms a material consideration in respect of the current proposal, however, it is acknowledged that the weight to be given to the Inspectors conclusions will be limited due to its dating which were governed by a different set of policies both national and local than presently adopted. It will therefore be necessary to consider the proposal in the context of the above noted current policies and of particular importance the NPPF (2021) which provides a detailed framework for considering the impacts on heritage assets.

The Totteridge Conservation Area Character Appraisal in its Introduction section states 'The Totteridge Conservation Area retains a high number of listed, locally listed, and unlisted "positive" buildings. The latter are buildings which have been judged to make a positive contribution to the special architectural and historic interest of the area. The area is notable for the cohesiveness of property frontages on the main road, attractive suburban developments and fine views across the rural landscape. It has a linear character, open and rural setting, high quality trees, planting and a mixture of mansion houses in large grounds interspersed with modest cottages. These characteristics provide a high quality environment within which the individual buildings make a special contribution.' These attributes therefore define the special character of the Totteridge Conservation Area.

The character of the 'green' is of sizeable detached dwellings set within substantial plots both in width and depth dispersed across open land. The character appraisal notes as a key characteristic of this area being 'notable houses contrasting in scale, style and design scattered around the edges of an informal public triangle of open green land'. The vast array of dwellings are significantly recessed within their plots and as the appraisal notes are further afforded a substantial visual break by virtue of the open wooded area that separates between the plots and the Totteridge Green highway. As such, their visibility to an extent is reduced when viewed from the road.

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

The amended overall footprint would be a marked increase over the existing footprint, however, given the extensiveness of the plot, such an increase could be adequately

accommodated without appearing constrained within the site. In addition, such a footprint would broadly reflect and be representative of the sizeable mansion style dwellings within the Totteridge Conservation Area and therefore not out of character.

The new build would be centrally located within the plot and re-orientated from present to better reflect the spatial pattern and positioning of neighbouring properties. Furthermore, its centralised location within the plot and additional single storey northern wing would ensure that ample visual separation between buildings would be maintained preserving the spaciousness of the site and the established rural character of the Totteridge Conservation Area. Thus, the proposal would not read as cramped or oppressive within the plot.

The massing and scale of the proposal is considered to broadly reflect housing in the surrounding area and when combined with the substantial setback from the front curtilage of the plot and further visual break afforded by the open wooded area which separates the plot from the highway, there would be significantly reduced visibility of the new build from public view.

In terms of design and appearance, inspiration has been taken from the renowned architect, Norman Shaw, and whilst the half timbered Tudorbethan design is not commonplace in the immediate surrounding area, it does draw upon features from the neighbouring statutory listed building, 'The Croft' directly to the north and 'Crossways' to the south and that of some buildings within the wider Totteridge Conservation Area. The councils Heritage officer raises no objections to the design subject to the use of high quality materials and finish. In addition, officers consider the dwelling would add to the mixed character and design of housing in the area as has been identified within the character appraisal.

Objections highlighted by the 'Giles Quarme Heritage report' state that the proposal is a standard non-site specific design regularly used around London. Irrespective of whether this may be the case, there is no policy requirement for a bespoke design but rather 'good design' is imperative. Furthermore, each application must be assessed on its own merits and how it relates to its context. In this regard and as detailed, the design draws upon features of neighbouring dwellings articulated through timber framing, prominent gable ends with hipped roofs and a sizeable chimney stack and therefore responds adequately to its immediate context and the character and appearance of other properties that can be found in the conservation area.

To this end, the applicant has confirmed that high quality materials will be used throughout the design such as natural wood for timbering and Welsh slates for roofing which officers consider would be reflective of the high quality materials used within the Totteridge Conservation Area. A condition will be imposed for a more detailed review of the proposed materials including product specifications to ensure these are befitting of the Conservation Area and provide a high quality finish.

Taking all of the above into consideration, it is considered that the proposed development would result in no harm to the Conservation Area and would preserve and to an extent enhance the character and appearance of the Totteridge Conservation Area.

Impact on neighbouring heritage asset:

The application site sits directly adjacent to 'The Croft' designed by renowned architect T.E Collcutt and used as his personal residence. The Croft is a Grade II statutory listed building (first listed 15-Nov-1974) described in the listing as 'an excellent essay in the Olde

English style' and noted in the character appraisal as one of 'the most notable 18th and 19th century large mansion houses in the area'. The listing reads as follows:

'Circa 1898. By T E Collcutt. Built as his personal residence. 'U' plan with entrance court and stable yard on right. Red brick and stone to ground storey with mullioned windows. First storey roughcast with some timbering. Mullioned windows. Verandah on garden front. Tiled roof with prominent chimneys. Good internal features including staircase and De Morgan tiles. An excellent essay in the 'Olde English' style.'

In accordance with the aforementioned policies the preservation of its setting and significance is imperative and therefore any harm whether 'substantial' or 'less than substantial' needs to meet the tests set out in the NPPF.

Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Setting is defined in the NPPF as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

The Planning Practice Guidance (PPG) provides further insight as to how to take account of the 'setting' of a heritage asset; 'The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations.'

The significance of the Croft as detailed in the listing is derived from its historical and architectural importance, the setting of the asset which include the extensive landscaped gardens both formal and informal present a picturesque setting which positively contributes to the significance of this notable asset.

Given the proposal does not involve any direct works to the listed building or its 'setting', it is clear that substantial harm would not be sustained to the asset.

In the context of the above guidance, the Councils Heritage Officer (comments cited above) has considered the visual relationship that would manifest between the proposed dwelling and the neighbouring Croft, concluding that the proposal would not result in any harm to the listed building or its setting.

Having regard to these comments, officers consider that the existing relationship between the respective buildings is such that the substantial separation distances in built form result in the two plots being distinct and not visually read in one sighting, this therefore results in little to no impact on the setting of the neighbouring Croft. The existing/proposed site overlay plan, depicts that the main two storey bulk of the new dwelling would be further recessed from the common boundary than the existing dwelling and therefore a reduction in perceived mass and bulk would prevail between the two sites resulting in no added harm to the setting or significance of the heritage asset.

Officers therefore consider that the impact on the significance and setting of the listed building is limited to the single storey northern wing housing the garage and swimming pool. It is acknowledged that this aspect of the development would result in built form closer in proximity to The Croft, however, the contextual relationship between the two sites

is not considered to materially differ or result in an altered experience of the neighbouring heritage asset that would diminish its significance or compromise its setting; The siting and profile of the single storey wing is such that it would not be openly and visibly read with the neighbouring 'Croft' or its setting. Any glimpsed views would be at a substantial distance and through the wooded area which consists of foliage that would largely conceal the single storey wing and therefore amount to no harm. A significant separation distance would still be retained to the common boundary which itself is lined with dense trees restricting any views. Furthermore, both the listed building as well as the picturesque landscaped gardens are afforded a further separation distance by virtue of the tennis court which abuts the common boundary.

Taking the above into consideration, officers do not consider that the proposed development would alter the way in which the neighbouring heritage asset is experienced both from within or outside of the site nor result in any material visual relationships that would cause harm, even negligible, to the setting or significance of the asset.

In conclusion, it is considered that the scheme is acceptable in terms of its impact on the character and appearance of the Conservation Area and would result in no harm to the setting of the neighbouring listed building for the reasons set out above.

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

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

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

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

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

Whether satisfactory living standards would be provided for future occupiers

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

Highways and parking

In accordance with Policy DM17, such a property would attract a parking provision of between 1.5 to 2 spaces. Given the low PTAL rating of 1a, highway officers consider 2

spaces would be required. The proposal incorporates a double garage and a sizeable front forecourt which could more than adequately accommodate the required provision, however, a detailed parking layout will be requested by way of condition. As such, it is not considered that any harm would arise to the surrounding highway network and pedestrian safety.

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

Impact on TPO trees

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

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

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

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

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

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

Ecology

The Councils Ecologist has reviewed the submitted ecological reports and surveys and considers that works can be completed under a Natural England Bat Mitigation Licence. A suitable condition will be imposed. Furthermore, a condition will be imposed for works to be carried out in accordance with the ecological mitigation and enhancement recommendations as stipulated within the submitted report.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the locality and would preserve/enhance the Totteridge Conservation Area and neighbouring designated heritage assets. The proposal would not result in an adverse impact to neighbouring occupiers. The application is therefore recommended for approval subject to conditions.

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Location 4 Hocroft Road London NW2 2BL

Reference: 21/6065/HSE

Received: 17th November 2021

Accepted: 24th November 2021

Ward: Childs Hill

Expiry 19th January 2022

AGENDA ITEM 9

Case Officer: Emily Bell

Applicant: Mr Robert Marven

Proposal: Single storey rear extension with lantern rooflight

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:
2021132-SU-001
2021132-SU-002
2021132-BR-101 REV B
2021132-BR-100 REV B

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

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

permission.

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those specified in the application form and accompanying plans.

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

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

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

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 4 Hocroft Road, NW2 2BL, consisting of a two-storey semi-detached dwellinghouse, with front and rear amenity space. The area surrounding the proposed site is mainly residential consisting of similar two-storey semi-detached dwellinghouses. The site is located within the Childs Hill ward.

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

2. Site History

Reference: 20/5869/HSE

Address: 4 Hocroft Road, London, NW2 2BL

Decision: Approved subject to conditions

Decision Date: 29 January 2021

Description: Erection of a single storey rear orangery

Reference: C02575B/05

Address: 4 Hocroft Road, London, NW2 2BL

Decision: Approved subject to conditions

Decision Date: 15 June 2005

Description: New front wall and gates.

Reference: C02575A/04

Address: 4 Hocroft Road, London, NW2 2BL

Decision: Approved subject to conditions

Decision Date: 23 February 2004

Description: Loft conversion including side and rear dormer windows, new front porch and demolition of existing lean-to at the side.

3. Proposal

Single storey rear extension with lantern rooflight.

The proposal has been amended throughout the lifetime of the application. The proposed single storey rear extension has been reduced and would measure approximately 3.5 metres in depth, 5.1 metres in width, with an eaves height of 3.5 metres above garden level and 3.9 metres to the top of the lantern rooflight.

The alteration to existing rear dormer including formation of a balcony has been removed.

4. Public Consultation

Consultation letters were sent to 3 neighbouring occupiers. 13 letters of objection have been received, summarised below:

- Although last years plan was considered to be too big, this submission is for a bigger extension
- New application is in excess to the previous proposal
- New plans would be more overshadowing, overlooking and beyond what is reasonable
- Decrease neighbours' amenities
- The increase to the dormer roof line and creation of balcony looks out of place

- The balcony would overlook adjacent properties
- Overbearing and obtrusive
- Loss of light and outlook to principal living rooms within neighbouring property
- Extension to be built over terrace level which is above neighbours garden level
- Dormer roof is out of style in the neighbourhood
- Garden levels step down from houses so any increase in size of the extension will detrimentally affect residential amenities

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 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 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, 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.

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

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

It is noted that the site photographs that have been used to make an assessment of this application were provided by the applicant.

- 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 Residential Design Guidance states that a depth of 3.5 metres is considered acceptable for a single storey rear extension on a semi-detached property. The original footprints of the host and adjoining property were L-shaped which have both previously been infilled with a single storey rear extension with rear bay window. The proposal includes the erection of an additional rear extension. The host site benefits from an extant permission (ref. 20/5869/HSE) which was amended to project a maximum of 3.5 metres. Officers requested, throughout the lifetime of the application, that the proposed single storey rear extension be reduced to the same depth of 3.5 metres as previously approved. Although when combined with the previous extension at the site this would be greater than suggested in guidance, following a review of aerial photography it was noted that a number of other properties along Hocroft Road have extended in a similar way including nos. 8 and 10. Further, as the adjoining semi-detached property at no. 6 also benefits from an existing infill extension which currently projects further than that at the host property, the proposed extension is considered to be acceptable with the depth consistent with other development along the street.

The proposal is located to the rear and will not be visible from the public realm and a functional rear garden amenity space will remain. Overall, the proposal as amended is considered to respect the proportions of the original building and would have an acceptable impact on the character and appearance of the host dwelling and surrounding area.

The application originally sought permission for alterations to the existing rear dormer including the formation of a balcony, however, this element has been removed.

- 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 proposed extension is sited approximately 5 metres away from the common boundary with the unattached neighbour at no. 2 Hocroft Road which is considered to be a sufficient distance so as not to impact these neighbouring occupiers.

The proposal was amended throughout the lifetime of the application so as to ensure the extension would project past the adjoining neighbouring property at no. 6 Hocroft Road by 3.5 metres. As this is in line with design guidance, it is not considered to result in a detrimental impact on the neighbouring occupiers with regard to loss of light and outlook. There are no windows proposed to the side elevation facing no. 6 Hocroft Road with the proposed windows and doors located to the flank elevation facing no. 2 and to the rear elevation. The 5 metre distance between the windows at ground floor level to the flank elevation and common boundary with no. 2 is considered to mitigate concerns regarding overlooking.

The levels on site are such that the extension would have a height of approximately 3.6 metres above garden level. This is slightly greater than the height of the previously approved extension, however, this is not considered to result in greater impact to the amenity of neighbouring occupiers which would warrant refusal of the application. The lantern rooflight would be sited 1 metre from the common boundary and is considered to have an acceptable impact.

5.4 Response to Public Consultation

- Although last years plan was considered to be too big, this submission is for a bigger extension
- New application is in excess to the previous proposal
- New plans would be more overshadowing, overlooking and beyond what is reasonable

The plans have been amended throughout the lifetime of the application. The extension would measure the same depth as previously approved.

- The increase to the dormer roof line and creation of balcony looks out of place
- The balcony would overlook adjacent properties
- Dormer roof is out of style in the neighbourhood

Amended plans have been received. The changes to dormer have been removed from the application.

- Overbearing and obtrusive
- Decrease neighbours' amenities
- Loss of light and outlook to principal living rooms within neighbouring property
- Extension to be built over terrace level which is above neighbours garden level
- Garden levels step down from houses so any increase in size of the extension will detrimentally affect residential amenities

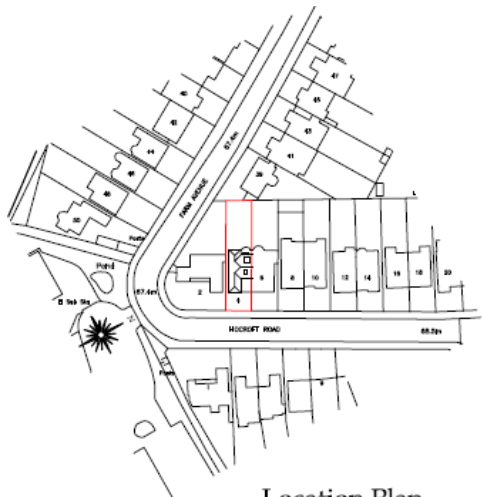
The proposed extension has been reduced in size and the amended plans are considered to have an acceptable impact on neighbour amenity, as discussed in more detail within the main body of the report.

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 Plan
0 10 20 30 40 50
metres
Scale Bar @ 1:1250

Location **Bishop Douglass School Hamilton Road London N2 0SQ**

Reference: **20/4107/FUL** Received: 7th September 2020
Accepted: 7th September 2020

Ward: East Finchley Expiry 2nd November 2020

Case Officer: **Sinead Normoyle**

Applicant: Mrs Melanie Barker

Proposal: New Football Turf Pitch and floodlight installation with reconfiguration of existing tennis/netball courts and athletics track.

AGENDA ITEM 10

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. Travel Plan monitoring contribution £5,000

RECOMMENDATION II:

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

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

PROPOSED DRAINAGE SCHEME - 20410-SR.DR-500-P1

106-14_PL-001. R5

106-14_PL-002. R5

106-14_PL-003. R3

106-14_PL-004. R4

106-14_PL-005. R0

106-14_PL-005. R2

106-14_PL-006. R0

106-14_PL-006. R2

106-14-PL-008 R1 Car park location

HLS04949

18270/T/02-02 - Topographic and Utility Survey

Design and access statement September 2020

Product datasheet - Siteco

Halliday Lighting Floodlighting Impact Study/ Overspill Readings date 01/06/2021 including:

CLX report, -HL504949 rev 1 - diagrams of proposed floodlighting, source intensity 3m above ground level, vertical spill at 2m above ground level, vertical spill at 4m above ground level,

- PPlan 12M RL with 2 and 3 floods

Preliminary UXO Risk Assessment

TQ. 2689NWA.1

Water Survey September 2019

Geosphere Environmental Survey 30/10/2019

Geosphere Phase 1 Desk Study and Preliminary Risk Assessment with appendices

Utility search Part 1

Utility search Part 5

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 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, Multi-Use Games Area, playing field and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

- 4 The new playing field shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and shall be constructed and maintained to, at least, the same quality as the existing natural turf playing field. The new area of playing field hereby permitted shall be made available for use after the first growing season after first use of the Artificial Grass Pitch hereby permitted.

Reason: To ensure the quality of the playing field is satisfactory and they are available for use and to accord with Development Plan Policy.

- 5 The Multi-Use Games Area extension hereby permitted shall not be constructed other than in accordance with Sport England Technical Design Guidance Note Artificial Surfaces for Outdoor Sport.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

- 6 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).

- 7
- 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).

- 8
- a) Prior to occupation details of the improvements to biodiversity on site must be submitted and approved. Based on the findings and recommendations within the submitted preliminary ecological assessment, the improvements must enhance the existing habitats and reduce activities or features that would limit the increase in biodiversity on the site.
 - b) These interventions must complement any soft and hard landscape scheme being developed for the site. Including the use of bee friendly planting schemes, retention or addition of large diameter wood, use of species rich grass mixtures for example.

Reason: To promote biodiversity and opportunities for wildlife to thrive in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).

- 9 A School Travel Plan (STP) that meets the requirements of the TFL booklet 'What a

School Travel Plan Should Contain' shall be submitted and approved by the Local Planning Authority at least 3 months prior to occupation. This should include the appointment of a School Travel Plan Champion. The Travel Plan shall be reviewed annually in accordance with the targets set out in the Travel Plan. The STP shall achieve at least Bronze level TfL STARS (Sustainable Travel; Active, Responsible, Safe) or equivalent, within the first year of the planning approval being implemented and for the lifespan of the STP.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 10 a) Before the development hereby permitted is first occupied or the use first commences, a Traffic Management Plan to include signage and measures to reduce traffic congestion shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that traffic impacts on the surrounding highway network are managed in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 11 The maximum number of people on the site at any one time, outside school hours, in connection with the development hereby approved shall be 60.

Reason: To ensure that traffic impacts on the surrounding highway network are managed in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 12 The floodlighting hereby approved shall not be used after 9pm on Mondays to Fridays or after 6pm on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD 2012.

- 13 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.

14 Part 1

Before development commences other than for investigative work:

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

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

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

The risk assessment and refined Conceptual Model shall be submitted, along with

the site investigation report, to the Local Planning Authority.

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

Part 2

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

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

- 15 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 the London Plan.

RECOMMENDATION III:

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30/06/2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of monitoring the Travel Plan. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 and DM17 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>. For artificial grass pitches it is recommended that you seek guidance from the Football Association/Football Foundation on pitch construction when determining the community use hours the artificial pitch can accommodate.
- 3 It is recommended that a specification of works and programme for implementation is developed by a specialist sports turf consultant. The applicant should be aiming to ensure that the new/replacement playing field is fit for its intended purpose and should have regard to Sport Englands technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
- 4 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to

prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and 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."

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

OFFICER'S ASSESSMENT

1. Site Description

Bishop Douglass is a non-selective, Catholic school which admits girls and boys aged between 11 and 18.

The school is bound by residential areas to the North, West and South and the northern line tracks to the East. The school is located in East Finchley approx. a 20 minute walk from the tube station. It converted to Academy status in September 2016, at which time it also became part of the Cardinal Hume Academy Trust.

The property is not listed and does not lie within a conservation area.

2. Site History

Reference: F/00934/11

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 27 April 2011

Description: Erection of PVC coated chainlink fencing.

Reference: C01474AR/02

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Withdrawn

Decision Date: 27 May 2003

Description: New school sports hall incorporating ancillary facilities, provision of 50 car parking spaces. Floodlighting to existing hard play area (Phase 1). Two storey ancillary facilities including fitness suites, creche and youth centre for use by the school and the local community (Phase 2).

Reference: C01474AV/05

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved

Decision Date: 14 March 2005

Description: Submission of details of materials pursuant to condition 3 of planning permission C01474AT/03 dated 27/08/03.

Reference: C01474AS/03

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 27 August 2003

Description: Replacement of grassed area at entrance of school fronting Hamilton Road

with hardstanding to provide additional car-parking spaces.

Reference: C01474AQ/02

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 12 June 2002

Description: Single storey block to provide a 9 lab science block with preparation area and toilets. Formation of hardsurfaced play area.

Reference: C01474AU/05

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Application Received

Decision Date: No Decision Made.

Description: TBC

Reference: C01474AP/01

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 2 April 2001

Description: Construction of a single-storey classroom.

Reference: F/02296/09

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 5 August 2009

Description: Erection of a free-standing canopy to playground and additional canopy to be located on side of building. (Amended 20/07/09)

Reference: C01474AT/03

Address: Bishop Douglass School, Hamilton Road, London, N2 0SQ

Decision: Approved subject to conditions

Decision Date: 27 August 2003

Description: Erection of new school sports hall incorporating ancillary facilities together with associated changes to hard and soft landscaping. Provision of access track at side for service and maintenance vehicles.

3. Proposal

New Football Turf Pitch and floodlight installation with reconfiguration of existing tennis/netball courts and athletics track.

4. Public Consultation

Consultation letters were sent to 293 neighbouring properties.

84 responses were received:

82 letters of objection submitted.

The objections have been summarised below:

- Parking,
- Traffic,
- Added congestion,

- Pollution,
- Noise,
- Light pollution,
- Danger to pedestrians,
- Damage to parked cars,
- Inefficient use of space,
- School does not respond well to residents concerns,
- School has never made any effort to engage with their neighbours or address issues,
- There are already several schools that rent out sports facilities to the community- Archer Academy, Martin and Christ College, there is no requirement for more.
- 10pm noise and light would have an adverse impact on residential amenity.

2 letters of support submitted.

The letters have been summarised below:

- Meets the demand for new sessions,
- Useful community facility.

The application was reconsulted on the 03/08/2021 following receipt of amendments and further information

52 comments responses were received:

52 letters of objection submitted and summarised below:

- Poor communication from Barnet Council,
- No communication with local community, have not addressed previous concerns,
- The school has not held any consultation with locals,
- Traffic,
- Parking,
- Pollution from cars,
- Increase in light levels,
- Noise,
- Antisocial behaviour,
- Hours of operation,
- Not encouraging public transport usage

Sport England Comments -

"It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
- o land which has been used as a playing field and remains undeveloped, or
- o land allocated for use as a playing field unless, in the judgement of Sport England,

the development as a whole meets with one or more of five specific exceptions.

The Proposal and Impact on Playing Field

The application proposes a new 9v9 Artificial Grass Pitch (AGP) with sports lighting that would be available for community use. The AGP would be partly located on the natural turf playing field and a Multi-Use Games Area (MUGA).

Assessment against Sport England Policy

The Councils Playing Pitch Strategy (PPS) identifies a shortfall of AGPs within the borough to meet current and future needs however it does not identify that the application site should mitigate this shortfall as the steer is for the borough to have hub sites. It could be argued, therefore, that need for the proposed AGP in this location according to the PPS is not clear.

The Local Football Facility Plan, which was developed after the PPS and builds on the recommendations of the PPS, does however identify the proposed development as a priority project to meet small sided football needs. This is further supported by Football Foundation who are fully supportive of the proposal. As a result, it could be concluded that there is a small sided/informal football need for the facility.

The proposed AGP would be sited partly on the playing field and partly on an existing MUGA. The documentation submitted, however, indicates that the same amount of pitches and athletics track could still be marked on the natural turf playing field once the proposed AGP is in situ, partly due to natural playing field replacing the part of the MUGA that would not be lost to the proposed AGP. It could be argued that the scheme would result in the natural playing field being a better shape to adapt to future sporting/pitch marking trends than the existing. This new area of natural playing field should be, at least, the same quality as the rest of the playing field therefore a sports agronomist must be engaged to ensure a specification of works can be developed to meet that standard.

To mitigate some of the MUGA loss the other MUGA at the site would be extended by a court. Although this would still result in a net loss of MUGA provision both the LTA and England Netball have confirmed that there are no community users of the site and therefore do not object to the scheme. This, however, is on the basis that the community can access the proposed extended MUGA and it is constructed in line with Sport England or their guidance. Sport England would encourage the applicant to consider refurbishing the entire remaining MUGA so that this provision is improved. Since there does not appear to be any community access to either of the existing MUGAs, that one of the MUGAs would be extended and there would be community use, in light of the other benefits the proposal brings these are considered sufficient to outweigh the loss of one MUGA at the site.

In terms of design, the proposed AGP appears to align with FA design principles and meet FIFA Quality Accreditation which is confirmed by the Football Foundation. The Football Foundation have also provided the following design advice that the applicant may wish to take into consideration: The pitch sizes as noted on drawing 106-14_PL-004.R1 meet the FA recommended sizes and it appears that there is a 3m safety run-off from the pitch lines to the perimeter fencing but the dimensions cannot be located. The 9v9 size pitch is 73mx46m, so should be 79mx52m to the fence which includes the 3m safety run-off. The fence heights at 4.5m around the perimeter and a mix of 1.2m and 2m in the spectator area are all compliant with The FA design principles along with the goal recess areas. It is

recommended that the main pitch white lines are permanent and the smaller pitches are painted on to ensure the integrity of the carpet is compromised the least.

They have also stated that they expect to see access to ancillary facilities and car parking at the site. Does this project provide a sufficient number? Access to changing rooms and kitchen would be welcome, but from a safeguarding perspective, access to WCs should be provided as a minimum.

Overall, the application proposes to lose a MUGA and some playing field land at the site but provide a new AGP, extended MUGA and some replacement playing field that would be available for community use. Having regard to the circumstances and on the basis that proposed works meet Sport England/Sport National Governing Body Guidance and the facilities have community use secured by a Community Use Agreement, Sport England considers that the proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy."

Highways comments: No objection subject to A School Travel Plan (STP).

Street lighting team: No objection, as the applicant has mitigated light spill and have provided vertical illuminance. Would suggest a curfew for switching all units off.

Environmental Health comments: No objection subject to conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 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

T6.1 - Residential Car Parking

S5 - Sports and Recreation Facilities

G4 - Open Space

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, DM04, DM13, DM15, DM16, DM17.

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.

Other relevant documents:

Barnet Playing Pitch Strategy

5.2 Main issues for consideration

The main issues for consideration in this case are:

- I. The principle of a New Football Turf Pitch and floodlight in this location
- II. The Impact on the appearance and character of the area
- III. The impact on the amenities of neighbouring occupiers
- IV. Parking and highways

5.3 Assessment of proposals

The principle of new football pitch in this location

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.

The NPPF emphasises the importance of social and recreational facilities, and states that Local Planning Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs" (para 92).

The National Planning Policy Framework (NPPF) requires that planning authorities' Local Plans should meet objectively assessed need and positively seek to meet the development needs of an area. Specifically, planning policies for open spaces and sport and recreation should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The information gained from these assessments should be used to determine what open spaces, sports and recreation provision is required which, going forward, will provide evidence for the revision of Barnet's Local Plan in 2017.

Policy CS7 of the Barnet Core Strategy states that the Council will "meet increased demand for access to open space and opportunities for physical activity... securing improvements to open spaces including provision for children's play, sports facilities and better access arrangements".

The Council policy DM13 and DM15 seeks to protect community uses and open spaces.

The Council has adopted a Playing Pitch Strategy which assesses quality and quantity of all outdoor sporting facilities in the borough. The document emphasises the need for protection of and investment in playing pitches.

The existing part of the site that is being proposed for development, currently comprises of the following:

1. 6 existing tennis courts also marked out as 2 netball courts.
2. Existing playing field with athletics track marked out on the grass.

The proposed development comprises of the following:

1. Construction of a new 9 v 9 Football; Turf Pitch, to be fenced and floodlit (6 nr floodlights).
2. Resurfacing to make one new tennis court adjacent to the existing 3 nr existing tennis courts (SE location).
3. Remarking of the existing 3 nr tennis courts and the overlay marking for two netball courts.
4. Re-positioning of the athletics pitch marking on grass, including the rotation of the running track.

The principle of an outdoor pitch would reflect the existing use and there is no objection in this regard.

Impact of the Proposal on the Character and Appearance of the Area

The proposal will enhance the existing arrangement and provide improvements in overall quality, whilst meeting the demand for access to playing fields and opportunities for physical activity.

The proposal will feature twin wire mesh security fencing, in a colour green which would camouflage into the surrounding vegetation. Heights differ around the pitch, as illustrated on PCH drawing '106-14_PL-005.R0_Elevations-Sections. The new fencing is considered to be appropriate in the context of the site and its purposes. This type of fencing is typical to football clubs in the borough. The fencing, when considered with this appropriate sporting use, is not considered to adversely impact the character of the surrounding area. The proposed fencing retains a balance between security needs and visual amenity.

The proposal includes 6 x flood lights 12m in height. The proposed lighting columns are to support lights to illuminate a pitch used for outdoor sport and recreation, it is considered that the columns respect the development and are ancillary to the permitted sporting activity.

Overall, the proposed fencing and floodlighting is to enhance the facilities of an existing sports area which is a use defined as appropriate within the subject site without compromising character or appearance of the area.

The impact on the amenities of neighbouring occupiers

The proposed all weather pitch would be floodlit by 8 x 12m masts. The pitch will be enclosed by fencing.

The applicant has submitted a lighting report which indicates the spillage of light resulting from the development is acceptable. The site is in a suburban area with low district brightness. In order to restrict pollution to neighbouring residential occupiers, the light heads will be flat glass and angled downwards to prevent light pollution. The proposed angle will minimise sky glow from the reflected light.

The closest residential properties to the proposed floodlit pitch are in St. Mary's Green to the south west these properties are some 28m away and screened from the site by existing trees and hedges. Properties in Briar Close to the north west are some 100m away from the pitch.

The light spillage plan illustrates that neighbouring properties will not be affected by direct light spillage. Whilst there may be an element of sky glow, it is considered to be acceptable subject to the hours of use being restricted by the suggested condition. Given the distance between the proposed lights and the houses and the calculated light spill outside the pitch area, the illumination proposed is not considered detrimental to the enjoyment of dwellings adjacent and thus residential amenity of neighbouring occupiers.

After discussions with the applicant, it was agreed to reduce the hours of use Monday to Friday to 9pm rather than 10pm, Saturdays/ Sundays/ Bank holidays - to 6pm. In view of the distance of the proposed floodlit pitch from neighbouring residents it is considered that the proposed hours of use are acceptable.

The applicant has advised that this element of the proposal is considered crucial for the scheme to be feasible and for the site to be usable.

Overall, the proposed floodlighting is to enhance the facilities of an existing sports area which is a use defined as appropriate within the subject site without compromising residential amenity.

New fencing is proposed - twin wire mesh security fencing, in a colour green around the perimeter, the heights differ around the pitch. The new fencing is considered to be appropriate in the context of the site. It ensures an acceptable appearance is retained and a balance achieved between security needs and visual amenity. No impact on the residential amenity of neighbouring residents is envisaged.

Neighbouring properties have voiced their concern regarding noise and disturbance the proposed football pitch will cause. It should be noted that the existing school site, has 6 existing tennis courts also marked out as netball courts and athletic track marked out on the grass, the pitch is currently rented out by private groups. It is a busy playing field and school.

It is acknowledged that there will be additional coming and goings from the site as a result of the football pitch, however it is not considered that the additional 30 people will detrimentally impact the neighbouring properties given the existing uses of the site.

/Landscaping

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of trees where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development.

Tree preservation order TRE/FI/26/G1 x 5 Lime, x 1 ash, x 4 horse chestnut, x 2 oak (located on adjoining land in far northwest corner of playing field). The submitted arboricultural information provides a reasonable assessment of the trees on site around the playing fields.

The proposed new sports pitch does not appear to require the removal of trees to facilitate the development. However, there is a need for detailed tree protection plan and arboricultural method statements to ensure retained trees are protected throughout the

development.

No landscape plan has been submitted. The proposal and associated lighting will have an impact in the local area and on residential properties. This impact can be reduced over time by planting of evergreen trees such as scots pine around the boundary. These trees will provide additional year-round visual barrier to the playing fields. A condition of consent has been added to this effect.

The preliminary ecological assessment has been submitted and the recommendations to improve biodiversity on the site must be implemented.

The tree officer has no objection subject to conditions.

Highways and parking

The highways officer comments as follows:

"The proposal does not include additional on-site parking. Currently parking for the playing fields takes place in the adjacent car parking, which also serves other users of the wider site. The parking will continue as existing in the adjacent car park.

The site is located in walking distance to public transport facilities.

The new pitches will replace an existing playing field. No parking facilities are provided, however, the proposal is acceptable on highways grounds as the existing permitted use could generate a similar or higher number of visitors to the site at one time.

The proposal is likely to see an increase in the use of the sports facilities on site by the community (public). This is likely to generate an increase in car trips but the site layout plan shows that there are 102 marked bays in the school park of which 39 spaces will be designated for users of the football pitches. The school has confirmed that additional spaces can be made available for users of the football pitches on event days if necessary.

The applicant has confirmed that there will be a maximum number of people including spectators of 30 increasing to 60 at changeover times. Highways would recommend a condition limiting the maximum number of people on site to 60. Taking this into account, Highways are of the view that there is ample cycle and car parking on site.

The applicant proposes to employ a marshall, install signage and traffic management measures to minimise any traffic congestion on surrounding roads. A condition requesting the submission of details of measures to reduce traffic congestion on surrounding roads is therefore recommended.

A travel plan statement including incentives to encourage visitors to travel by sustainable modes is also requested by way of a condition. The construction of the pitches is unlikely to cause significant disruption to surrounding residential properties.

Highways would raise no objection to the proposal subject to conditions."

Flood Risk

A flood risk assessment has been submitted by the applicant. The site lies within Flood Zone 1, at lowest risk of flooding. Given the nature of the development, no adverse impacts are likely.

5.4 Response to Public Consultation

The majority of objections including use, character and appearance, parking, traffic, added congestion, pollution, noise, light pollution, have been assessed and dealt with within the report and through conditions.

- School does not respond well to residents' concerns, - This is not a material planning consideration.
- School has never made any effort to engage with their neighbours or address issues, - This is not a material planning consideration.
- There are already several schools that rent out sports facilities to the community- Archer Academy, Martin and Christ College, there is no requirement for more. - Sport England support this application and feel there is a requirement.
- 10pm noise and light would have an adverse impact on residential amenity. - The hours have been reduced from 10pm to 9pm Monday - Friday and 6pm Saturday and Sunday.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is not considered to be harmful to the character and appearance of the subject property or detrimental to the residential amenity of its immediate neighbour. The application complies with the requirements of the Development Plan and is therefore recommended for approval.



Location 71 Sunny Gardens Road London NW4 1SJ

Reference: 21/3818/FUL Received: 9th July 2021
Accepted: 12th July 2021

Ward: Hendon Expiry 6th September 2021

Case Officer: Andrew Turner

Applicant: c/o Agent

Proposal: Subdivision of the existing dwelling into 2no self-contained flats including single storey rear extension. Associated amenity space, parking, cycle storage and refuse and recycling store [amended description and plans]

AGENDA ITEM 11

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. Amendment to Traffic Management Order -
- A contribution of £2,392.01 to ensure that the new occupants are prevented from

purchasing CPZ parking permits

- A contribution of £101.10 to meet the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

Planning Statement dated 8 July 2021

21.1261/001

21.1261/002

21.1261/003

21.1261/004

21.1261/005

21.1261/006

21.1261/007

21.1261/008

21.1261/010 Rev B

21.1261/011 Rev A

21.1261/012 Rev B

21.1261/013 Rev A

21.1261/014 Rev A

21.1261/015 Rev A

21.1261/016 Rev B

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

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

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

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

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

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

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

- 6 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied cycle parking spaces and secure 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 T5 of The London Plan (2021) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

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

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

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

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

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 10 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).

- 11 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 SI2 and SI3 of the London Plan (2021)

- 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 water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13.08.2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 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 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is

damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

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

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.

- 7 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a two-storey terrace property along Sunny Gardens Road within the Hendon ward. The site is not located within a conservation area and is not a listed building.

The road is comprised of a mixture of two storey terraced and semi-detached houses. Opposite the site, at the junction with Rowsley Avenue, is three storey building in use as a hospital.

The area is mixed in character with a number of properties on the road registered as flats. These include: 45 Sunny Gardens Road, 47 Sunny Gardens Road, 51 Sunny Gardens Road, 55 Sunny Gardens Road, 59 Sunny Gardens Road, 61 Sunny Gardens Road, 63 Sunny Gardens Road, 65 Sunny Gardens Road, 67 Sunny Gardens Road, 69 Sunny Gardens Road, 73 Sunny Gardens Road. Moreover, other properties along the street have been granted planning permission for the conversion of the property into flats. These include 101 Sunny Gardens Road (ref 19/5070/FUL), 125 Sunny Gardens Road (ref 19/2672/FUL), 8 Sunny Gardens Parade(18/3071/FUL), 125 Sunny Gardens Road (17/7920/FUL), 151 Sunny Gardens Road (ref 15/05473/FUL). These are the permissions granted since 2015.

2. Site History

None

3. Proposal

Following amendments, the planning application seeks permission for the subdivision of the existing dwelling into 2no self-contained flats including single storey rear extension. Associated amenity space, parking, cycle storage and refuse and recycling store are proposed.

The single storey rear extension has a depth of 3 metres where it meets the boundary with no. 73 and is flush with the neighbours' existing rear elevation. The extension would have a flat roof with a height of 3.2m.

The proposed development would have 2 parking spaces on the front forecourt, storage space for 3 bicycles and an area for refuse and recycling to the front of the property.

The flats would be as follows:

- Ground floor flat- 3 bed 4person flat with a Gross Internal Area (GIA) of 81 sq m for a 3p 4p flat.
- First floor flat- 1bed 2 person flat with a Gross Internal Area (GIA) 58.1 sq m.

Outdoor amenity space would be provided for the ground floor unit only.

4. Public Consultation

Consultation letters were sent to 131 neighbouring properties.

5 responses were received. 5 objections were received. They can be summarised as follows:

- Cramped private amenity space and too long distance to access rear outdoor amenity space for flats 2 and 3
- Subdivision uncharacteristic of area and over-intensification of use
- Excessive bin stores unsightly
- Front two bedrooms of Flat 1 do not comply with London Plan
- Noise disturbance a living room being proposed next to neighbouring living room
- No floor plans provided for flat 3
- Proposed dormer too large
- Insufficient car parking. No parking survey conducted to show capacity of on street parking

The LPA reconsulted with neighbours when amended plans were received.

A site notice was posted on the 22.07.2021

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9 and CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Barnet's Draft 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

Residential Design Guidance SPD (Adopted 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 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:

- i. The principle of flats in this location
- ii. The impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Whether the proposal provides satisfactory living accommodation for future occupiers
- v. Parking and highways

5.3 Assessment

Photos were provided by the applicant in order to carry out the assessment.

The principle of flats in this location

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 Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the

character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) states that proposals should be based on an understanding of local characteristics. Criterion h of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

As noted above the area is very mixed in terms of single family dwellings and flatted properties including subdivisions. These include properties which have been recently granted planning permission or subdivision into flats. These include: 101 Sunny Gardens Road (ref 19/5070/FUL), 125 Sunny Gardens Road (ref 19/2672/FUL), 8 Sunny Gardens Parade(18/3071/FUL), 125 Sunny Gardens Road (17/7920/FUL), 151 Sunny Gardens Road (ref 15/05473/FUL). These are the permissions granted since 2015.

Furthermore, the neighbouring property no.73 benefits from planning permission (W15990C/07, 2007) for the conversion into 2no flats.

Consequently, the conversion of the property is not considered to directly conflict with the character of the area and the way in which it functions therefore, the use of the application site as self-contained flats would not be contrary to DM01 and the proposal is considered acceptable in principle.

The Impact on the appearance and character of the area

In accordance with DM01, all development should represent high quality design which demonstrates high levels of environmental awareness. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale mass, height and pattern of surrounding buildings, spaces and streets.

Barnet's Residential Design Guidance (2016) recommends single storey rear extensions for terraced properties of 3 metres in depth.

The proposal seeks a single storey rear extension. The proposed rear extension has a depth of 3 metres (measured from the projecting wing adjacent to no.73) which would be similar to the existing extension at no. 73. On the boundary adjacent to no.69, the depth of the extension would be deeper given that this side is recessed, however the neighbouring property benefits from its own extension.

The proposed height at 3.2m would be acceptable and overall, the extension would appear subordinate to the host site.

As noted, there are similar extensions in the immediate vicinity, including as mentioned at no.73 and no.69, and as such this element would not be uncharacteristic for the area. Therefore, it is not considered that there would be unacceptable harm to the character of the area as a result of the external changes to the dwelling, complying with DM01.

In addition to the extension, the proposal includes the provision of cycle storage, additional off street parking and refuse and recycling facilities. The siting of the refuse and recycling and cycles stores are deemed acceptable; this would be subject to conditions.

As noted above, the changes to comings and goings due to the additional household will be in keeping with the mixed character of the street.

The proposal is therefore considered to be in keeping with the character of Sunny Gardens Road.

The impact on the amenities of neighbouring occupiers

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

With regard to the rear extension, as noted above the rear extension would come flush with the rear elevation of no. 73 Sunny Gardens Road, not detrimentally impacting with the visual amenity of this occupier.

No. 69 Sunny Gardens Road projects deeper than the proposed rear extension therefore not impacting the visual amenities of no. 69 Sunny Gardens Road.

With regard to the intensification of the property, both no. 69 and 73 Sunny Gardens Road are recorded as accommodating flats according to Council Tax records. Therefore, given the modest increase of one additional residential unit, there is considered to be no undue harm caused by the intensification of the use to either neighbouring property.

Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

Floor Area:

The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units.

The Gross Internal Area (GIA) of the ground floor flat is 81 sq m for a 3b 4p flat. The minimum requirement is 74 sq m.

The Gross Internal Area (GIA) of the first floor flat is 58.1 sq m for a 1b 2p flat. The minimum requirement is 50 sq m.

The units would comply with the required standards.

The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling in accordance with the London Plan. The submitted section plan drawings demonstrate that both units would comply with requirement.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the stacking of rooms between vertically adjoining units flats should as far as practical ensure that bedrooms do

not overlap living rooms, kitchens and bathrooms on other floors to reduce nuisance from sound transmission.

The proposed layout of the units has achieved this.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. A condition will be imposed to secure this aspect.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms / kitchens should have a reasonable outlook with clear glazed windows. Section 7.9 of the Residential Design Guidance SPD (2016) states that new development should be sited and designed to maximise daylight and sunlight as far as possible. North facing single aspect units are normally considered unacceptable.

All habitable rooms within units would ensure adequate levels of glazing and therefore provide appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) requires for flats a minimum of 5m² of outdoor amenity space per habitable room.

The proposed development would provide garden space of 96.6 square metres for the ground floor unit only. The ground floor flat would have the equivalent of 5 habitable rooms and therefore this unit would benefit from adequate outdoor amenity space. This space would provide a high level of amenity space for a family unit.

For the first floor unit, which has 3 habitable rooms, 15sqm of outdoor amenity space would be required in accordance with the standard. Due to the property being a mid-terrace dwelling, it is not possible to provide practical amenity space to the first floor flat; access could only be provided via the rear alleyway which is deemed unsuitable. Although, no outdoor amenity space would be provided, given that the internal floor area is in excess of the minimum space standards by 8sqm, the unit not being a family unit and that the site is within close proximity of a local park (Sunny Hill Park), this is considered to be acceptable in this instance.

Conclusion

The units would thus comply with the minimum space standards and provide an acceptable level of living accommodation for future occupiers. The proposal is therefore considered acceptable on these grounds.

Parking and Highways

Highways were consulted on the proposal and their comments have been included in this section.

The proposal is for the conversion of a property into 2 self contained flats (1 x 3 bed 4 people and 1 x 1 bed 2 people). Two parking spaces are proposed on the existing hardstanding.

The site has a PTAL of 2 which is considered to be average. Furthermore, there is a CPZ which operates Mon- Fri, 10am-5pm & 1-6pm on event days.

An assessment of the site and surrounding area confirms that the site benefits from an existing dropped kerb; there is an existing bay and street post. Highways officer raised no concerns about the access to the two proposed spaces.

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, where the maximum standards will be:

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

Based on the number of units, the proposal should provide between 2 and 3 parking spaces.

Following discussions with the highways officer it was agreed that a S106 agreement would be entered into prevent residents from applying for parking permits for the CPZ area on Sunny Gardens Road operates all day. (Mon-Fri, 10am-5pm). It was proposed that one car parking space would be allocated to the three bedroom unit and one car park space would be allocated to the one bedroom unit, thus complying with DM17. The Council's Highways officers were satisfied with this proposal and did not therefore require a parking survey to be carried to test the stress of on-street parking.

In accordance with Policy T5 Cycling of the new London Plan (2021), new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 10.2 of the London Plan, the development would require the provision of 3 cycle spaces for the residential use (1 cycle space per studio and 1 person 1 bedroom unit, 1.5 cycle spaces per 2 person 1 bed dwelling, and 2 cycle spaces per other sized dwellings). Cycle storage / parking should be secure and weatherproofed. Two cycle stores would be provided, one for each unit; details have been secured via a condition.

Similarly, refuse would be provided at the front of the site; a condition has been attached requiring details of the refuse and recycling store.

5.4 Response to Public Consultation

- Cramped private amenity space and too long distance to access rear outdoor amenity space for flats 2 and 3

Response: The scheme has been revised reduced the number from three flats to two flats. The amenity space allocation is for the ground floor flat only.

- Subdivision uncharacteristic of area and over-intensification of use

Response: the subdivision into two flats is very characteristic of the areas as demonstrated above. The scheme has been reduced from 3 flats to 2.

- Excessive bin stores unsightly

Response: A certain level space was needed for bin stores to be policy compliant. The level of bins stores is not considered to be unsightly and given the reduced number of flats, the requirement has also reduced.

- Front two bedrooms of Flat 1 do not comply with London Plan

Response: The bedrooms are compliant with space standards, the London Plan (2021) and Barnet's Sustainable Design and Construction Plan (2016)

- Noise disturbance a living room being proposed next to neighbouring living room

Response: Given both neighbours are flatted properties and the flat will need to comply with Requirement E of the Building Regulations 2010 this is not considered to unduly impact neighbouring properties.

- No floor plans provided for flat 3

Response: Flat 3 has now been removed from the scheme.

- Proposed dormer too large

Response: Dormer window now been removed from the scheme.

- Insufficient car parking. No parking survey conducted to show capacity of on street parking

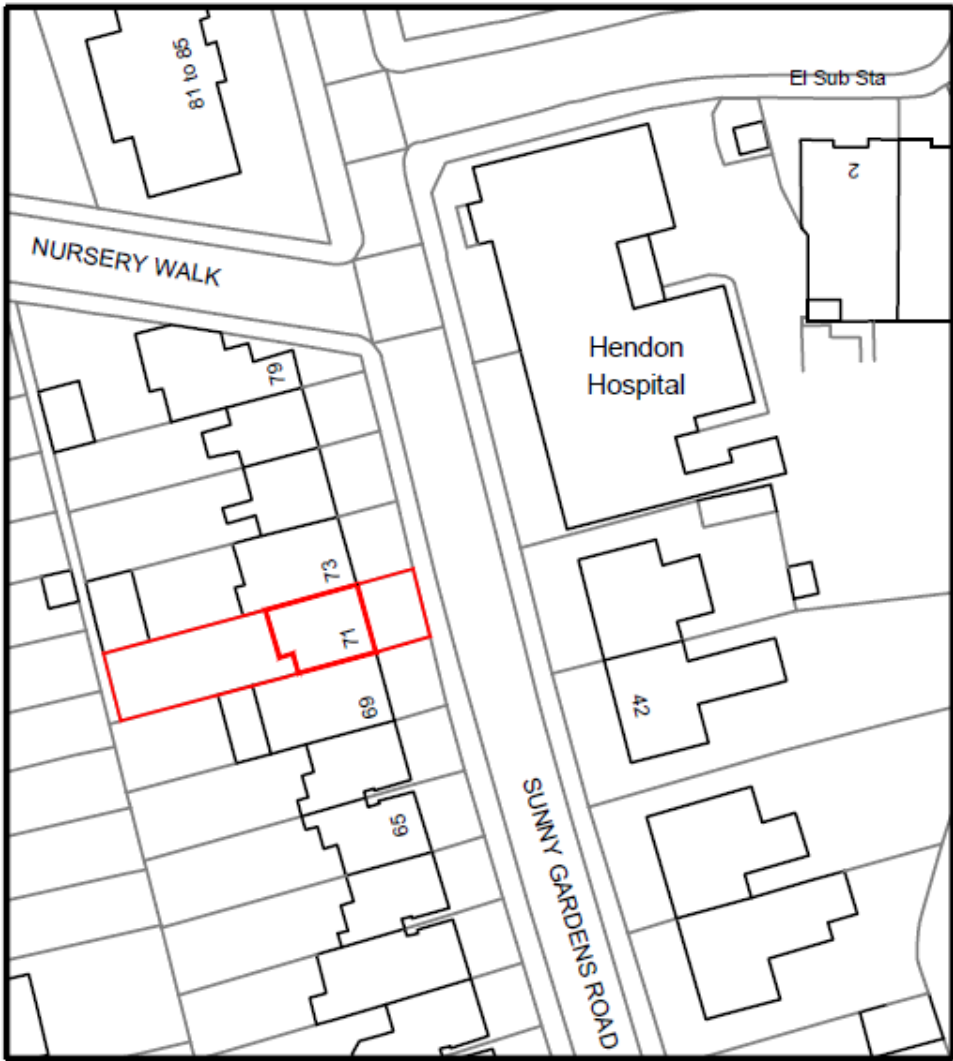
Response: This has been addressed in the assessment above.

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 and legal agreement, 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 22 Broadfields Avenue Edgware HA8 8PG

Reference: 21/5746/HSE

Received: 29th October 2021

AGENDA ITEM 12

Accepted: 29th October 2021

Ward: Edgware

Expiry: 24th December 2021

Case Officer: Madara Tukisa

Applicant: Mr Anthony Steinberg

Proposal: Roof extension involving 2no hip to gable extensions, crown roof element, rear dormer, and Juliette balcony, front dormer extension, 2no front facing rooflights and 1no new side gable window. Existing hipped roof to front bay window converted to gable with timber cladding. (amended description)

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 roof extensions including hip-to-gable extensions, crown roof element along with the proposed rear dormer roof extension, by reason of their design, cumulative and excessive size and bulk would result in additions which would appear overly dominant, insubordinate and harmful to the character and appearance of the host property as well as the surrounding area. This is contrary to Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Residential Design Guidance SPD (2016).

Informative(s):

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

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

- 2 The plans accompanying this application are:
Design and Access Statement
PL00, PL101, PL102, PL201, PL103 Revision B dated 07/21
PL01 Revision A, PL104 Revision F, PL202 Revision F dated 10/21

OFFICER'S ASSESSMENT

COUNCILLOR CALL-IN

The application has been called in by Councillor Mearing-Smith for the following grounds:

"As a ward councillor for Edgware, I would request that the above planning application be referred to committee for consideration, as I do not consider that the application as amended is out of keeping for the area."

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to a two-storey, detached dwelling which is situated on the eastern side of Broadfields Avenue.

The existing property benefits from several non-original extensions such as a side/rear dormer, single storey rear extension and converted garage.

The surrounding area has broadly retained its arts and craft style character, but has undergone a fair degree of extension and conversion in recent years, including other examples of front dormers on the three neighbouring properties to the south.

The surrounding area is residential in character, comprising of predominantly 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: 21/5726/192

Decision: Unlawful

Decision Date: 26/11/21

Description: Roof extension involving hip to gable to both sides, rear dormer window with Juliette balcony, 3no front facing rooflights. New side gable window

Reference: 21/3984/HSE

Decision: Approved subject to conditions.

Decision Date: 29/10/21

Description: Front dormer window (AMENDED PLANS AND DESCRIPTION)

Reference: 16/6394/HSE

Decision: Approved subject to conditions.

Decision Date: 23/12/16

Description: Additional of pitched roof above front bay window

Reference: 16/0696/HSE

Decision: Refused

Decision Date: 25/04/16

Description: Additional of pitched roof above front bay window

Reference: 15/06741/HSE

Decision: Approved subject to conditions.

Decision Date: 06/01/16

Description: Conversion of existing garage into habitable room, bay window to replace garage door

Reference: W12645/01

Decision: Approved subject to conditions.

Decision Date: 13/03/02

Description: Single storey rear extension to existing garage, kitchen and lounge. Enlargement of first floor rear bay window. Removal of rear chimney stack.

Enforcement

No relevant enforcement history.

3. Proposal

The proposal relates to a roof extension involving the following:

- 2no hip-to gable extensions on either side together with a crown roof element measuring 1.4 metres in depth
- Rear dormer with flat roof measuring 8.5 metres in width, 4.2 metres in depth and 3 metres in height, including 4no rooflights
- Front dormer with hipped roof measuring 2.3 metres in width, 3.4 metres in depth and 2.3 metres in height
- Existing hipped roof to front bay converted to gable end with mock Tudor style timber cladding
- 1no new side gable window facing no.20; the existing side window serving the staircase would be retained.
- 2no front rooflights

The proposal would feature materials that would match the existing property.

It has been noted that a similar proposal was originally submitted under ref: 21/3984/HSE featuring the same elements (hip-to-gable extensions, rear dormer and front dormer). The scheme was not found to be policy compliant therefore it was amended during the lifetime of the application to omit most elements of the proposal and retain only the front dormer which was approved. The front dormer of the current scheme remains the same as was previously approved.

Site photos have been provided by the agent to support the application.

4. Public Consultation

7 consultation letters were sent to neighbouring properties. No responses have been 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 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 states that 'consideration will be given to whether or not gable end extensions are a characteristic feature of the street and wider area' and that proposed hip to gable roof extensions need to take into account the following criteria:

- The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- The gable should not appear out of character within the streetscape

The proposed hip-to-gable extensions on both sides of the property would significantly change the character of the property, to the detriment of its character and the character of the surrounding area. The property benefits from a side dormer facing no.24, however due to its design, scale and siting it does not have a comparable impact to the proposed gables. It has been noted that there are a few examples of double hip-to-gable extensions, notably at no. 31, 49 and 52, however these appear to have been pursued under permitted development as there are no planning applications relating to these extensions. It is not considered that there are enough examples to consider this roof form characteristic of the street scene along Broadfields Avenue. The proposed hip-to-gable extensions would therefore create incongruous and inappropriate additions that would harm the character of the host property as well as the street scene, contrary to Policy DM01.

The proposed gable end to the existing hipped roof of the front bay window is considered to be an appropriate addition on its own that would harmonise with the existing property. It has been noted that there are other examples of properties along Broadfields Avenue which feature gable ended roofs to the two-storey front bay windows. It appears that the properties along the western side of Broadfields Avenue mostly feature gable ended roofs to this element and that the properties along the eastern side, along which the host property is situated, predominantly feature hipped roofs. However, it has been noted that there are other examples of gable end roofs to the bay window along the eastern side of Broadfields Avenue, notably at no. 28 and no. 40 Broadfields Avenue.

In relation to dormer roof extensions, the Residential Design Guidance SPD sets out that dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope and that the dormer roof extension should not normally be wider than the windows below it and the dormer cheeks kept as narrow as possible in order to retain the balance of the house.

The proposed dormer, by virtue of overall size and bulk size is considered to dominate the rear roof to the detriment of the character of the host property as well as the surrounding area. The proposed dormer would not measure less than half the width or half the depth of the roof slope, thus creating an unbalancing addition that would appear top-heavy and incongruous.

The proposed crown roof element further adds to the bulky rearward projection created by the proposed extensions. It is considered that the cumulative impact of the proposed roof extensions would create significant detrimental impact to the character of the host property as well as the surrounding area.

Given that the front dormer has been previously approved under ref: 21/3984/HSE it is considered that it is an appropriate addition.

Moreover, the proposed gable end windows and the front rooflights, by virtue of overall size and siting are not considered to create harmful impact to the character of the host property.

Notwithstanding that some of the elements proposed are considered acceptable, as detailed above, the cumulative impact of the hip to gable extensions, crown roof element and rear dormer result in an excessively dominant roof addition which would cause considerable harm to the streetscene and the appearance of the host site. Taking all of the above into account, it is considered that the proposal is not in compliance with Policy DM01 in terms of its impact on the character of the host property as well as the surrounding area.

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.

By virtue of the siting and design of the proposed roof extensions, it is considered that the proposal would not cause adverse impact to neighbouring amenity in terms of the extensions appearing overbearing or causing significant levels of overlooking or loss of privacy.

In the event of approval, the proposed new gable end window facing no.20 would be conditioned to be obscure-glazed to protect neighbouring amenity. The existing side window facing no.24 would be retained and therefore it is not considered that there would be overlooking to this neighbouring property.

The proposal is considered to be in line with Policy DM01 in terms of its impact to neighbouring amenity.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

The proposed roof extensions including hip-to-gable extensions, crown roof element along with the proposed rear dormer roof extension, by reason of their design, cumulative and excessive size and bulk would result in additions which would appear overly dominant, insubordinate and harmful to the character and appearance of the host property as well as the surrounding area. The application is therefore recommended for REFUSAL.

8. Conditions in the event of an appeal

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

Design and Access Statement

PL00, PL101, PL102, PL201, PL103 Revision B dated 07/21

PL01 Revision A, PL104 Revision F, PL202 Revision F dated 10/21

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

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

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

3. The materials to be used shall match those specified in the application.

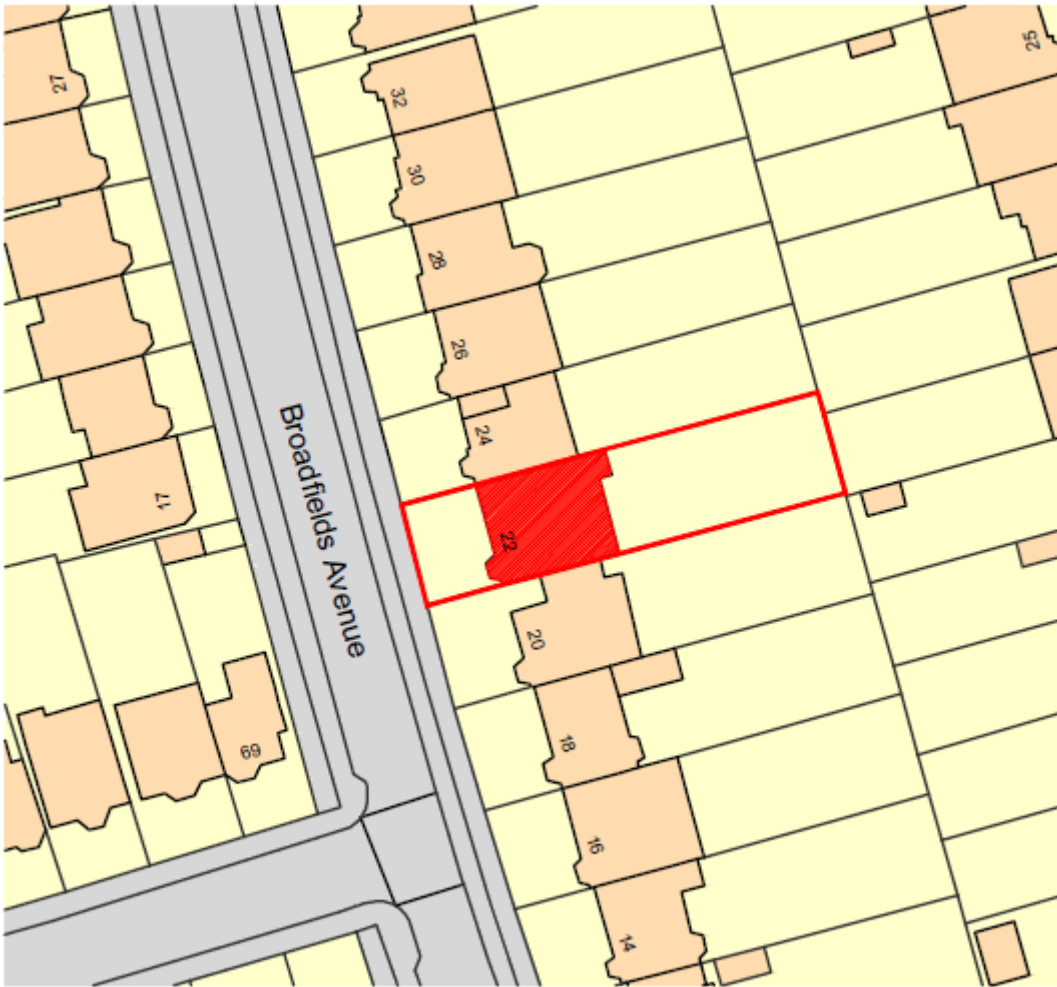
Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

4. Before the building hereby permitted is first occupied the proposed gable end window(s) in the side elevation facing no. 20 and no. 24 Broadfields 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).

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no. 20 and no. 24 Broadfields Avenue.

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).



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Location	Garages To The Rear Of Gloucester Court, Golders Green Road Golders Green London NW11 9AA	AGENDA ITEM 13
Reference:	20/5433/RCU	Received: 12th November 2020 Accepted: 12th November 2020
Ward:	Golders Green	Expiry 7th January 2021
Case Officer:	Ashley Niman	
Applicant:	ZAS Investments Ltd	
Proposal:	Retention of and alterations to the existing 2no. single storey dwellings including reduction in ridge height of roof (RETROSPECTIVE APPLICATION)	

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. Highways (traffic order) £2,072.20
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £110.10

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 0GCGGR-A-01-001, 0GCGGR-A-01-002, 0GCGGR-A-02-101, 0GCGGR-A-02-102, 0GCGGR-A-03-101, 0GCGGR-A-03-102, 0GCGGR-A-03-106, 0GCGGR-A-05-101, 0GCGGR-A-05-102, 0GCGGR-A-06-101, 0GCGGR-A-06-102, 0GCGGR-A-06-103, 0GCGGR-A-06-104

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 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).

- 3 a) Before the development hereby permitted is first occupied, recycling containers and wheeled refuse bins or other refuse storage containers shall be provided and screened as shown on the approved drawings.

b) The development shall be implemented in full accordance with the details as approved 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.

- 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 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in any of the elevations.

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

- 7 Before the building hereby permitted is first occupied the proposed windows in the front elevation facing Gloucester Court and rear elevation facing Eagle Lodge shall be glazed with obscure glass 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 April 2013).

- 8 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 the 2 dwellinghouses hereby approved.

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

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the wholesome water supplied to them by the mains water infrastructure provided through a water

meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

The development shall be maintained as such in perpetuity thereafter.

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

- 10 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.

- 11 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with the approved drawings.

b) The development shall thereafter be implemented in accordance with the details as approved 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.

- 12 The use of the storage area/ garage use hereby approved shall be ancillary to and occupied in conjunction with the main building at Gloucester Court and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 This development shall be completed in accordance with the approved plans within 6 months of the date of the decision.

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/09/2018, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form

available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

Please visit

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

- 3 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a former row of 11 domestic garages to the rear of Gloucester Court within the Golders Green ward. The garages are sited to the rear of the property backing on to an adjacent row of garages serving Eagle Lodge. The rear of the main building at Gloucester Court is used as access to some of the flats.

The site is not listed nor in a conservation area. Gloucester Court is a characteristic mansion block dating from the 1930s with frontages to Golders Green Road and Gloucester Gardens.

The PTAL (Public Transport Accessibility Level) is 4 (good) with bus and tube available within the PTAL calculation area. The development is in a controlled parking zone

2. Site History

Reference: 18/0779/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 10.04.2019

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

For the following reason:

"The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD (2012) and the Planning Obligations SPD (2013)."

Reference: 17/7913/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Withdrawn

Decision Date: 31.01.2018

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 17/6981/NMA

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 21.11.2017

Description: Non material amendment to planning permission 16/1936/FUL dated 30/06/16 for `Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space. New garage for two parking spaces.` Amendment include additional of bathroom window to flat 2. Removal of dividing wall between the 2 garages and replace the proposed garage doors with 2 windows and 1 door at the front and 2 small rear windows

Reference: 16/1936/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 30.06.2016

Description: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space.

Reference: 16/00078/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA
Decision: Refused. Appeal dismissed
Decision Date: 10 February 2016
Description: Conversion from 11 no. garages into 3 no. self-contained flats
Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant mutual overlooking onto proposed habitable rooms and additional fenestration would provide unacceptable standards of amenity for both future and existing occupiers
2. The proposals fail to provide adequate standards of usable amenity space for future occupier's contrary, in addition to the single aspect design which would result in poor outlook for the future occupiers.

Reference: F/02342/13

Address: Gloucester Court, Golders Green Road, London, NW11 9AA
Decision: Approved subject to conditions
Decision Date: 12 September 2013

Description: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed windows with standard privacy flush doubled glazed windows).

Reference: F/00031/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA
Decision: Approved subject to conditions
Decision Date: 08 March 2013

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/02764/12

Address: Gloucester Court, Golders Green Road, London, NW11 9AA
Decision: Refused
Decision Date: 17 September 2012

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/05000/11

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA
Decision: Refused

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version)

2012.

2. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3. No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 25 May 2012

Appeal Decision: Dismissed (19 December 2012)

Reference: F/04319/10

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 16 December 2010

Description: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.

Enforcement History:

ENF/01364/17. Enforcement Notice as works were not implemented in accordance with the approved plans in permission 16/1936/FUL. An appeal against the enforcement notice was dismissed on 20 January 2020. The inspector stated:

"... in this case, operations have been carried out in breach of a condition requiring the prior approval of details. The Courts have held that if the development contravenes such conditions it cannot be properly described as commencing that authorised by the permission. There is no evidence that the pre-commencement condition has been properly discharged. Therefore, I must conclude that the planning permission ref 16/1936/FUL has not been implemented and has lapsed, as of 30 June 2019."

3. Proposal

Retention of and alterations to the existing 2no. single storey dwellings including reduction in ridge height of roof (RETROSPECTIVE APPLICATION)

The houses are of conventional design, in brick with a pitched roof and glazing and entrance doors to the north west elevation facing the rear of Gloucester Court. They are separated by private amenity space and refuse storage, whilst the western section will be used for storage use. The existing substation remains unaffected.

4. Public Consultation

Consultation letters were sent to 163 neighbouring properties. Seven responses have been received, comprising seven letters of objection.

The objections received can be summarised as follows:

- The owner of the property did not take any actions to obey the Enforcement Notice ENF/01364/17
- The owner is now proposing in his new application to lower the roof by only 29 cm. The

roof will be still too high and will obstruct both the light and the view. Moreover, his application now also includes a mezzanine, maybe for yet another floor, possibly to allow for even more inhabitants in a building which already includes more residences than was originally approved.

- My ground floor flat gets barely any daylight due to Zes Investment's existing development which I objected previously. Lights in my flat have to be switched on all day. Lack of daylight is not good for anyone's wellbeing.
- Any further permission will make the area overcrowded. The gap between the buildings (Gloucester Court and the development) is very narrow.
- It will also increase the number of cars and put more strain on the Gloucester Gardens' parking situation which is problematic as it is.
- the roof is still too high, obtrusive, inclusion of mezzanine floor which based on Zes Investment is likely to be another flat in disguise,
- The approval of the proposed developments will increase the number of occupants within the limited land mass of Flat 1 19 Gloucester Court which is already choked up and put further pressure on existing inadequate infrastructure i.e resident parking as residents presently have to drive to Golders Green .
- The board should reject the retrospective application by Zes Investment in its entirety and insist that he comply with penalties imposed by the Planning Enforcement officer for breaches of planning regulations and he can thereafter submit a new request after compliance if he so wishes.
- We object to this roof, which among other previous objections raised, is a sore point, adding visual impairment to the total loss of privacy for the residents.

Highways: The scheme reflects earlier approvals and is recommended subject to conditions and legal agreement.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

Existing policies in Barnets Local Plan (2012) and the London Plan (2021) should not be considered out of date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2041. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's Draft Local Plan 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, 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.

Supplementary Planning Documents

Residential Design Guidance

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.
- Highways issues

5.3 Assessment of proposals

Principle of conversion into self-contained units and impact on the character of the area

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 surrounding buildings.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

The principle of the redevelopment of the site to provide residential accommodation has been established by the approved decision refs F/00031/13 and 16/1936/FUL. The units would not harm the character of the area which has a mixed form of residential development.

Impact on the amenities of neighbours

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured. The Residential Design Guidance SPD stipulates that development should not be imposing and should not result in a harmful sense of enclosure or overbearing impact on adjoining properties.

Planning permission was granted on the site for the conversion of the garages into 2 one bedroom flats (F/00031/13). The subsequent approved scheme (Ref 16/1936/FUL) provided internal courtyards, which in turn facilitated dual aspect views and angled windows on the front elevation to prevent direct overlooking. The current proposal is an amendment to the recently approved scheme with a slightly smaller outdoor private amenity space to each of the units. This will not materially make any difference to the amenity of the adjacent residents when compared to the original approval.

It is not considered that the height of the proposed new roof, as shown on the section drawing OGCGGR-A-05-101 would result in a material loss of light to neighbouring residents on Gloucester Court given distance between the buildings. The drawing shows an overall height of 4.75 metres from ground level to the apex of the roof and a floor to ceiling height of 2.47 metres

However, the scheme as constructed considerably exceeds the height of both the approved scheme and the present proposal. The roof as constructed is much steeper than that shown on either the approved or current application drawings and rises to 5.04 metres. Officers are aware of the irregularity of the scheme not being built in accordance with approved plans and the Enforcement team is dealing with the matter. An appeal against service of the Enforcement Notice was dismissed. Notwithstanding this, the drawings as presented are considered to be acceptable in terms of the effect on neighbour amenity as they are similar to those approved in 16/1936/FUL. The 'garage/ storage area' in the 2016 scheme had a flat roof. Application 18/0779/FUL was referred to committee in June 2018 and was approved subject to completion of a section 106 agreement. The

applicant failed to enter into the legal agreement and the application was ultimately refused for that reason on 10.04.2019. The plans recommended for approval in that application were very similar to the plans submitted in the current application. The 'garage/ storage area' had a pitched roof to match the 2 dwellings, as currently proposed. The garage/ store had a roller shutter door in the 2018 proposal but now has a door and 2 front facing windows. As such it can clearly be used only for storage. A condition is proposed restricting it to use in connection with Gloucester Court only.

The issue of mutual overlooking has already been determined under the approved scheme ref 16/1936/FUL. The officers report stated, 'The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self- contained units'. The proposal would have obscure glazed windows where they face the rear of Gloucester Court to avoid mutual overlooking. Both units have clear glazed windows facing inwards to their respective amenity area. It is considered therefore that this issue has been resolved and agreed in the previous application.

Highways

The Highway Officer states that, 'it is thought that the current garages are not of a size which could accommodate a modern vehicle, therefore it doesn't represent a valid off-street parking facility, as such their loss would not generate an impact on the surrounding highway network. The passage to the garages is also of a narrow width which again would make it difficult for larger vehicles to navigate'. As no off-street parking facilities or details relating to current parking stress level are provided in association with this application, future occupiers will be exempt from applying for CPZ permits.

The above site has been the subject of several previous applications and appeals (16/1936/FUL and F/05000/11) none of these applications raised any objections on highway grounds.

The Highways Officer goes on to note, 'London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 4 cycle parking spaces. No cycle parking spaces have been proposed however both of the units have amenity areas where cycles can be kept, as such the absence of cycle parking would not warrant a reason for refusal in this instance'.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy S1.2 of the London Plan 2021 and the 2016 Housing SPG's requirements and a condition is attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition is attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is

consumed per person per day, to ensure the proposal accords with Policy S1.5 of the London Plan 2021.

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

5.4 Response to Public Consultation

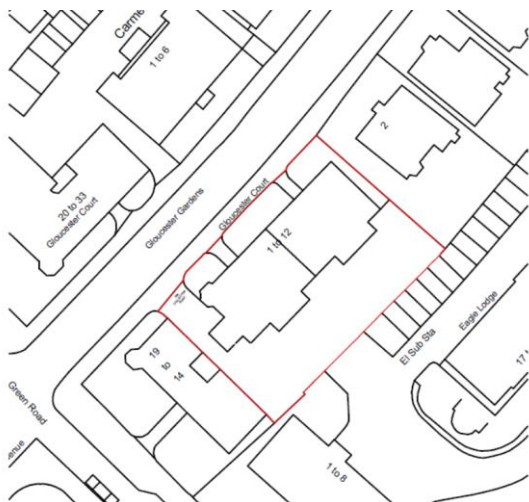
The comments are covered within the evaluation

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

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



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